MODESTO CITY COUNCIL
RESOLUTION NO. 91-1

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PROJECT NO. 18 - REPLACEMENT OF CURB, DRIVE APRONS AND SIDEWALKS

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

SECTION 1. The plans and specifications for Project No. 18 - replacement of curb, drive aprons and sidewalks, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 24, 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 2nd day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-2

A RESOLUTION ACCEPTING IMPROVEMENTS IN FAIRMONT COURT SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Woodland Construction, subdividers of Fairmont Court Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $15,200.00 and $7,600.00 respectively to guarantee improvements in Fairmont Court Subdivision;

WHEREAS, the Director of Public Works in a memorandum dated December 20, 1990, 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 Fairmont Court Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $15,200.00 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 $7,600.00 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 2nd day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODesto CITY COUNCIL
RESOLUTION NO. 91-3

A RESOLUTION ACCEPTING IMPROVEMENTS IN MOUNTAINVIEW TERRACE UNIT 2 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Security Owners Corp., subdividers of
Mountainview Terrace Unit 2 Subdivision, have filed subdivision bonds
for faithful performance and labor and materials in the amount of $257,600.00
and $128,800.00 respectively to guarantee improvements in Mountainview Terrace
Unit No. 2 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated December 20, 1990,
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 Mountainview Terrace Unit No. 2 Subdivision are
   hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond
   for faithful performance in the amount of $257,600.00 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 $257,600.00 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 2nd day of January 1991, by Councilmember Lang
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, Lang, Muratore,
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-4

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE ARTICULATING LOADER

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

SECTION 1. The plans and specifications for the purchase of one articulating loader 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 February 4, 1991, at 10:00 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 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-5

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RESTRIPING OF CARPENTER ROAD OVERPASS AND TRAFFIC SIGNAL MODIFICATION FOR BRIGGSMORE/CARPENTER AND ORANGEBURG/SISK

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

SECTION 1. The plans and specifications for restriping of Carpenter Road overpass and traffic signal modification for Briggsmore/Carpenter and Orangeburg/Sisk copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 31, 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 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-6

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 RESTRIPING OF THE
CARPENTER ROAD OVERPASS BETWEEN ORANGEBURG AVENUE AND BLUE
GUM AVENUE AND TRAFFIC SIGNAL MODIFICATION AT
BRIGGSMORE/CARPENTER AND ORANGEBURG/SISK.

WHEREAS, the City Council certifies that at its meeting of January 8, 1991, it reviewed and considered the findings of the City of Modesto
Environmental Assessment Committee which resulted in a mitigated negative
declaration in regard to the environmental impact relating to the restriping
of the Carpenter Road Overpass Between Orangeburg Avenue and Blue Gum Avenue
and Traffic Signal Modification for Briggsomore/Carpenter and Orangeburg/Sisk,

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 restriping of the Carpenter Road Overpass Between
Orangeburg Avenue and Blue Gum Avenue and Traffic Signal Modification for
Briggsomore/Carpenter and Orangeburg/Sisk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-7

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR A BOOSTER PUMP STATION FOR WATER TANK NO. 3

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

SECTION 1. The plans and specifications for a booster pump station for water tank No. 3, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 31, 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 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATION FOR PROPOSED TRAFFIC SIGNAL PROJECT AT SISK AND RUMBLE ROADS

WHEREAS, the City of Modesto has acquired the required right of way needed for the proposed traffic signal project at Sisk and Rumble Roads; 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 Sisk and Rumble Roads.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Acting 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 Sisk and Rumble Roads.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-9

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SANDERS CONSTRUCTION COMPANY FOR THE RIGHT OF WAY NEEDED AT SISK AND RUMBLE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sanders Construction Company for the right of way needed at Sisk and Rumble be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-10

A RESOLUTION ACCEPTING A PARCEL OF LAND FROM RULE ENTERPRISES WITH A LIFT STATION IN THE FLEUR DE VILLE SUBDIVISION.

WHEREAS, the Fleur de Ville Subdivision is constructed just outside the City sphere of influence on Pelandale Avenue, and

WHEREAS, a lift station has been constructed to allow hookup to the City's sewer system to serve the Fleur de Ville Subdivision, and

WHEREAS, it is City policy for the City of Modesto to own such systems and to be responsible for maintaining the lift station, with the owner(s) of the subdivision paying for maintenance and operation of the lift station through sewer fees, and

WHEREAS, it is necessary for the City of Modesto to accept title to the parcel of land on which the lift station is constructed to allow City ownership and maintenance of the lift station, and City staff has suggested that it would be appropriate to accept the grant deed from the owners of the parcel.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto hereby accepts the grant deed from Rule Enterprises which grants title to Parcel C, the parcel of land on which the lift station has been constructed to allow City ownership and maintenance of the lift station and to allow hookup to the City's sewer system to serve the Fleur de Ville Subdivision.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: NORMINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-11

A RESOLUTION AUTHORIZING ACTING CITY MANAGER AND CITY CLERK TO EXECUTE A QUITCLAIM DEED FOR THE ROSELLE MIDDLE SCHOOL SITE TO SYLVAN UNION SCHOOL DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the quitclaim deed for the Roselle Middle School site to the Sylvan Union School District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-12

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD F. MONACO AND CHARLES THOMPSON FOR THE LEASE OF A CORPORATE HANGAR PLOT AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald F. Monaco and Charles Thompson for the lease of a corporate hangar plot at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR A CONCESSIONAIRE TO EQUIP AND OPERATE A SNACK BAR IN THE MODESTO CITY-COUNTY AIRPORT PASSENGER TERMINAL.

WHEREAS, the Modesto City-County Airport Passenger Terminal, which is nearing completion, has been designed to provide an area for a snack bar, however, the airport currently does not have a snack bar operator, and

WHEREAS, the addition of a snack bar would provide a service that is currently unavailable to passengers, crews, and airport users, and

WHEREAS, it is anticipated that a successful snack bar operator would pay a percentage of gross sales to the City and increase the amount of revenue collected as user fees, and

WHEREAS, at its meeting of January 8, 1991, the Council considered a report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report is on file in the Office of the City Clerk, which requested that the Airport Manager be authorized by the Council to advertise for and accept Request for Proposals for a concessionaire to equip and operate a snack bar in the airport passenger terminal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Airport Manager to issue a Request for Proposals for a concessionaire to equip and operate the new passenger terminal snack bar, as outlined in the report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report 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 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR A CONCESSIONAIRE TO EQUIP AND OPERATE A MINI BUSINESS CENTER IN THE MODESTO CITY-COUNTY AIRPORT PASSENGER TERMINAL.

WHEREAS, the Modesto City-County Airport Passenger Terminal, which is nearing completion, has been designed to provide an area for a mini business center (commercial advertisement display, copy and fax machines), however, the airport currently does not have a mini business center operator, and

WHEREAS, the addition of a mini business center would provide a service that is currently unavailable to air travellers and airport users, and

WHEREAS, it is anticipated that a successful mini business center operator would pay a percentage of gross sales to the City and increase the amount of revenue collected as user fees, and

WHEREAS, at its meeting of January 8, 1991, the Council considered a report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report is on file in the Office of the City Clerk, which requested that the Airport Manager be authorized by the Council to advertise for and accept Request for Proposals for a concessionaire to equip and operate a mini business center in the airport passenger terminal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Airport Manager to issue a Request for Proposals for a concessionaire to equip and operate the new passenger terminal mini business center, as outlined in the report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report 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 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-15  

A RESOLUTION WAIVING THE TIPPING FEES FOR REFUSE BROUGHT  
IN FROM SAN JOAQUIN COUNTY AT THE STANISLAUS  
WASTE-TO-ENERGY FACILITY.  

WHEREAS, the City of Modesto and the County of Stanislaus (the  
"Contracting Communities") are joint partners in the Waste-to-Energy facility  
which is owned by Ogden-Martin, Inc., and  

WHEREAS, to the extent that deliveries of refuse from Stanislaus  
County fall below capacity of the Waste-to-Energy facility, the Contracting  
Communities do not realize the optimum energy revenues from the project, and  

WHEREAS, due to seasonal lows in the amount of refuse delivered to  
the plant, there are approximately 140 tons per day (700 tons per week) of  
unused plant capacity which represents a potential energy revenue loss of  
about $26,600 per week to the Contracting Communities, and  

WHEREAS, the Public Works Department of the County of San Joaquin  
has offered to deliver 700 tons per week of municipal solid waste to the  
facility; provided, however, that no tipping fee be charged as any such fee  
would make the deliveries financially prohibitive for San Joaquin County since  
the haul costs to the facility are slightly more than those of delivering to  
San Joaquin County's own landfill, and  

WHEREAS, the Stanislaus County Board of Supervisors, at a meeting  
held on January 8, 1991, unanimously approved waiving the $25 per ton tipping  
fee for refuse brought in by San Joaquin County to the Waste-to-Energy  
facility, and  

WHEREAS, it is the recommendation of City staff to concur with  
Stanislaus County to waive the $25 per ton tipping fees at the City-County  
Waste-to-Energy facility for refuse brought in by San Joaquin County, and
WHEREAS, it is appropriate for the Council of the City of Modesto to consider the waiving of said tipping fees for refuse brought in by San Joaquin County to the Stanislaus Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with the County of Stanislaus to waive the $25 per ton tipping fees at the City-County Waste-to-Energy facility for refuse brought in to the facility by San Joaquin County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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 agreement between the City of Modesto and Evans-Executone to provide maintenance and service coverage for the City's telephone system

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Evans-Executone to provide maintenance and service coverage for the City's telephone system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-17

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR FISCAL YEAR 1990-91 TO PROVIDE FOR PRINTING
THE VILLAGE ONE SPECIFIC PLAN FINAL DOCUMENT.

WHEREAS, the Agreement for Services for the Village One Specific
Plan consultants specifies that the City shall be responsible for the printing
and distribution of the Specific Plan, and

WHEREAS, costs of printing the Plan will be recovered through the
sale of the Village One Specific Plan documents,

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 the Fiscal Year 1990-91:

<table>
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<tr>
<th>Fund/Agency/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
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<td>Appropriations</td>
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<tr>
<td>010/510/0000/8143</td>
<td>Items for Resale</td>
<td>$16,500</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 8th day of January, 1991, by Councilmember __Dobbs____, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-18

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH LEEDSHILL-HERKENHOFF, INC. TO DESIGN A NEW WATER AND SEWER CONTROL AND DATA ACQUISITION SYSTEM

WHEREAS, the City Council authorized staff to request proposals from qualified engineering companies for the design of the new Water/Sewer SCADA System; and

WHEREAS, after interviewing, the staff committee felt that Leedshill-Herkenhoff, Inc. was the best qualified to perform the design of the new Water/Sewer SCADA System.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that staff be authorized to negotiate a contract with Leedshill-Herkenhoff, Inc. to design a new water and sewer control and data acquisition system.

BE IT FURTHER RESOLVED that the execution of said 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 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR FEDERAL FUNDS TO RECONSTRUCT A PORTION AND WIDEN THE AIRLINE AND CORPORATE AIRCRAFT PARKING APRON

BE IT RESOLVED by the Council of the City of Modesto that the submission of a preapplication to the Federal Aviation Administration (FAA) for a grant to reconstruct a portion and widen the airline and corporate aircraft parking apron at Modesto City-County Airport in the amount of $136,890 be, and hereby is approved.

BE IT FURTHER RESOLVED that the execution of the preapplication by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-20

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,000 FROM CONTINGENCY RESERVE FOR UPGRADING THE CITY'S EMERGENCY OPERATION CENTER'S COMMUNICATION CAPACITIES

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

FROM: Contingency Reserve
       (130 800 8000 8003)
       $10,000

TO: EOC Communications Upgrade
    (130 190 P609 6000)
    $10,000

Funds needed for a new CIP Project to acquire necessary equipment and services for upgrading the communications capabilities of the Emergency Operations Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
        NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-21

A RESOLUTION AUTHORIZING ACQUISITION OF EQUIPMENT AND SERVICES TO UPGRADE COMMUNICATIONS CAPACITIES RELATING TO THE CITY'S EMERGENCY OPERATION CENTER.

WHEREAS, the Police and Fire Departments of the City of Modesto are currently in the process of preparing and upgrading the City's Emergency Operations Center at 900 Tioga Drive at the Modesto City-County Airport to establish a secondary 9-1-1 site to insure uninterrupted 9-1-1 service to the public, and for additional telephone capabilities in the Mobile Communications Bus which would be used at the site, and

WHEREAS, it is necessary to acquire equipment and services necessary to accomplish the upgrading of said Emergency Operations Center,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the acquisition of equipment and services necessary to upgrade communications capacities relating to the City's Emergency Operation Center, and the Director of Finance is hereby authorized to issue purchase orders in an amount not to exceed $10,000 to accomplish this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By _________________________________
STAN T. YAMAMOTO, City Attorney

ATTEST: _________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-22

A RESOLUTION  REAPPOINTING MEMBER OF THE CULTURE COMMISSION (PHILLIP MARTIN)

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 Culture Commission for the respective term as indicated:

Phillip Martin  
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 Culture Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-23

A RESOLUTION REAPPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(BARBARIAE BOYETTE)

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

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

SECTION 1. The following person is hereby appointed to the
Human Relations Commission for the respective
term as indicated:

Barbariae Boyette
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 Human
Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 8th day of January,
1991, by Councilmember Lang, 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, Lang, Muratore,
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-24

A RESOLUTION REAPPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(DONALD KNIES AND ALBERT THOMPSON)

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

SECTION 1. The following person is hereby appointed to the International Friendship Committee for the respective term as indicated:

Donald Knies
Albert Thompson
Terms 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 International Friendship Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January , 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, CITY CLERK
MOSE TGO CITY COUNCIL
RESOLUTION NO. 91-25

A RESOLUTION REAPPOINTING MEMBERS OF THE AIRPORT ADVISORY COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Airport Advisory Committee for the respective term as indicated:

- David Mesenhimer
- Victor Hollingshead
- Janice M. Gray

(Terms 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 Airport Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK

Committees
Youth Commission
MODESTO CITY COUNCIL
RESOLUTION NO. 91-26

RE-
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF BUILDING APPEALS
(RANDALL CAVANAGH)

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 Building Appeals for the respective term as indicated:

Randall Cavanagh
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 Board of Building Appeals and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT (JERRY MATSUNAGA)

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 for the respective term as indicated: Jerry Matsunaga

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 Board of Zoning Adjustment and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION REAPPOINTING MEMBERS TO THE LOCAL CABLE PROGRAMMING COMMITTEE (DOUGLAS HILLBLOM AND GEORGE PETTYGROVE)

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

SECTION 1. The following persons are hereby appointed to the Local Cable Programming Committee for the respective term as indicated:

Douglas Hillblom
George Pettygrove
Terms expire 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK

Committees
Youth Commission
MODESTO CITY COUNCIL
RESOLUTION NO. 91-29

A RESOLUTION REAPPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT LOAN POOL
SUBCOMMITTEE (ABLE ACOSTA AND SOPHIE KARET)

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

SECTION 1. The following persons hereby appointed to the Economic Development Loan Pool Subcommittee for the respective term as indicated:

Able Acosta
Sophie Karet
Terms to expire 9/30/94

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 8th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK
A Resolution Denying the Appeal of James Benoit to a Decision of the Planning Commission Granting Approval of a Plot Plan for Creation and Development of Two Flag Lots Located at 314 East Fairmont Avenue and Granting Approval of the Tentative Parcel Map of Property Located at 314 East Fairmont Avenue, and Upholding the Decision of the Planning Commission Subject to a Further Condition of Approval for the Plot Plan and the Tentative Parcel Map.

(Crofts)

WHEREAS, Dave Crofts applied for approval of an existing dwelling on a proposed flag lot and construction of a new dwelling on another proposed flag lot in the R-1 Zone located at 314 East Fairmont Avenue, and

WHEREAS, the plot plan and elevation plans for the project were reviewed by the Planning Commission at its meeting on November 19, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in accordance with Section 10-2.603 of the Modesto Municipal Code, and

WHEREAS, by Resolution No. 90-96, adopted on November 19, 1990, the Planning Commission approved the plot plan for the creation and development of two flag lots subject to the conditions set forth in Planning Commission Resolution No. 90-96, and

WHEREAS, the tentative parcel map of property located at 314 East Fairmont Avenue was filed in the office of the Secretary of the Planning Commission on October 4, 1990, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said tentative parcel map have been sent to the Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

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

WHEREAS, a public hearing was held by the Planning Commission on November 19, 1990, 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 public hearing the Planning Commission found and determined that the tentative parcel map of property located at 314 East Fairmont Avenue, filed in the office of the Secretary of the Planning Commission on October 4, 1990, should be granted for the reasons set forth in Planning Commission Resolution No. 90-97, and quoted below:

1. That the proposed map, together with provisions for its design and improvements, is consistent with the General Plan and Specific Plan of the City of Modesto and the Subdivision Map Act of the State of California.

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

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated October 3, 1990, be certified as adopted.

4. That Parcels "1" and "2" have a minimum lot width less than 40 feet at the front property line, and less than 50 feet at the front yard setback line, and conforms to the following findings:
   a. Creation of the lots will enable use of an existing parcel to permitted density.
   b. The existing parcel is of a size and shape that does not allow the creation of standard shaped lots.
   c. A plot plan for development of the lots has been approved by the Commission.

5. That the proposed flag lot (Parcel "2") on the proposed tentative parcel map, with a minimum lot width of 15 feet at both the front
property line and the front yard setback line, should be approved because:

a. The Modesto Municipal Code requires that every lot shall have frontage on a street.

b. The property's long and narrow dimensions, and its limited street frontage, and the existing structures are exceptional or extraordinary circumstances that preclude a minimum width of 20 feet.

c. 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.

6. That the construction of street improvements along the East Fairmont Avenue frontage is necessary within two years of recordation of the parcel map, for the following reasons:

a. The public health and safety.

b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

and

WHEREAS, thereafter, by Resolution No. 90-97 adopted on November 19, 1990, the Planning Commission granted the tentative parcel map of property located at 314 East Fairmont Avenue, subject to the conditions set forth in Planning Commission Resolution No. 90-97, and

WHEREAS, by letter which was received in the Office of the City Clerk of the City of Modesto on December 4, 1990, an appeal to the decision of the Planning Commission granting the plot plan and the tentative parcel map of property located at 314 East Fairmont Avenue was filed by James Benoit, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on January 15,
WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the decision of the Planning Commission granting approval of a plot plan and tentative parcel map of property located at 314 East Fairmont Avenue should be denied, and that an additional condition should be imposed requiring an 8-foot high fence on parcel 1, 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 tentative parcel map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the appeal of James Benoit to the decision of the Planning Commission granting approval of the plot plan and the tentative parcel map of property located at 314 East Fairmont Avenue is hereby denied for the reasons set forth below and the decision of the Planning Commission is hereby affirmed:

The parcel map conforms with the City's Municipal Code requirements and infill policies. The map also conforms with the Subdivision Map Act.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that in relation to Planning Commission Resolution No. 90-96, the plot plan for said creation and development of two flag lots is hereby approved, subject to the following conditions:

1. All development shall conform to the plot plan titled "Tentative Parcel Map Division of 314 Fairmont Ave" as amended in red, stamped approved by the Planning Commission on November 19, 1990.
2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

3. Trash cans shall be screened from view of any public street.

4. The new dwelling shall be served by separate water service and a new separate sewer service, as approved by the Director of Public Works and Transportation.

5. Prior to occupancy, the developer shall install and maintain a two-and-one-half foot planting strip along each side of the driveway of Parcel "2". A four-and-one-half foot planting strip shall be provided on the west side of the driveway, west of the garage on Parcel "1". An automated irrigation system shall be installed along the landscaping as approved by the Parks and Recreation Department.

6. Prior to issuance of a building permit for any structure, a final parcel map shall be recorded.

7. Prior to issuance of a building permit or recordation of a parcel map, the applicant shall submit a set of revised plot plans showing all changes required by the Planning Commission. All development shall conform to this revised plan as amended in red, stamped approved by the Planning Commission on November 19, 1990. The revised plan shall orient the dwelling on Parcel 2 to face toward East Fairmont Avenue.

8. That the East Fairmont Avenue frontages of Parcels "1" and "2" shall be improved to residential street standards in accordance with City of Modesto Standards.

9. That the alley frontage shall be dedicated and improved to the City of Modesto Standards.

10. 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 plan.

11. That a certificate, giving notice that street improvements are required along the East Fairmont and alley frontages of the property, shall be placed on the parcel map.

12. The 10-foot-wide utility easement shall be dedicated along the East Fairmont Avenue and alley frontages of the property.

13. That a four-foot-wide planting easement shall be dedicated along the East Fairmont Avenue frontage.
14. That payment shall be made to the City for the planting of street trees along the East Fairmont Avenue frontage of the property in accordance with provisions of Section 4-4.502 (g) of the Modesto Municipal Code. The number of trees for which payment is required shall be determined by the Public Works and Transportation Director.

15. That the subdivider shall defend, indemnify and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City of Modesto or its advisory agency, appeal board, or 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 proceedings and shall cooperate fully in the defense.

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

17. Prior to occupancy, the developer shall install an 8-foot high redwood fence along the eastern property line between the alley and the existing garage on Parcel 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that in relation to Planning Commission Resolution 90-97, the tentative parcel map of property located at 314 East Fairmont Avenue is hereby approved, subject to the following conditions:

1. That the East Fairmont Avenue frontages of Parcels "1" and "2" shall be improved to residential street standards in accordance with City of Modesto Standards.

2. That the alley frontage shall be dedicated and improved to City of Modesto Standards.

3. That 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.

4. That a certificate, giving notice that street improvements are required along East Fairmont Avenue and alley frontages of the property, shall be placed on the parcel map.
5. That a 10-foot wide public utility easement shall be dedicated along the East Fairmont Avenue frontages of the property. Also, a five-foot Modesto Irrigation District (MID) easement be dedicated as centered on existing overhead MID lines.

6. That a four-foot-wide planting easement shall be dedicated along the East Fairmont Avenue frontage.

7. That payment shall be made to the City for the planting of street trees along the East Fairmont Avenue frontages of the property, in accordance with the provisions of Section 4-4.502(g) of the Modesto Municipal Code. The number of trees for which payment is required is determined by the Public Works and Transportation Director.

8. That the subdivider shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided 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 proceedings and shall cooperate fully in the defense.

9. That each property must be served by a separate water and sewer service from the property line. No sewer or water service shall be placed in an easement to serve any property.

10. That a fifteen foot wide easement for pedestrian and vehicular access and for construction, maintenance, and use of utility services between Parcel 2 and Parcel 1 shall be as approved by the City Attorney. The access easement shall be recorded concurrently with recordation of the parcel map. A note shall be placed on the parcel map referencing the access agreement.

11. Prior to occupancy, the developer shall install an 8-foot high redwood fence along the eastern property line between the alley and the existing garage on Parcel 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the tentative parcel map.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE KANSAS AND LONE PALM WATERLINE

WHEREAS, Resolution No. 90-952, adopted by the Council of the City of Modesto on December 11, 1990, approved the plans and specifications for the Kansas and Lone Palm waterline and authorized the calling for bids; and

WHEREAS, the bids received for the Kansas and Lone Palm waterline were opened at 11:00 a.m. on January 3, 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 Joe Martin Pipeline, Inc. in the amount of $43,982 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of $43,982 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-32

A RESOLUTION ACCEPTING THE BID OF RESOURCE INFORMATION AND CONTROL CORP. FOR FURNISHING CENTRE PLAZA COMPUTER EQUIPMENT

WHEREAS, Resolution No.90-953, adopted by the Council of the City of Modesto on December 11, 1990, approved the plans and specifications for the purchase of Centre Plaza computer equipment and authorized the calling for bids; and

WHEREAS, the bids received for furnishing of Centre Plaza computer equipment were opened at 11:00 a.m. on January 7, 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 Resource Information and Control Corp. in the amount of $27,891 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Resource Information and Control Corp. in the amount of $27,891 be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-33

A RESOLUTION ACCEPTING THE BID OF WECO INDUSTRIES, INC. FOR FURNISHING ONE TRUCK-LOAD MACHINE AND ONE PULL-IN MACHINE

WHEREAS, Resolution No. 90-926, adopted by the Council of the City of Modesto on November 30, 1990, approved the plans and specifications for the purchase of one truck-load machine and one pull-in machine and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one truck-load machine and one pull-in machine were opened at 10:00 a.m. on November 20, 1990, 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 Weco Industries, Inc. in the amount of $37,524 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Weco Industries, Inc. in the amount of $37,524 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ______________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-34

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION #5 FOR A GARDEN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and George Frederickson for the lease of a portion of Fire Station #5 for a garden be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-35

A RESOLUTION APPROVING A SIX MONTH EXTENSION OF THE CONTRACT WITH DE LEUW, CATHER AND COMPANY FOR PLANNING REMOVAL OF THE UNION PACIFIC RAILROAD FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the approval of a six month extension of the contract between the City of Modesto and De Leuw, Cather and Company for planning removal of the Union Pacific Railroad from 9th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-36

A RESOLUTION APPROVING A HOLD HARMLESS AGREEMENT WITH THE YOSEMITE COMMUNITY COLLEGE DISTRICT FOR THE USE OF THEIR FACILITIES FOR RECREATION ACTIVITIES DURING 1991

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the hold harmless agreement between the City of Modesto and the Yosemite Community College District for the use of their facilities for recreation activities during 1991 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR AN EASEMENT ON JEFFERSON STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Southern Pacific Transportation Company for an easement to allow the installation of a force main in conjunction with construction of a sewer lift station on Jefferson Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-38

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STAN PHILLIPS AND ASSOCIATES, INC. FOR A DuplicATING VIDEO LICENSING AGREEMENT TO BE USED IN THE WATER CONSERVATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stan Phillips and Associates, Inc. for a duplicating video licensing agreement to be used in the Water Conservation 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 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-39

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RANDY TILLERY TO PRODUCE A LOCAL PUBLIC ACCESS PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Randy Tillery to produce a local public access 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 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-40

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF QUINCY HAMILTON FROM THE HUMAN RELATIONS COMMISSION AND AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JANUARY 1, 1991

WHEREAS, Quincy Hamilton was appointed a member of the Human Relations Commission on September 20, 1988, and the Affirmative Action Commission as liaison on February 7, 1989; and

WHEREAS, Quincy Hamilton has tendered his resignation from the Human Relations Commission and Affirmative Action Commission, effective January 1, 1991; and

WHEREAS, Quincy Hamilton 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 Quincy Hamilton 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 Quincy Hamilton 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 15th day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-41

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT AS THE PLANNING COMMISSION REPRESENTATIVE (ART MARTIN)

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, representing the Planning Commission:

Arthur Martin
2600 Rembrandt Place
Modesto, Ca. 95356

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, representing 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 15th day of January 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-42

A RESOLUTION AMENDING SECTIONS 2 AND 3 OF RESOLUTION NO. 88-578 ENTITLED "A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF SUMMERVIEW ASSOCIATES APPROVING THE DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(450), PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND CARVER ROAD, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION. (SUMMERVIEW ASSOCIATES)"

WHEREAS, Planned Development Zone, P-D(450), was approved by the City Council by Ordinance No. 2599-C.S., which became effective on September 8, 1988, to allow all permitted and conditional P-O zone uses, a restaurant, and multi-family condominium units on property located at the southeast corner of Standiford Avenue and Carver Road, and

WHEREAS, Modesto City Council Resolution No. 88-578 approved the Development Plan for Planned Development Zone, P-D(450), subject to certain conditions of approval contained therein, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(450), was filed by Leonard Soranno on October 3, 1990, to allow development of a Walgreen Retail Drug Store on the corner location previously approved for a restaurant/offices, and

WHEREAS, after a public hearing on December 17, 1990, 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. 90-105, that amendment of Planned Development Zone, P-D(450), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The traffic generated by the proposed development is not greater than that of commercial use already approved and has been included in previous traffic impact considerations and mitigation.
2. The proposed plan allows a preferable public exposure with off-street parking out front, oriented to the major/collector street intersection.

WHEREAS, by Resolution No. 90-105 the Planning Commission recommended to the Council that Planned Development Zone, P-D(450), be amended to allow a retail drug store in place of a restaurant/offices as an additional permitted use at the southeast corner of Standiford Avenue and Carver Road, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., on January 22, 1991, and

WHEREAS, after said public hearing held on January 22, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Leonard Soranno for an amendment to Planned Development Zone, P-D(450), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-105 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2749-C.S. on the 22nd day of January, 1991, amending Section 2 of Ordinance No. 2599-C.S., to allow a retail drug store in place of a restaurant/offices as an additional permitted use in Planned Development Zone, P-D(450), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that sections 2 and 3 of Modesto City Council Resolution No. 88-578 entitled "A Resolution Granting The Appeal of Mid-Valley Engineering On Behalf Of Summerview Associates Approving The Development Plan For Planned Development Zone, P-D(450), Property Located On The Southeast Corner Of Standiford Avenue
And Carver Road, And Overruling The Decision Of The Planning Commission.
(Summerview Associates)" are hereby amended to read as follows:

"SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(450) is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "The Commons and a Restaurant" as amended in red, stamped approved by the City Council on July 12, 1988, and the plan stamped approved by the City Council on January 22, 1991.
   a. That the residential buildings adjacent to the east and south property lines shall be one story. These buildings shall have no doors opening to the rear yards.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the property line south of building No. 2. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Eight-foot high wood fence with decorative masonry pilasters along the east and south property lines. There shall be approximately a 6' 8"-foot board on top of 1' 4"-foot masonry base.
   b. Eight-foot decorative masonry wall shall be installed along the south and east property lines of the restaurant property.

4. That a six-foot high solid screening shall be installed on the second floor landing on the south end of building No. 2. A six-foot high solid screening shall also be installed along on the top half of the staircase to this landing.

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

6. The developer shall dedicate street right-of-way required by the Engineering Services Director to complete Standiford Avenue to major street standards and Carver Road to collector street standards. Said dedication shall be made prior to the issuance
of a building permit or at any time requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area.

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

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

9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Standiford Avenue and Carver Road frontages. The number shall be as determined by the Engineering Services Director.

10. Both commercial curbcuts shall be 41 feet in width.

11. That the applicant shall participate in 30 percent of the cost of traffic mitigations as provided by the traffic study prepared for the project at the southwest corner of Standiford Avenue and Carver Road.

12. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering Services Director.

13. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering Services Director. Easements for irrigation lines to remain shall be dedicated.

14. That on-site drainage shall be stored and disposed of on-site as approved by the Engineering Services Director. All off-site rockwells shall be subject to the Rockwell Maintenance Fee.

15. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

16. All utilities shall be underground and cable television service shall be stubbed into all units.

17. Prior to issuance of a 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.

18. All signs for the residential development shall comply with the sign requirements of the R-3 Zone, and the restaurant shall comply with the sign requirements of the C-3 Zone.

19. Prior to the issuance of a building permit for any structure, the proposed tentative subdivision and parcel maps shall be recorded.

20. Prior to City Council approval of a final subdivision map, the subdivider shall submit evidence in a form satisfactory to the City Attorney that there has been created a Homeowners' Association to guarantee common facility and private property maintenance in accordance with the approved plans.

21. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City of Modesto or its advisory agency, appeal board, or 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 proceedings and shall cooperate fully in the defense.

"SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(450):

The entire construction program be accomplished in one phase, construction to begin on or before December 31, 1992, and be completed by not later than December 31, 1993."
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-43

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(450)
PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD
AVENUE AND CARVER ROAD, AND OVERRULING THE DECISION OF THE
PLANNING COMMISSION. (SUMMERVIEW ASSOCIATES)

WHEREAS, on January 22, 1991, the City Council introduced Ordinance
No. 2749-C.S. giving approval to a project relating to an amendment to
Planned Development Zone, P-D(450), property located at the southeast corner
of Standiford Avenue and Carver Road, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Planned Development Zone, P-D(450),
property located at the southeast corner of Standiford Avenue and Carver Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1989, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside
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 A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(481). (PHILLIPS ELECTRIC COMPANY)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Phillips Electric Company on November 15, 1990, to reclassify from General Commercial Zone, C-2, and Professional Office Zone, P-O, to Planned Development Zone, P-D, to allow development of a new parking lot and expansion of an existing commercial building, property located on the south side of West Orangeburg Avenue and west of McHenry Avenue, described as follows:

C-2 to P-D

All that certain real property situate in a portion of Lot 9 of the Mensinger Colony, according to the Official Map thereof, recorded May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, located in the Northeast Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northeast corner of said Lot 9, being also the intersection of the centerlines of Orangeburg Avenue and McHenry Avenue; thence North 88°51'00" West along the north line of said Lot 9, being also the centerline of Orangeburg Avenue, a distance of 330.00 feet to the centerline of 60 foot wide Alma Avenue, as shown on map of Mensinger Tract No. 4, recorded in Volume 14 of Maps, Page 68, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence South 0°56'00" East, along said centerline of Alma Avenue, a distance of 165.00 feet; thence South 88°51'00" East, along the south line of a 20 foot wide Alley and the westerly and easterly extensions thereof, a distance of 150.00 feet; thence North 0°56'00" West 165.00 feet to said north line of Lot 9 and centerline of said Orangeburg Avenue; thence North 88°51'00" West along said north line of Lot 9 and centerline of said Orangeburg Avenue, a distance of 150.00 feet to the point of beginning.

P-O to P-D

All that certain real property situate in a portion of Lot 9 of the Mensinger Colony, according to the Official Map thereof, recorded
May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, located in the Northeast Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northeast corner of said Lot 9, being also the intersection of the centerlines of Orangeburg Avenue and McHenry Avenue; thence North 88°51'00" West along the north line of said Lot 9, being also the centerline of Orangeburg Avenue, a distance of 330.00 feet to the centerline of 60 foot wide Alma avenue, as shown on map of Mensinger Tract No. 4, recorded in Volume 14 of Maps, Page 68, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence continuing North 88°51'00" West, along said north line of Lot 9 and centerline of Orangeburg Avenue, a distance of 170.00 feet; thence South 0°56'00" East 145.00 feet to the north line of a 20 foot wide alley as shown on said map of Mensinger Tract No.4; thence South 88°51'00" East, along said north line of a 20 foot wide Alley, a distance of 170.00 feet to said centerline of Alma Avenue; thence North 0°56'00" West, along said centerline of Alma Avenue, a distance of 145.00 feet to the point of beginning.

WHEREAS, said application was set for a public hearing before the Planning Commission on December 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on December 17, 1990, 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. 90-103, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed rezone is in accordance with community objectives as set forth in the General Plan.

2. That the parking lot on the west side of Alma Avenue is compatible with surrounding uses.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated November 7, 1990 should be certified as adopted.

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 January 22, 1991, at 4:00 p.m., and

WHEREAS, after a public hearing held on January 22, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Phillips Electric Company 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. 90-103 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2750-C.S. on the 22nd day of January, 1991, reclassifying the above-described property from General Commercial Zone, C-2, and Professional Office Zone, P-O, to Planned Development Zone, P-D(481).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(481), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Planned Development for Phillips Electric Company" as amended in red, stamped approved by the Planning Commission on December 17, 1990.

2. Prior to the issuance of a building permit for the parking lot in Phase I, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south property line next to the parking lot. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to completion of the parking lot west of Alma Avenue and shall be as follows:
a. Eight-foot-high masonry wall along the south property line west of Alma Avenue.

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

5. The West Orangeburg Avenue frontage shall be improved to 80-foot major street standard when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area. The improvement shall be for the entire length of the site during Phase I except the new curbside and sidewalk at Alma Avenue shall be installed in Phase II.

6. That the alley be improved to City of Modesto standard in Phase I.

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

8. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the West Orangeburg Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.

9. That provisions for street trees shall either be street tree blockouts at 40-foot intervals or the dedication of a planting easement as approved by the Director of Parks and Recreation.

10. That the parking lot shall be served by positive storm drainage as required by the Public Works and Transportation Director.

11. Trash bins shall be kept in an enclosure in accordance with the approved plan, and the enclosure shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

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

13. 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.

14. Prior to start of construction of Phase II, the abandonment of Alma Avenue shall be approved and in effect.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(481):

The entire construction program be accomplished in three phases as follows:

Phase I - Construction to begin on or before December 17, 1991, and completion to be not later than December 17, 1992.

Phase II - Construction to begin on or before December 17, 1992, and completion to be not later than December 17, 1993.

Phase III - Construction to begin on or before December 17, 1993, and completion to be not later than December 17, 1994.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(481), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]
Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 91-45

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-2
AND P-O TO P-D(481). (PHILLIPS ELECTRIC COMPANY)

WHEREAS, on January 22, 1991, the City Council introduced
Ordinance No. 2750-C.S. giving approval to a project relating to an
amendment to Section Map 20-3-9 of the Zoning Map of the City of Modesto to
reclassify from General Commercial Zone, C-2, and Professional Office Zone,
P-O, to Planned Development Zone, P-D(481), property located on the south side
of West Orangeburg Avenue and west of McHenry Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 20-3-9 of the Zoning Map of
the City of Modesto to reclassify from General Commercial Zone, C-2, and
Professional Office Zone, P-O, to Planned Development Zone, P-D(481), property
located on the south side of West Orangeburg Avenue and west of McHenry Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

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 PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF JEFFERSON STREET SEWER LIFT STATION

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

SECTION 1. The plans and specifications for the construction of Jefferson Street sewer lift station 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 February 14, 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 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-47

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING AND INSTALLING TWO ELECTRONIC ENTRY
DOOR SYSTEMS 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 furnishing and installing
two electronic entry door systems 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 February 25, 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 22nd day of January, 1991,
by Councilmember Irizarry, 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, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-48

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING MOBILE WHEEL LIFT JACKS

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

SECTION 1. The plans and specifications for furnishing mobile wheel lift jacks needed by the Fire Department, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 11, 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 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF PLAYGROUND PRODUCTS, INC. FOR THE JOHN THURMAN FIELD BLEACHER RENOVATION

WHEREAS, Resolution No. 90-961, adopted by the Council of the City of Modesto on December 18, 1990, approved the plans and specifications for the John Thurman Field bleacher renovation and authorized the calling for bids; and

WHEREAS, the bids received for the John Thurman Field bleacher renovation were opened at 11:05 a.m. on January 10, 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 Playground Products, Inc. in the amount of $44,972 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Playground Products, Inc. in the amount of $44,972 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 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

NORPINE COYLE, CITY CLOK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-50

A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS FOR THE SCENIC BEND PUMP STATION ODOR CONTROL PROJECT

WHEREAS, Resolution No.90-962, adopted by the Council of the City of Modesto on December 18, 1990, approved the plans and specifications for the Scenic Bend Pump Station odor control project and authorized the calling for bids; and

WHEREAS, the bids received for the Scenic Bend Pump Station odor control project were opened at 11:00 a.m. on January 10,1991, 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 B & L Builders in the amount of $43,400 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & L Builders in the amount of $43,400 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 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
A RESOLUTION ACCEPTING THE SEWER AND WATERLINE RELOCATIONS AT NORTH MADISON STREET AND LINDEN STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the sewer and waterline relocations at North Madison Street and Linden Street has been completed by Rolfe Construction Company in accordance with the contract agreement dated November 7, 1989.

NOW, THEREFORE, BE IT RESOLVED that the sewer and waterline relocations at North Madison Street and Linden Street 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 $139,281.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-52

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 51 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of Pump Station No. 51 has been completed by Conco-West, Inc. in accordance with the contract agreement dated April 3, 1990.

NOW, THEREFORE, BE IT RESOLVED that the construction of Pump Station No. 51 be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $111,904 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-53

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 48 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of Pump Station No. 48 has been completed by Conco-West, Inc. in accordance with the contract agreement dated March 27, 1990.

NOW, THEREFORE, BE IT RESOLVED that the construction of Pump Station No. 48 be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $86,060 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-54

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE ADDITIONAL GAS Tax REVENUE AND TO APPROPRIATE THE ADDITIONAL REVENUE TO FOUR TRAFFIC CIRCULATION PROJECTS.

WHEREAS, due to the passage of Proposition 111, the City will receive additional gas tax revenue, to be accounted for in Fund 070, Gas Tax Fund, and

WHEREAS, as a result of Proposition 111, the $0.09 per gallon taxes under the Motor Vehicle Fuel License Tax Law (Gas Tax) were increased to $0.14 per gallon on August 1, 1990, and will increase by $0.01 per gallon each January 1, to January 1, 1994. This additional revenue will be accounted for in revenue source 070-510-9510-3120, and

WHEREAS, due to this increase it is necessary to estimate and appropriate the additional revenue, and

WHEREAS, the City Council Traffic Committee has concurred with the staff recommendation to use the Proposition 111 funds to fund the four traffic circulation projects listed below,

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>Revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-510-9510-3120</td>
<td>CS 2105 - Streets and Highways</td>
<td>$567,000</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-430-P581-6000</td>
<td>Briggsmore Overpass On-Ramp - preliminary design</td>
<td>$30,000</td>
</tr>
<tr>
<td>070-430-P582-6000</td>
<td>Miscellaneous Resurfacing - Prop. 111</td>
<td>$412,000</td>
</tr>
<tr>
<td>070-430-P583-6000</td>
<td>Widen Scenic-East of Oakdale - right of way and</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td>preliminary design</td>
<td></td>
</tr>
<tr>
<td>070-430-P584-6000</td>
<td>Carpenter Road - Woodland to Torrid - preliminary design</td>
<td>$25,000</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 22nd day of January, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-55

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 IMPROVEMENT DISTRICT
NO. 29.

WHEREAS, the City Council certifies that at its meeting of
January 22, 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 Improvement
District No. 29,

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 Improvement District No. 29.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

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 REQUEST OF INTERNATIONAL TRUCK RENTAL FOR REFUND OF $3,924.74 FOR OVERPAYMENT OF BUSINESS LICENSE TAX AND BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of International Truck Rental for refund of $3,924.74 for overpayment of Business License Tax and Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore,

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-57

A RESOLUTION EXPRESSING CONCERN TO STATE LEGISLATORS
RELATING TO NEW STANDARDS ESTABLISHED FOR TEMPORARY FOOD
BOOTHS PURSUANT TO HEALTH AND SAFETY CODE SECTIONS.

WHEREAS, pursuant to Sections 27800 through 27804 of the Health and
Safety Code of the State of California, temporary food facilities are required
to meet certain standards, the purpose of which is to insure that safe and
wholesome food will be provided to the public, and

WHEREAS, such standards apply equally to non-profit corporations and
civic organizations and other groups or individuals who operate such
facilities for a profit, and

WHEREAS, the administration and enforcement of said Health and
Safety Code provisions is accomplished locally through the County Department
of Environmental Resources, and

WHEREAS, various civic organizations and non-profit organizations
have voiced concerns that the standards and regulations regarding their use of
temporary food facilities are so stringent and burdensome that the enforcement
of such standards and regulations severely restricts the ability of such
organizations to sell food items at various events to raise funds for
community projects and other charitable endeavors, and

WHEREAS, temporary food booths and facilities are used extensively
by civic groups and non-profit corporations as a primary source of raising
revenue for the charitable works and other projects which benefit the
community, and
WHEREAS, in recognition of the special role that such organizations play in fostering and enhancing the general quality of life in the communities in which they serve, the City Council of the City of Modesto has determined that special consideration should be given to civic organizations and non-profit corporations regarding the standards and regulations imposed on their use of temporary food facilities for their fund raising activities, and that such organizations should not be subject to the stringent requirements provided in Health and Safety Code Sections 27800 through 27804 as administered and enforced by the County Department of Environmental Resources,

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

1. That the Council favors modification of Health and Safety Code Sections 278090 through 27804 and the administration and enforcement of those provisions by local county health departments to exempt from those provisions the fund raising activities through the use of temporary food facilities by civic organizations and non-profit corporations.

2. That the City Clerk of the City of Modesto is hereby directed to send a certified copy of this resolution to the County Board of Supervisors, Assemblyman Sal Cannella, and State Senator Dan McCorquodale.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-58

A RESOLUTION PROTESTING THE EXECUTION OF OPEN SPACE CONTRACT APPLICATION NO. 91-4212 (EVELYN I. MARTZ).

WHEREAS, an Open Space Contract Application has been referred to the City of Modesto by the County of Stanislaus, and
WHEREAS, the effect of said application on the City of Modesto has been considered, and
WHEREAS, City staff has recommended that the City protest the execution of said Open Space Contract because it is in the City's Urban Reserve area and ultimate sewer service area and can be served by a full range of urban services, including sewer service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby protest the execution of an Open Space Contract on Application No. 91-4212 (Evelyn I. Martz) for the reason stated above, and the Council does hereby urge that the Stanislaus County Board of Supervisors and the Local Agency Formation Commission not approve this Williamson Act Contract.

BE IT FURTHER RESOLVED that this protest be filed with the Stanislaus County Board of Supervisors and the Stanislaus County Local Agency Formation Commission, and the Local Agency Formation Commission is hereby requested to hold a hearing and consider this protest as provided for in Section 51243.5 of the Government Code of the State of California.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LYNN DARPINIAN FROM THE RECYCLING COMMITTEE, EFFECTIVE JANUARY 22, 1991

WHEREAS, Lynn Darpinian was appointed a member of the Recycling Committee on November 22, 1988; and

WHEREAS, Lynn Darpinian has tendered her resignation from the Recycling Committee effective January 22, 1991; and

WHEREAS, Lynn Darpinian 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 Lynn Darpinian from the Recycling 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 Lynn Darpinian 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 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-60

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION (MIKE ROYER)

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 Culture Commission for the respective term as indicated:

Mike Royer
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 Culture Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(MARTHA BAUTISTA)

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

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

SECTION 1. The following person is hereby appointed to the Human Relations Commission for the respective term as indicated:

       Martha Bautista
       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 Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember __Irizarry______, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORTINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(ALBERTA MARTONE)

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

SECTION 1. The following person is hereby appointed to the International Friendship Committee for the respective term as indicated:

Alberta Martone
Term to expire 1/1/93

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, CITY CLERK

Committees
MODESTO CITY COUNCIL
RESOLUTION NO. 91-63

A RESOLUTION APPOINTING MEMBERS OF THE REHABILITATION LOAN POOL SUBCOMMITTEE (STEVE FRANKLIN AND BRAD PITT)

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

SECTION 1. The following persons are hereby appointed to the Rehabilitation Loan Pool Subcommittee for the respective term as indicated:

Steve Franklin
Brad Pitts
Terms to expire 12/31/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members 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 22nd day of January, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORMA COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-64

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING UTILITY TRUCKS AND VANS

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

SECTION 1. The plans and specifications for the purchase of utility trucks and vans 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 March 4, 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 February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF IRELAND'S FOR THE WESSON RANCH PARK RESTROOM CONSTRUCTION

WHEREAS, Resolution No. 90-972, adopted by the Council of the City of Modesto on December 25, 1990, approved the plans and specifications for the Wesson Ranch Park restroom construction and authorized the calling for bids; and

WHEREAS, the bids received for the Wesson Ranch Park restroom construction were opened at 11:05 a.m. on January 17, 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 Ireland's in the amount of $77,990 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ireland's in the amount of $77,990 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 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

[Seal]
MODESTO CITY COUNCIL
RESOLUTION NO. 91-66

A RESOLUTION ACCEPTING THE BID OF LEROY GRIFFITH CONCRETE FOR PROJECT NO. 18,
REPLACEMENT OF CURBS, DRIVE APRONS AND SIDEWALKS AT VARIOUS LOCATIONS

WHEREAS, Resolution No. 91-1, adopted by the Council of the City of Modesto on January 2, 1991, approved the plans and specifications for Project No. 18, replacement of curbs, drive aprons and sidewalks at various locations and authorized the calling for bids; and

WHEREAS, the bids received for Project No. 18, replacement of curbs, drive aprons and sidewalks at various locations were opened at 11:00 a.m. on January 24, 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 Leroy Griffith Concrete in the amount of $102,690.48 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Leroy Griffith Concrete in the amount of $102,690.48 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 5th day of February, 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, Lang, Patterson,

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE RESIDENTIAL ALLEY PAVING PROJECT NO. 16 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the residential alley paving Project No. 16 has been completed by George Reed, Inc., in accordance with the contract agreement dated September 25, 1990.

NOW, THEREFORE, BE IT RESOLVED that the residential alley paving Project No. 16 be accepted from said contractor, George Reed, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $121,758.10 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 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NARRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-68

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS, INC. FOR FURNISHING TWO NEW TRUCKS AND CHASSIS WITH DUMP BODIES

WHEREAS, Resolution No. 90-898, adopted by the Council of the City of Modesto on November 13, 1990, approved the plans and specifications for purchasing two new trucks and chassis with dump bodies and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of two new trucks and chassis with dump bodies were opened at 11:00 a.m. on December 10, 1990, 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 Country Ford Trucks, Inc. in the amount of $74,766.88 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks, Inc. in the amount of $74,766.88 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 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________

MORRIS COYLE, CITY CLERK

1/1
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-69  

A RESOLUTION CONDITIONALLY ACCEPTING NINE TRANSIT BUSES  
AND AUTHORIZING PAYMENT IN TWO INSTALLMENTS, 98% AND 2%,  
OF THE CONTRACT PRICE.  

WHEREAS, a report has been filed by the Public Works and  
Transportation Director of the City of Modesto that nine new Gillig transit  
buses have been delivered and that the buses meet the required specifications  
and are operating satisfactorily, and  

WHEREAS, the agreement with the Gillig Corporation allows the  
payment of 98% of the contract upon initial acceptance of the buses and also  
provides the withholding by the City of 2% of the agreement price to assure  
correction of fleet defects and failures occurring during the early period of  
bus operation, and  

WHEREAS, as agreed upon in the agreement between the Gillig  
Corporation and the City of Modesto, said remaining 2% will be paid after a  
75-day trial period unless specific defects are found in the buses or the  
buses are subject to a fleet defect,  

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

1. That nine Gillig transit buses are hereby accepted from  
the Gillig Corporation.  

2. That 98% of the contract price is hereby authorized to be  
paid to the Gillig Corporation for delivery of said nine  
Gillig transit buses.  

3. That payment of the remaining 2% due the Gillig  
Corporation is hereby authorized and shall be paid after  
the agreed upon 75-day trial period; provided, however,  
that there are no fleet defects or failures occurring  
during said 75-day trial period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-70

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVEN USED FOUR-DOOR AND TWO-DOOR 1990 SEDANS FROM GOLDEN GATE AUTO AUCTION AND BAY CITIES AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division, has requested the purchase of seven used four-door and two-door 1990 sedans to replace vehicles that are no longer serviceable; and

WHEREAS, for the past few years, Golden Gate Auto Auction in Fremont and Bay Cities Auto Auction in Hayward have been selected by the City to furnish vehicles because they have a wide selection of vehicles at a lower acquisition cost, and a high quality that has served the City well.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of seven used four-door and two-door 1990 sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of seven used four-door and two-door 1990 sedans from Golden Gate Auto Auction and Bay Cities Auto Auction for a total cost not to exceed $92,012, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1990, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-71

A RESOLUTION CONCERNING HATE CRIMES IN OUR COMMUNITY

WHEREAS, hate crime/violence has been defined by the State of California Attorney General and in the Federal Hate Crimes Statistic Reporting Act and Section 51.7 of the California Civil Code, and

WHEREAS, incidents of hate violence have justifiably attracted the attention of community leaders across the country and in our city. They exact a terrible price from the community. In addition to their psychological and emotional impact upon the victim, they can precipitate reprisals from the victimized community, thereby threatening to destroy the basic structure of our society.

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

1. Is committed to the support of victims of hate crimes;
2. Will not tolerate acts of violence or hate crimes at any level against any person;
3. Encourages victims of hate crimes to report the crime to a law enforcement agency;
4. Endorses the Human Relations Commission "Resources for Victims of Hate Crimes" brochure and supports the Commission's development of future resources;
5. Encourages the victims of hate crimes to secure a copy of this brochure;
6. Encourages the Human Relations Commission to promote community awareness of the nature and effects of hate crimes; and
7. Charges each citizen of Modesto to join the City Council in condemning any act of hate crime in our community in order to further the goal that we make our city a secure place for all individuals to live and prosper.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Lang, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY THROUGH BROKER HAMILTON/MERIDIAN FOR RENEWAL OF CENTRE PLAZA PROPERTY INSURANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance Company through broker Hamilton/Meridian for renewal of Centre Plaza property insurance from February 5, 1991, through February 5, 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 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-73

A RESOLUTION AUTHORIZING RELEASE OF SUBDIVISION IMPROVEMENT BONDS POSTED BY UNION PACIFIC RAILROAD FOR IMPROVEMENTS BETWEEN CROWS LANDING ROAD AND THE UNION PACIFIC RAILROAD (MID-VALLEY BUSINESS CENTER)

WHEREAS, Union Pacific Railroad Company, subdividers of property located on the east side of Crows Landing Road and south of Winmoore Way, and known as Mid-Valley Business Center, have filed subdivision bonds for faithful performance and labor and materials in the amount of $306,600 and $153,300, respectively to guarantee street improvements; and

WHEREAS, a new owner, Modesto Industrial Park, Inc. has processed a vesting tentative subdivision map for the property and the frontage will be guaranteed with future development by the new owner, and the Union Pacific Railroad bonds are no longer required.

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

1. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $306,600.

2. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $153,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1987, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-74

A RESOLUTION ACCEPTING IMPROVEMENTS IN WILLOW GROVE SUBDIVISION
AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Redev., Inc., subdividers of Willow Grove Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of $6,800.00 and $3,400.00 respectively to guarantee improvements in Willow Grove Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated January 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 Irrevocable Commitment/ upon expiration of the statutory period.

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

1. The improvements in Willow Grove Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for faithful performance in the amount of $6,800.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of $3,400.00 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 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN CROWN RIDGE CONDOMINIUMS
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, CPC/Lew Venture, subdividers of Crown Ridge Condominiums, have filed subdivision bonds for faithful performance and labor and materials in the amount of $135,600.00 and $67,800.00 respectively to guarantee improvements in Crown Ridge Condominiums and;

WHEREAS, the Director of Public Works in a memorandum dated January 16, 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 Crown Ridge Condominiums Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $135,600.00 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 $67,800.00 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 5th day of February 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-76

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA GLEN SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad of Northern California, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.120 acres, known as the California Glen Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of February, 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 California Glen 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.

BE IT FURTHER RESOLVED that the agreement previously entered into between the City of Modesto and Kaufman and Broad of Northern California, Inc., dated December 26, 1990, and approved by City Council Resolution No. 90-976 is hereby superseded by the agreement dated February 5, 1991, and this resolution, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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, Lang, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-77

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATHENS BENEFITS INSURANCE SERVICES, INC., TO DESIGN AND IMPLEMENT AN IRS SECTION 125 BENEFITS PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Athens Benefits Insurance Services, Inc., to design and implement an IRS Section 125 Benefits 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 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,000 TO FUND DESIGN AND IMPLEMENTATION OF IRS SECTION 125 BENEFITS PLAN

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

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

TO: Services, Professional and $8,000
Other (010 020 0222 0235)
Office Supplies 1,000
(010 020 0222 0301)

Funds associated with the design, implementation and administration of the IRD Section 125 Benefits Plan; printing, office supplies and software for administration of the plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-79

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR
PROPOSALS FOR A CONCESSIONAIRE TO EQUIP AND OPERATE A FOOD
AND BEVERAGE CONCESSION AT THE MODESTO DRY CREEK GOLF
COURSE.

WHEREAS, the Modesto Dry Creek Golf Course clubhouse, which is
nearing completion, has been designed with space for a food and beverage
concession, and

WHEREAS, this service is customarily available at golf course
clubhouses for the convenience of the public, and

WHEREAS, the timely award of a food and beverage concession contract
would allow the concessionaire to provide the required tenant improvements
prior to the opening of the golf course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the Director of Parks and Recreation to issue a
Request for Proposals for a concessionaire to equip and operate a food and
beverage concession at the Modesto Dry Creek Golf Course.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-80

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF $3,207.47 FOR OVERPAYMENT OF BUSINESS LICENSE TAX BY SAVE MART SUPERMARKETS

BE IT RESOLVED by the Council of the City of Modesto that the request of Save Mart Supermarkets for refund of $3,207.47 for overpayment of Business License Taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ________________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A CITIZEN PARTICIPATION PLAN AND FUNDING PRIORITIES FOR THE FISCAL YEAR 1991-92 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Citizen Participation Plan and funding priorities for the fiscal year 1991-92 Community Development Block Grant (CDBG) application, a copy of which is attached hereto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Citizen Participation Plan and funding priorities 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 5th day of February, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-82

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PETER S. PEN FROM THE
HUMAN RELATIONS COMMISSION, EFFECTIVE FEBRUARY 5, 1991

WHEREAS, Peter Pen was appointed a member of the Human Relations Commission
on March 13, 1990; and
WHEREAS, Peter Pen has tendered his resignation from the Human Relations
Commission effective February 5, 1991; and
WHEREAS, Peter Pen 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 Peter Pen from the
Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its
own behalf, and on behalf of the citizens of this City, hereby expresses its
sincere appreciation to Peter Pen 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 5th day of February, 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, Lang, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NARRINE COYLE, City Clerk
A RESOLUTION APPOINTING J. EDWARD TEWES AS CITY MANAGER OF THE CITY OF MODESTO.

WHEREAS, Section 800 of the Charter of the City of Modesto provides that there shall be a City Manager who shall be the chief executive officer and head of the Administrative Branch of the City government, and

WHEREAS, the City Manager shall be chosen on the basis of the person's executive and administrative qualifications with special reference to the person's actual experience in, or the person's knowledge of accepted practices with respect to the duties of the office, and

WHEREAS, Section 800 of the Charter further provides that the City Council shall appoint the City Manager for an indefinite term and may remove the City Manager by a majority vote of its members, and

WHEREAS, the Council of the City of Modesto desires to appoint a new City Manager,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints J. Edward Tewes to the position of City Manager of the City of Modesto.

BE IT FURTHER RESOLVED that certain conditions of employment shall be established as follows:

Effective Date. That March 18, 1991 shall be the effective date of the appointment of Mr. Tewes to the City Manager position.

Compensation. That the initial salary for Mr. Tewes while employed in the position of City Manager shall be in the amount of $92,000 annually in addition to such other benefits provided by the City of Modesto.

AMENDED on 5-9-91 by Resolution 91-154
Vehicle Allowance. The City Manager shall receive a monthly vehicle allowance in the amount of $350 each month.

Relocation Allowance. Reasonable moving expenses shall be allowed to Mr. Tewes to relocate to the City of Modesto.

Temporary Housing Allowance. The City Manager shall receive upon initial employment and for the remainder of the current fiscal year the sum of $700 per month for temporary housing.

Termination and Severance Pay. In the event Mr. Tewes' employment is terminated by the City Council during such time that he is willing and able to perform the duties of City Manager, then in that event the City agrees to pay him a lump sum cash payment equal to three (3) months aggregate salary; provided, however, that in the event he is terminated for good cause shown, then in that event, City shall have no obligation to pay the aggregate severance sum specified.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Lang, 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, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

020591 -2-
A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. FOR CONSTRUCTION OF A BOOSTER PUMP STATION FOR WATER TANK NO. 3

WHEREAS, Resolution No. 91-7, adopted by the Council of the City of Modesto on January 8, 1991, approved the plans and specifications for the booster pump station for water tank No. 3

and authorized the calling for bids; and

WHEREAS, the bids received for construction of the booster pump station for water tank No. 3

were opened at 11:05 a.m. on January 31, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco West, Inc. in the amount of $282,465 be accepted as the lowest responsible bid.

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

the bid of Conco West, Inc. in the amount of $282,465 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 12th day of February, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE 1990 STREET SLURRY SEALS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the 1990 street slurry seals has been completed by Graham Contractors, Inc. in accordance with the contract agreement dated August 7, 1990.

NOW, THEREFORE, BE IT RESOLVED that the 1990 street slurry seals be accepted from said contractor, Graham Contractors, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $200,527.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-86

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,400 TO PAY FOR
CONSULTANT SERVICES BY RECHT, HAUSRATH AND ASSOCIATES

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

FROM: Administrative CFF Reserve
(139 800 8003 8000) $5,400

TO: CFF Consultant Charges
(139 140 P868 6000) $5,400

Consultant bills for ongoing work on the City's Capital Facilities Fees under the terms of a June 5, 1990 agreement. Periodically, staff requests appropriation transfers to pay for these costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-87

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS TO RECONSTRUCT A PORTION AND WIDEN THE AIRLINE AND CORPORATE AIRCRAFT PARKING APRON

WHEREAS, a preapplication was approved by the Council and submitted to the Federal Aviation Administration on January 8, 1991, for federal funds to reconstruct a portion and widen the airline and corporate aircraft parking apron at the Modesto City-County Airport; and

WHEREAS, the preapplication has been approved by the Federal Aviation Administration and approximately $136,890 in federal funds has been tentatively allocated to the City of Modesto.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of $136,890 for the above-mentioned project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: _________________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-88

A RESOLUTION APPROVING THE REQUEST OF A & A CHEMICAL TOILET COMPANY FOR REFUND OF $2,279.40 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of A & A Chemical Toilet Company for refund of $2,279.40 for overpayment of Business License Taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 90-892
ENTITLED "A RESOLUTION GRANTING AN APPEAL TO THE DECISION
OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE, WHICH REQUIRED
AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PLANNED
DEVELOPMENT PROJECT AT THE SOUTHEAST CORNER OF BRIGGSMORE
AND OAKDALE AVENUES, AND REMANDING THE MATTER TO THE
ENVIRONMENTAL ASSESSMENT COMMITTEE FOR THE ISSUANCE OF A
MITIGATED NEGATIVE DECLARATION FOR THE PROJECT. (ST.
P AUL'S EPISCOPAL CHURCH)" , TO PROVIDE INGRESS AND EGRESS THEREFOR.

WHEREAS, on October 3, 1990, the City of Modesto's Environmental
Assessment Committee reviewed the application filed by St. Paul's Episcopal
Church to rezone from Low Density Residential Zone, R-1, and Planned
Development Zone, P-D(147), to a new Planned Development Zone, P-D, to allow
68 senior housing units, a bank, and expansion of the existing church, which
is a proposed project to be located at the southeast corner of Briggsmore and
Oakdale Avenues in the City of Modesto, and

WHEREAS, the proposed project also includes revised parking for St.
Paul's Church, access through the site to the existing Nazerene Church site,
and a slip ramp off and a slip ramp onto Briggsmore Avenue to provide access
and egress to all four of the parcels, and

WHEREAS, the City of Modesto's Environmental Assessment Committee
found that the inclusion of slip ramps on Briggsmore Avenue in the proposed
project may have a significant effect on the environment, as noted in the
Environmental Evaluation dated October 3, 1990, and the Committee determined
that an Environmental Impact Report is required, and

WHEREAS, pursuant to the provisions of Section 4-10.02 of the
Modesto Municipal Code, an appeal to the decision of the Environmental
Assessment Committee's requirement for an Environmental Impact Report was filed with the Office of the City Clerk by letter dated October 5, 1990 from Mid-Valley Engineering on behalf of the St. Paul's Episcopal Church (appellant), and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 23, 1990, which hearing was then continued to November 13, 1990, at 4:00 p.m., at which time and place the Council considered the appeal and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after said public hearing on November 13, 1990, the Council, by Resolution No. 90-892, found and determined that all potential significant impacts of the proposed slip ramps would be mitigated by redesign of the ramps to applicable current traffic engineering design standards to significantly improve motor vehicle and pedestrian safety during acceleration and deceleration, and that it would not be necessary for appellant to submit an Environmental Impact Report because there are special circumstances applicable to the subject property so that strict application of the City's policy of limiting access to expressways would result in adverse vehicular traffic circulation conditions within the site, and

WHEREAS, by Resolution No. 90-892, the Council further found and determined that the matter should be remanded to the Environmental Assessment Committee for the purpose of issuance of a negative declaration with mitigation measures, and

WHEREAS, by Resolution No. 90-892, on the basis of the above mitigation measures, the appeal of Mid-Valley Engineering, Inc., on behalf of
the St. Paul's Episcopal Church, to the decision of the City of Modesto's Environmental Assessment Committee requiring an Environmental Impact Report for said proposed project, was granted for the reasons set forth above, subject to the condition that the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, 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 developer of any claim, action or proceedings and shall cooperate fully in the defense, and

WHEREAS, by Resolution No. 90-892, the matter was remanded to the Environmental Assessment Committee to issue a negative declaration with the mitigation measures described herein upon appellant's satisfactory redesign of the ramps, and

WHEREAS, the Council of the City of Modesto reserved any and all of its rights to alter, amend, modify or change the findings stated herein, if upon administrative appeal substantial evidence was presented which demonstrated that the project may have significant environmental impacts which are not mitigated, and

WHEREAS, by letter dated January 28, 1991, from Mid-Valley Engineering, the Council of the City of Modesto was requested to reconsider the wording in Resolution No. 90-892 approved on November 13, 1990, concerning Briggsmore Avenue ingress and egress, and
WHEREAS, at its meeting on February 12, 1991, the Council of the City of Modesto considered the request of Mid-Valley Engineering, and the Council found and determined that said request should be granted to provide ingress and egress to Briggsmore Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the ingress and egress to Briggsmore Avenue is by way of "right-turn channelization" and not limited to a "slip-ramp" specification, and that said ingress and egress is hereby approved subject to specific design approval by the Public Works and Transportation Director.

BE IT FURTHER RESOLVED that all other provisions of Resolution 90-892 not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-90

A RESOLUTION AMENDING RESOLUTION NO. 88-649 AS AMENDED AND
CHANGING THE RATE OF CAPITAL FACILITIES FEES APPLICABLE TO
NEW DEVELOPMENT IN THE CITY OF MODESTO BY INCREASING PHASE
I FEES FOR FIRE, OTHER CITY FACILITIES, PARKS AND
RECREATION, POLICE, AND WASTEWATER TREATMENT AND THE PHASE
II FEES FOR PUBLIC TRANSPORTATION AND STREETS.

WHEREAS, the City Council of the City of Modesto has adopted Modesto
Municipal Code Sections 8-1.904 et seq. creating and establishing the
authority for imposing and charging Capital Facilities Fees, and

WHEREAS, the current Capital Facilities Fees are set forth in
Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No.
89-986, and Resolution No. 89-1132, and

WHEREAS, the current Phase I fees for Fire Facilities, Other City
Facilities, Parks and Recreation Facilities, Police Facilities, and Wastewater
Treatment Facilities and capital facilities fees administration, were adopted
on February 28, 1989, pursuant to the report of Recht, Hausrath & Associates
dated February 10, 1989, (Recht Phase 1 Report) which established the factual
basis for adjusting or creating fees for said facilities, and

WHEREAS, the current Phase II fees for air quality facilities,
public transportation facilities, and streets facilities were adopted on
November 21, 1989, pursuant to the report of Recht, Hausrath & Associates
dated October, 1989, (Recht Phase 2 Report) and the traffic study prepared by
Dowling Transportation Engineering entitled "City of Modesto Traffic Impact
Analysis" dated September, 1989, (Dowling Report) which established the
factual basis for adjusting or creating the fees for said facilities, and

WHEREAS, more complete documentation of the derivation of vehicle
trip generation fees in the Recht Phase 2 Report was deemed desirable, and
WHEREAS, Recht, Hausrath & Associates has therefore prepared an amended Recht Phase 2 Report (Amended Recht Phase 2 Report), and

WHEREAS, paragraph 8(a) of Resolution 89-373, which amended Resolution 88-649, provides for an annual review on or about June 30 of each year by the City's Finance Director of, among other things, the estimated cost of the capital improvements for which said capital facilities fees are collected, and

WHEREAS, paragraph 8(b) of said Resolution 89-373 provides for an annual adjustment on or about September 30 of each year to the capital facilities fees in accordance with the Building Cost Index as established by the Engineering News Record, and

WHEREAS, it appears to be more appropriate to have the annual review take place at one time by December 1st of each year so that the effective date of any fee adjustment will be on or about the following March 1st, and

WHEREAS, it also appears more appropriate for the Planning and Community Development Director to undertake the reviews referred to in said paragraph 8 of Resolution No. 89-373, and

WHEREAS, paragraph 8(b) of said resolution limits any adjustment to the capital facilities fees for inflation to a comparison with the Construction Cost Index published by the Engineering News Record, and

WHEREAS, as set forth in the Recht 1990 Update Report, it is appropriate to utilize different indices for different components of the cost of the facilities for purposes of adjusting capital facilities fees to account for inflation, and

WHEREAS, the City has again contracted with Recht, Hausrath & Associates for the purpose of reporting on the need to adjust the existing
Capital Facilities Fees in order to take into account inflation and other factors which have affected either the estimated cost of the capital improvements for which capital facilities fees are collected and/or the manner in which the rates are calculated, and

WHEREAS, the completed report dated February 6, 1991, entitled "Update of the Capital Facilities Fees Program for the City of Modesto" (Recht 1990 Update Report) establishes the factual basis for adjusting the Capital Facilities Fees to account for the increase in land values, inflationary increases in the cost of construction and equipment, the elimination of financing costs, splitting the capital facilities fee rate for industrial uses into the manufacturing and warehousing categories, and for making minor adjustments in the list of improvements to be funded by Capital Facilities Fees, and

WHEREAS, the Recht 1990 Update Report together with the Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, and the Dowling Report, set forth the relationship between contemplated future development, the public facilities set forth in said reports, and the revised estimated cost of said facilities, and

WHEREAS, the Recht Phase 1 Report, the Recht Phase 2 Report, and the Dowling Report have been previously adopted and approved by the City Council, and

WHEREAS, the Recht 1990 Update Report and the Amended Recht Phase 2 Report have been available for public review since February 8, 1991, and

WHEREAS, the City Council finds as follows:

(A) The purpose of the fees hereinafter increased and/or established is to finance municipal facilities to accommodate and/or mitigate
the impacts caused by future development in the City of Modesto, including the Urban Reserve Area of the City's General Plan Area. Such improvements include but are not limited to the expansion, construction, development and/or acquisition of a new police station, police vehicles, various parks and recreation facilities, wastewater treatment facilities, fire stations, fire administration building, fire vehicles, various other fire facilities, City Hall office space and equipment, miscellaneous City vehicles, City Corporation Yard, traffic signals, freeway interchange improvements, the construction of expressways around the City of Modesto, other miscellaneous street improvements, buses, bus shelters, bus stops, a transit center, a traffic light synchronization program, park and ride lots, express buses and vans, bike path construction, pedestrian footpath construction and other miscellaneous facilities designed to reduce vehicular traffic.

(B) The fees collected pursuant to this resolution shall be used to finance the municipal facilities identified in Exhibit "A", attached hereto and incorporated by reference;

(C) After considering the Recht Phase 1 Report, the Dowling Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Recht 1990 Update Report, and the testimony received at this public hearing, the City Council hereby acknowledges that it has already approved and adopted the Recht Phase 1 Report, the Recht Phase 2 Report, and the Dowling Report, and hereby approves and adopts the Recht 1990 Update Report, the Amended Recht Phase 2 Report, and incorporates them herein, and further finds that future development in the City of Modesto, including the Urban Reserve Area of the City's General Plan Area, as set forth in all of said reports would generate additional demands on municipal services;
(D) As development occurs there will be a need in the City of Modesto for expanded or newly constructed facilities including but not limited to those facilities set forth above in paragraph (A). Said facilities have been called for and/or are consistent with the City's General Plan.

(E) The Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Dowling Report, the Recht 1990 Update Report, and the testimony established:

(1) That there is a reasonable relationship between the need for the public facilities designated in Exhibit "A" and the impacts of the types of development for which the corresponding fees are charged,

(2) That there is a reasonable relationship between the fees use and the type of development for which the fee is charged,

(3) That there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed, and

(4) That the cost estimates set forth in Exhibit "A" are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future development will not exceed the total costs of constructing the public facilities identified in Exhibit "A".

(F) The Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Dowling Report, and the Recht 1990 Update Report, together comprise a detailed analysis of how public services will be affected by the residential, industrial, commercial and institutional development that will be added to the City of Modesto up to and including the build-out of the Urban Reserve Area defined in the City's General Plan. Said reports also determine the deficiencies that currently exist in the existing public facilities.
(G) The method of allocation of the public facilities fee to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees.

(H) The public health, safety, peace, morals, convenience, comfort, prosperity, and general welfare will be promoted by the increase and/or establishment of the Capital Facilities Fees as set forth in the Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Dowling Report, and the Recht 1990 Update Report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing components of the Capital Facilities Fees, namely, Fire, Other City Facilities, Parks and Recreation, Police, Wastewater Treatment (Phase I fees), and Air Quality, Public Transportation, and Streets (Phase II fees), and capital facilities fees administration, are hereby re-established and increased to the levels hereinafter set forth as follows:

Resolution No. 88-649 as amended by Resolution No. 89-373, Resolution No. 89-986, and Resolution No. 89-1132 is hereby amended to read as follows:

1. FEE IMPOSED.

(a) A Capital Facilities Fee shall be charged and paid at the time of issuance of the building permit for development. The Chief Building Official or his designee shall determine the amount of the fee in accordance with standards set forth in this resolution.

(b) To the extent permitted by law, the fee authorized by Modesto Municipal Code Sections 8-1.901 et seq., and established and/or increased by this resolution, shall be paid prior to occupancy by any development built by any entity that is not required to obtain a building permit from the City of Modesto.
2. AMOUNT OF CAPITAL FACILITIES FEE.

The fee for development shall be the sum of the amounts specified in the following paragraphs:

PHASE I FEES

(a) Fire Facilities

(1) Residential:

- Low density residential use: $179.00/unit
- Medium density residential use: 152.00/unit
- Medium-high density residential use: 108.00/unit

(2) Non-residential:

- Office: $0.12/square foot
- Commercial: 0.07/square foot
- Industrial - Manufacturing/Light industrial/Industrial park: 0.05/square foot
- Industrial - Warehouse/Distribution/Heavy Industrial: 0.005/square foot
- Care Homes (day care, convalescent and retirement): 0.07/square foot
- Churches and private schools: 0.05/square foot
- Hospitals: 0.12/square foot
- Fast Food Restaurants: 0.07/square foot
- Convenience Marts: 0.07/square foot

(b) Other City Facilities

(1) Residential:

- Low density residential use: $264.00/unit
- Medium density residential use: 224.00/unit
- Medium-high density residential use: 159.00/unit

(2) Non-residential:

- Office: $0.17/square foot
- Commercial: 0.11/square foot
- Industrial - Manufacturing/Light industrial/Industrial park: 0.08/square foot
- Industrial - Warehouse/Distribution/Heavy Industrial: 0.008/square foot
- Care Homes (day care, convalescent and retirement): 0.11/square foot
Churches and private schools 0.08/square foot
Hospitals 0.17/square foot
Fast Food Restaurants 0.11/square foot
Convenience Marts 0.11/square foot

(c) Parks and Recreation Facilities

(1) Residential:

Low density residential use $1,678.00/unit
Medium density residential use 1,439.00/unit
Medium-high density residential use 999.00/unit

(2) Non-residential:

Office no fee
Commercial no fee
Industrial no fee
Care Homes (day care, convalescent and retirement) no fee
Churches and private schools no fee
Hospitals no fee
Fast Food Restaurants no fee
Convenience Marts no fee

(d) Police Facilities

(1) Residential:

Low density residential use $302.00/unit
Medium density residential use 253.00/unit
Medium-high density residential use 182.00/unit

(2) Non-residential:

Office $0.19/square foot
Commercial 0.12/square foot
Industrial-Manufacturing/Light 0.08/square foot
Industrial/Industrial park
Industrial-Warehouse/Distribution/ Heavy Industrial
Care Homes (day care, convalescent and retirement) 0.12/square foot
Churches and private schools 0.08/square foot
Hospitals 0.19/square foot
Fast Food Restaurants 0.12/square foot
Convenience Marts 0.12/square foot

(e) Wastewater Treatment Facilities

(1) Residential:

Low density residential use $204.00/unit
Medium density residential use 175.00/unit
Medium-high density residential use 121.00/unit

(2) Non-residential:

Office $0.07/square foot
Commercial 0.04/square foot
Industrial-Manufacturing/Light 0.03/square foot
industrial/Industrial park .003/square foot
Industrial-Warehouse/Distribution/
Heavy Industrial
Care Homes (day care, convalescent and retirement) 0.04/square foot
Churches and private schools 0.03/square foot
Hospitals 0.07/square foot
Fast Food Restaurants 0.04/square foot
Convenience Marts 0.04/square foot

(3) Industrial:

Special (Industrial development which results in wastewater discharge from other than standard plumbing fixtures will incur a fee in addition to the 0.03/square foot fee listed above; this fee to be determined on a case-by-case basis)

PHASE II FEES

(f) Air Quality Facilities Fee

$100.00 per trip end

Total trip ends and the total fee for air quality facilities is to be determined as set forth in paragraph 2(h).

(g) Public Transportation Facilities Fee

$44.00 per trip end

Total trip ends and the total fee for public transportation facilities is to be determined as set forth in paragraph 2(i).

(h) Streets Facilities Fee

$2,375.00 per trip end

Total trip ends and the total fee for street facilities is to be determined as set forth in paragraph 2(i).
(1) For purposes of determining trip ends and the total resulting fee for the streets, air quality, and public transportation components only of the Capital Facilities Fee, the land use categories, peak hour trip rates, adjustment factors, and adjusted peak hour trip rates, and land use type definitions set forth below shall apply:
### CITY OF MODESTO TRAFFIC IMPACT FEES

<table>
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<tr>
<th>Land Use Category, Land Use Type</th>
<th>Peak Hour Trip Rate</th>
<th>Adjustment Factor</th>
<th>Adjust'd Peak Hour Trip Rate /TripEnd</th>
<th>Peak Hour Trip Rate</th>
<th>Street Fees @ $2,375</th>
<th>Transit Fees @ $44</th>
<th>Air Quality Fees @ $100</th>
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<td>Racquet Club</td>
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<td>118</td>
</tr>
<tr>
<td></td>
<td>Tennis Courts</td>
<td>3.43</td>
<td>0.30</td>
<td>1.03</td>
<td>2,444</td>
<td>45</td>
<td>103</td>
</tr>
</tbody>
</table>

**Notes:**
1. Uses included in each land use type are specified in the LAND USE TYPE DEFINITIONS LIST.
2. Uses not specified in the DEFINITIONS LIST shall be charged at rates determined by the Director of Public Works and Transportation, using trip generation estimates acceptable to the Director.
3. Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1000 sf, etc.)
4. Adjustment Factor includes adjustment for trip length, pass-by trips, and linkage to residential uses as estimated by the Public Works and Transportation Department.
5. The Adjusted Peak Hour Trip Rate is calculated by multiplying the adjustment factor by the Peak Hour Trip Rate.
6. The Streets Fee per Peak Hour Trip End of $2,375 is calculated from the adjusted trip generation data of the Dowling Citywide Traffic Impact Analysis and the total CFF Improvement Projects Cost.
7. For restaurants of 2,500 sf or less apply the appropriate Retail category rate based on the size of restaurant or the size of the retail center within which it is located.
### LAND USE TYPE DEFINITION

#### RESIDENTIAL

**Senior Housing**
- Includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

**Single Family**
- Typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically 10 dwellings per acre or less.

**Multiple**
- Includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments. This category also applies to mobile homes and hotel/motel uses.

#### INDUSTRIAL-

**Manufacturing/Light Industrial/Industrial Park**
- Facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered to be in this category include uses such as those listed below:

1. Electronics assembly, paper products
2. Metal fabricator
3. Bottling plant
4. Cabinet shop
5. Machine shop
6. Sheetmetal shop
7. Welding shop
8. Wholesale business
9. Printing plant
10. Material testing labs manufacturer

**Warehouse/Distribution/Heavy Industrial**
- Facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping materials. Uses which are considered to be in this category include uses such as those listed below:
1. Freight forwarding
2. Warehousing
3. Mini-warehousing
4. Corporation yard, freight yard
5. Equipment rental yard
6. Moving and storage service
7. Bulk feed storage
8. Lumberyard
9. Sand, gravel, building materials dealer

Heavy Industrial – includes uses such as those listed below:

1. Manufacture, fabrication, processing and treatment of:
   a. Large ceramic products (such as bricks or tile)
   b. Glass, clay, concrete, stone and related products, excluding rock crushing.
   c. Metals and metal products
   d. Natural gas and gas products
   e. Petroleum and petroleum products
   f. Stone monuments and tombstones

2. Railroad repair shop, classification yard
3. Winery
4. Cannery
5. Food processor, brewery, bakery
6. Recycling facility
7. Burning operations for lumber and wood products
8. Junk handling, processing, storage
9. Landfill, waste products disposal or transfer station
10. Manufacture, fabrication, processing, packaging and treatment of:
   a. Explosives
   b. Oil and grease products
   c. Chemicals and chemical products

11. Rock crushing
12. Pulp and paper mill
13. Reduction, processing and storage of offal, dead animals, bones or similar materials
14. Septic tank, cesspool servicing
15. Stockyard
16. Tannery
17. Vehicle salvage, wrecking

**Mixed Industrial Uses** – When a development proposal contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purpose of calculating development fees.

**OFFICE**

**Medical**
Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

**General**
All other types of general and professional offices, including but not limited to office parks, business parks, corporate headquarters, insurance offices, and research centers, and excluding government offices and US Post Offices.

**COMMERCIAL**

**Conv. Market**
Small retail markets, often with on-site gasoline pumps, usually open 24-hours or extended hours.

**Eating and Drinking Establishments**

**Fast Food**
Fast-food restaurants with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the restaurant building, although some on-site seating is usually provided.

**High Turnover**
Sit-down restaurants where food is ordered and consumed in the restaurant, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch, and dinner. This category also includes all drinking establishments—bars and cocktail lounges—except those.
in conjunction with low turnover restaurants. The latter are charged the low turnover rate.

Low Turnover

Sit-down restaurants which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

Retail

Includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. Does not include the following uses which shall be considered separately; restaurants, convenience markets, banks, savings and loans, movie theaters, and other uses specifically defined as a separate category for streets fee purposes.

FINANCIAL

Banks

Full service banking institutions with or without drive-up windows.

Savings & Loans

Saving & loan institutions, including thrifts and credit unions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given S & L is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

MISCELLANEOUS

The uses in this category are generally self-explanatory. Service station uses are uses which sell automotive fuels and possibly also provide automotive repair service, but do not have small retail shops (such as convenience markets). For fee calculation, a pump is defined as a fuel dispensing
station, regardless of the number of pump machines or nozzles provided. The number of "pumps" using this definition will be the maximum number of standard passenger cars which can be served at the fuel dispensing islands on the site at one time.

RECREATIONAL

The uses in this category are generally self-explanatory. Golf courses do not include miniature golf uses.

(j) For purposes of the fees set forth in subparagraphs 2(a) through 2(f), the following definitions shall apply:

(1) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.

(2) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.

(3) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.

(4) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.

(5) "Church Use" shall mean structures primarily designed as a place for public worship.

(6) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

(7) "Professional Office Use" shall mean structures designed for use as offices, including medical or dental offices and laboratories, business offices (excluding retail or wholesale sales and banking institutions), professional offices and pharmacies (excluding manufacture and distribution of pharmaceuticals).

(8) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title X of the Modesto Municipal Code.
(9) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no or a limited number of sit down facilities.

(10) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and twenty-four hours a day and which commonly sell fuel for motorized vehicles.

(11) "Industrial Use-Manufacturing/Light industrial/Industrial park" and

(12) "Industrial-Warehouse/Distribution/Heavy Industrial" shall be defined as set forth in the previous subparagraph 2(j).

(13) "Capital Improvement" shall mean the following:

(a) Any building structure or other improvement constructed or renovated by the City upon property owned by or under its control.

(b) Any initial equipment or piece of equipment necessary to service new growth or new development.

(14) "Hospital" shall mean a structure designed for health services, both in-patient and out-patient; that includes surgical care of the sick or injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

(k) Capital Facilities Fees Administrative Fee

2.5% of the sum of the fees specified in subparagraphs 2(a) through 2(i).

3. EXEMPTIONS FROM FEE.

(a) The Capital Facilities Fees established by this resolution shall not be imposed on any of the following:

1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.
(2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.

(3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

(4) Any alteration or addition to a residential structure, except to the extent that additional units are created.

(5) Any replacement or reconstruction of an existing residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished except to the extent that additional units are created.

(6) Any replacement or reconstruction of an existing non-residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished unless the replacement or reconstruction increases the square footage of the structure ten percent (10%) or more, changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends.

(b) Whenever the alteration, addition, replacement or reconstruction is not exempt pursuant to the provisions hereinabove, the fee shall be imposed only on the additional units, change in use, or additional trips generated.
4. **USE OF FEE REVENUES.**

(a) The revenues raised by payment of the capital facilities fees established by this resolution shall be placed in separate and special funds as provided herein and such revenues along with any such interest earnings on each account shall be used for the following purposes:

1. To pay for design and construction of designated public facilities, the purchase of designated equipment, and reasonable costs of outside consultant studies related thereto;

2. To reimburse the City of Modesto for designated public facilities constructed by the City with funds from other sources, unless the City funds were expended to remedy existing deficiencies as identified in the Recht Hausrath report identified by this resolution or were obtained from grants or gifts;

3. To reimburse developers who have designed and constructed any public facility for which a facilities fee is being collected where the cost of such design and construction exceeds the capital facilities fee which otherwise would have been due; and

4. To pay for and/or reimburse costs of program development and ongoing administration of the capital facilities fee program.

5. **PUBLIC FACILITIES ACCOUNTS.**

The fees collected pursuant to this resolution shall be deposited into the following public facilities funds:

<table>
<thead>
<tr>
<th>Fund No</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 131</td>
<td>Police Capital Facilities Fee Fund</td>
</tr>
<tr>
<td>(b) 132</td>
<td>Fire Capital Facilities Fee Fund</td>
</tr>
<tr>
<td>(c) 135</td>
<td>Parks and Recreation Capital Facilities Fee Fund</td>
</tr>
<tr>
<td>(d) 137</td>
<td>Wastewater Capital Facilities Fee Fund</td>
</tr>
<tr>
<td>(e) 138</td>
<td>Other City Capital Facilities Fee Fund</td>
</tr>
<tr>
<td>(f) 139</td>
<td>Capital Facilities Fee Administration Fund</td>
</tr>
<tr>
<td>(g) 141</td>
<td>Street Facilities Fee Fund</td>
</tr>
</tbody>
</table>
6. EXPENDITURE OF THE FEES.

(a) Fees in the capital facilities funds shall be expended only for those facilities listed in Exhibit "A" and only for the purpose for which the fee was collected with primary consideration to areas of the City in which development has taken place and in which the fees have been paid.

(b) The standards upon which the needs for facilities are based are the standards of the City. These standards are reflected in the Recht Reports. The City has undertaken an ongoing Capital Improvement Program to implement the projects necessary to achieve those standards and the City will remedy existing deficiencies without using proceeds of the Capital Facilities Fee.

7. ADMINISTRATIVE REGULATIONS.

The Chief Building Official or his designee may develop rules and regulations for the effective implementation and administration of the capital facilities fee.

8. ANNUAL REVIEW.

(a) Prior to December 1st of each year, the Planning and Community Development Director shall review the estimated cost of the capital improvements described in Exhibit "A", the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which the fees established by this resolution are charged. The Planning And Community Development Director shall report his findings to the City Council at a noticed public hearing and recommend any adjustment to the capital facilities fees established by this resolution or any other action as may be needed.

(b) In addition to the annual review provided for in the preceding subparagraph, on or about December 1st of each year, the Capital Facilities Fees established by this resolution shall be adjusted to reflect the effect of inflation, if any, using whatever indices of inflation are deemed appropriate. The timing of the adjustment provided for in this subparagraph and the preceding subparagraph shall be such that the adjusted fee shall take effect on or about the following March 1st of each year.
9. **SUBSEQUENT ANALYSIS OF FEE.**

The fee established herein is adopted and implemented by the Council and reliance on the comprehensive reports that have been prepared for the City by Recht Hausrath and Associates. The City will continue to conduct further studies and analysis to determine whether the fee should be revised. When additional information is available, the City Council shall review this fee to determine that the fee amounts are reasonably related to the impact of future development in the City of Modesto. The City Council may revise the fee to incorporate the findings and conclusions of further studies.

10. **EFFECTIVE DATE OF CAPITAL FACILITIES FEES ESTABLISHED.**

This resolution shall become effective on April 20, 1991.

11. **EXEMPTION FROM CEQA.**

In addition to the other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution. Pursuant to Sections 15061 and 15273 of the State CEQA Guidelines because:

1. The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of police, fire facilities, parks and recreation facilities, wastewater treatment facilities, other City facilities, air quality facilities, public transportation facilities and street facilities, as well as the purchase of certain items of capital equipment.

2. To a limited extent, the fees established or increased by this resolution will be used to fund some new facilities, such as a park, in new neighborhoods outside existing service areas. However, the addition of capital facilities to new neighborhoods will not take effect until there has been CEQA review of the development projects which will pay for said capital facilities via the Capital Facilities Fee mechanism established or increased by this resolution. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each
development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either establishes or increases Capital Facilities Fees to fund the Capital Facilities Fees that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

12. SEVERABILITY.

Should any fee provision, clause, paragraph or subparagraph of this resolution or application thereof to any person or circumstances be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect without the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

021191

10564CA2
EXHIBIT A

The following list of projects has resulted from a comprehensive assessment of the facilities required to accommodate growth. The list is compiled from tables in the report entitled "Update of the Capital Facilities Fee Program for the City of Modesto", February 6, 1991. The update revises the initial Recht Hausrath & Associates reports which documented the justification of Capital Facilities Fees in Modesto ("Capital Facilities Fee Report", February 1989, and "Capital Facilities Fee Report, Phase 2", October 1989).

It should be understood that the facilities listed will accommodate growth to buildout of the City of Modesto planning area. This amount of growth is projected to occur over approximately 20 to 25 years. While the facilities to be developed in the next few years are fairly well defined, the exact location, size and cost of individual facilities to be developed in later years is often undetermined. Furthermore, the manner in which city services are provided gradually evolves over time. In other words, this list is the best statement of facility needs that can be made at this time; it is intended that it will be continually updated as plans become more definitive. The following tables reflect updated information regarding the improvements themselves, as well as cost estimates adjusted for inflation to June 30, 1991.

PROJECTS

Police

Administration building expansion, parking garage, storage building, and vehicles - Table 1.

Fire

A total system at build-out of ten single engine fire stations and two double engine stations, fire trucks, other equipment, central administration and

A-1
equipment and maintenance building, regional training facility, and signal preemption system - Table 3.

**Wastewater Treatment**

Treatment plant expansion, (completed 1988), fixed film Reactor, treatment plant expansion to buildout - Table 5.

**Parks**

Additions to Tuolumne Park, a Golf Course, 29.2 neighborhood parks and 4.38 community parks with attendant recreation and multi-purpose buildings, tennis courts and equipment - Table 7.

**Other City Facilities and Equipment**

Administration building expansion, parking spaces, vehicles, equipment, and Corporation yard expansion - Table 9.

**Street Facilities**

Listed in Table 12.

**Public Transportation Facilities**

Buses, bus shelters, bus stops, and a downtown transit center - Table 14.

**Air Quality Facilities**

Traffic light synchronization, park and ride lots, express buses and vans, bike path construction, and pedestrian foot path construction - Table A.

**Surface Water Facilities**

Water treatment and conveyance facilities - Appendix A.
TABLE 1
POLICE FACILITIES
(June, 1991 dollars)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Building</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>$11,676,401</td>
</tr>
<tr>
<td>Equipment</td>
<td>891,552</td>
</tr>
<tr>
<td>Storage Building</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>636,433</td>
</tr>
<tr>
<td>Land</td>
<td>225,000</td>
</tr>
<tr>
<td>Parking Structure</td>
<td></td>
</tr>
<tr>
<td>Other Costs</td>
<td>1,464,407</td>
</tr>
<tr>
<td>Land</td>
<td>137,500</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$15,031,293</td>
</tr>
<tr>
<td>Contingency (5%)</td>
<td>751,565</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$15,782,858</td>
</tr>
<tr>
<td>Vehicles</td>
<td>1,966,032</td>
</tr>
<tr>
<td>Total</td>
<td>$17,748,890</td>
</tr>
</tbody>
</table>

Source: W. Mounce and Associates; Modesto Police Department; Recht Hausrath & Associates.
## TABLE 3
### CAPITAL FACILITIES EXPENDITURES:
#### FIRE PROTECTION SERVICES

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All Fire Stations</td>
<td></td>
<td></td>
<td>$7,590,000</td>
<td>7,992,270</td>
<td></td>
<td>$7,992,270</td>
</tr>
<tr>
<td>Construction</td>
<td>712,000</td>
<td></td>
<td>790,320</td>
<td>790,320</td>
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<td>790,320</td>
</tr>
<tr>
<td>Land 1</td>
<td>660,000</td>
<td></td>
<td>600,000</td>
<td>600,000</td>
<td></td>
<td>600,000</td>
</tr>
<tr>
<td>Fire trucks</td>
<td>5,550,000</td>
<td></td>
<td>6,193,800</td>
<td></td>
<td></td>
<td>6,193,800</td>
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<tr>
<td>Other Equipment</td>
<td>1,362,000</td>
<td></td>
<td>1,511,820</td>
<td></td>
<td></td>
<td>1,511,820</td>
</tr>
<tr>
<td>Central. Adm. Bldg.</td>
<td></td>
<td></td>
<td>1,084,000</td>
<td>1,141,452</td>
<td></td>
<td>1,141,452</td>
</tr>
<tr>
<td>Construction</td>
<td>295,000</td>
<td></td>
<td>327,450</td>
<td></td>
<td></td>
<td>327,450</td>
</tr>
<tr>
<td>Land 2</td>
<td>250,000</td>
<td></td>
<td>600,000</td>
<td></td>
<td></td>
<td>600,000</td>
</tr>
<tr>
<td>Equip. &amp; Maint. Bldg.</td>
<td>352,000</td>
<td></td>
<td>370,656</td>
<td></td>
<td></td>
<td>370,656</td>
</tr>
<tr>
<td>Signal Preemption</td>
<td>1,400,000</td>
<td></td>
<td>1,554,000</td>
<td></td>
<td></td>
<td>1,554,000</td>
</tr>
<tr>
<td>Regional Training</td>
<td>1,304,000</td>
<td></td>
<td>1,373,112</td>
<td></td>
<td></td>
<td>1,373,112</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,589,000</strong></td>
<td><strong>$22,454,880</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Includes a total of 7.5 acres: 0.5 acres apiece for ten one engine stations and Station 8, and 1.0 acre apiece for Stations 1 and 5.

2 One acre of land in Downtown Modesto.

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto.
TABLE 5
CAPITAL FACILITIES EXPENDITURES:
WASTEWATER TREATMENT PLANT EXPANSION
(June, 1991 dollars)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Expansion 1</th>
<th>Fixed Film Reactor</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expansion 1</td>
<td>$6,327,000</td>
<td>$3,386,610</td>
<td>$11,794,860</td>
</tr>
<tr>
<td>Fixed Film Reactor</td>
<td></td>
<td></td>
<td>$126,360</td>
</tr>
<tr>
<td>Expansion 2</td>
<td></td>
<td></td>
<td>$25,009,830</td>
</tr>
<tr>
<td>Land</td>
<td>3,375,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>11,794,860</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$25,009,830</strong></td>
</tr>
</tbody>
</table>

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto.
### TABLE 7

**CAPITAL FACILITY EXPENDITURES:**
**PARKS AND RECREATION SERVICES**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Neighborhood Parks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>$8,413,160</td>
<td></td>
<td>$16,297,080</td>
<td>4,002,260</td>
<td></td>
<td>$16,297,080</td>
</tr>
<tr>
<td>Equipment</td>
<td>3,605,540</td>
<td></td>
<td>4,002,260</td>
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<td></td>
<td>4,002,260</td>
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<tr>
<td>Construction</td>
<td>18,028,200</td>
<td>18,976,681</td>
<td>18,976,681</td>
<td></td>
<td></td>
<td>18,976,681</td>
</tr>
<tr>
<td><strong>Community Parks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>4,476,780</td>
<td></td>
<td>10,068,140</td>
<td>519,510</td>
<td></td>
<td>10,068,140</td>
</tr>
<tr>
<td>Equipment</td>
<td>468,027</td>
<td>519,510</td>
<td></td>
<td></td>
<td></td>
<td>519,510</td>
</tr>
<tr>
<td>Construction</td>
<td>15,404,193</td>
<td>16,214,623</td>
<td></td>
<td></td>
<td></td>
<td>16,214,623</td>
</tr>
<tr>
<td><strong>Tuolumne</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>4,784,000</td>
<td>2,705,208</td>
<td>4,000,000</td>
<td>6,705,208</td>
<td></td>
<td>6,705,208</td>
</tr>
<tr>
<td><strong>Dry Creek Park</strong></td>
<td>1,655,000</td>
<td></td>
<td>1,655,000</td>
<td></td>
<td></td>
<td>1,655,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>3,948,000</td>
<td></td>
<td>4,382,280</td>
<td></td>
<td></td>
<td>4,382,280</td>
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<tr>
<td>Multi Purpose Bldgs</td>
<td>1,582,000</td>
<td>1,665,231</td>
<td></td>
<td></td>
<td></td>
<td>1,665,231</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>870,000</td>
<td>915,772</td>
<td></td>
<td></td>
<td></td>
<td>915,772</td>
</tr>
<tr>
<td>Comm Rec Bldgs</td>
<td>7,492,000</td>
<td>7,886,161</td>
<td></td>
<td></td>
<td></td>
<td>7,886,161</td>
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<tr>
<td><strong>Total</strong></td>
<td>82,167,000</td>
<td></td>
<td>100,727,946</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Total required acreage, 240 acres is revalued at $80,000/acre, and reduced by 84 acres of existing capacity (valued at $35,000/acre).
2. Total required acreage, 128.8 acres, is revalued at $80,000/acre, and reduced by 4.7 acres of existing capacity (valued at $35,000/acre).
3. Tuolumne is treated as a complete system. See further discussion in the text.
4. It is assumed that land for the two additional golf courses is purchased prior to annexation at reduced price of $35,000/acre.
5. This land has already been purchased, so land cost will not increase.

TABLE 9
CAPITAL FACILITY EXPENDITURES: OTHER CITY GOVERNMENT FACILITIES

<table>
<thead>
<tr>
<th>Facility</th>
<th>Dec. 1988 Cost</th>
<th>Construction</th>
<th>Equipment</th>
<th>Land</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>500,000</td>
<td></td>
<td></td>
<td>400,000</td>
<td>400,000</td>
</tr>
<tr>
<td>Construction</td>
<td>1,470,000</td>
<td>1,547,910</td>
<td></td>
<td></td>
<td>1,547,910</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>1,200,000</td>
<td>1,263,600</td>
<td></td>
<td></td>
<td>1,263,600</td>
</tr>
<tr>
<td>Admin Offices</td>
<td>5,060,000</td>
<td>5,328,180</td>
<td></td>
<td></td>
<td>5,328,180</td>
</tr>
<tr>
<td>Admin Equipment</td>
<td>1,210,000</td>
<td>1,343,100</td>
<td></td>
<td></td>
<td>1,343,100</td>
</tr>
<tr>
<td>Vehicles</td>
<td>7,572,000</td>
<td>8,404,920</td>
<td></td>
<td></td>
<td>8,404,920</td>
</tr>
<tr>
<td>Total</td>
<td>17,012,000</td>
<td></td>
<td></td>
<td></td>
<td>18,287,710</td>
</tr>
</tbody>
</table>

1 Construction cost inflation factor is 5.3 percent.
2 Equipment inflation factor is 11.0 percent.
3 44,000 square feet of space X $115 per square foot.
4 Includes $550,000 computer upgrade and other equipment.

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto.

The overall escalation factor in costs for general government facilities is 7.5 percent. This reflects the higher inflation rate for vehicles and equipment. Table 10 presents the updated fees for other City facilities and equipment.
# STREET FACILITIES PROJECTS

## COSTS IN 1989 DOLLARS

<table>
<thead>
<tr>
<th>STREET</th>
<th>SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXPRESSWAYS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KIERNAN</td>
<td>Dale to Prescott</td>
<td>3,353</td>
<td>2,515</td>
<td>838</td>
</tr>
<tr>
<td>KIERNAN</td>
<td>Prescott to Tully</td>
<td>3,780</td>
<td>2,835</td>
<td>945</td>
</tr>
<tr>
<td>KIERNAN</td>
<td>Tully to McHenry</td>
<td>3,204</td>
<td>2,403</td>
<td>801</td>
</tr>
<tr>
<td>CLARIBEL</td>
<td>McHenry to Coffee</td>
<td>3,825</td>
<td>3,925</td>
<td>0</td>
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<tr>
<td>CLARIBEL</td>
<td>Coffee to Oakdale</td>
<td>3,433</td>
<td>3,433</td>
<td>0</td>
</tr>
<tr>
<td>CLARIBEL</td>
<td>Oakdale to Roselle</td>
<td>4,036</td>
<td>4,036</td>
<td>0</td>
</tr>
<tr>
<td>CLARIBEL</td>
<td>Roselle to Expressway</td>
<td>2,556</td>
<td>2,556</td>
<td>0</td>
</tr>
<tr>
<td>EXPRESSWAY</td>
<td>Claribel to Pelandale</td>
<td>3,841</td>
<td>3,841</td>
<td>0</td>
</tr>
<tr>
<td>EXPRESSWAY</td>
<td>Pelandale to Claus</td>
<td>861</td>
<td>861</td>
<td>0</td>
</tr>
<tr>
<td>CLAUS</td>
<td>Expressway to Sylvan</td>
<td>754</td>
<td>754</td>
<td>0</td>
</tr>
<tr>
<td>CLAUS</td>
<td>Sylvan to Floyd</td>
<td>3,587</td>
<td>3,587</td>
<td>0</td>
</tr>
<tr>
<td>CLAUS</td>
<td>Floyd to Briggsmore</td>
<td>4,114</td>
<td>4,114</td>
<td>0</td>
</tr>
<tr>
<td>CLAUS</td>
<td>Briggsmore to Scenic</td>
<td>2,706</td>
<td>2,706</td>
<td>0</td>
</tr>
<tr>
<td>CLAUS</td>
<td>Scenic to Lat. No. 2</td>
<td>3,584</td>
<td>3,584</td>
<td>0</td>
</tr>
<tr>
<td>CLAUS</td>
<td>Lat. No. 2 to Yosemite</td>
<td>804</td>
<td>804</td>
<td>0</td>
</tr>
<tr>
<td>GARNER</td>
<td>Yosemite to Finch</td>
<td>4,111</td>
<td>4,111</td>
<td>0</td>
</tr>
<tr>
<td>GARNER</td>
<td>Finch to Hatch</td>
<td>11,893</td>
<td>11,993</td>
<td>0</td>
</tr>
<tr>
<td>BRIGGSMORE</td>
<td>SR99 to Prescott</td>
<td>392</td>
<td>392</td>
<td>0</td>
</tr>
<tr>
<td>BRIGGSMORE</td>
<td>Prescott to Tully</td>
<td>2,715</td>
<td>2,715</td>
<td>0</td>
</tr>
<tr>
<td>BRIGGSMORE</td>
<td>Tully to McHenry</td>
<td>3,532</td>
<td>3,532</td>
<td>0</td>
</tr>
<tr>
<td>BRIGGSMORE</td>
<td>McHenry to Coffee</td>
<td>3,412</td>
<td>3,412</td>
<td>0</td>
</tr>
<tr>
<td>BRIGGSMORE</td>
<td>Coffee to Oakdale</td>
<td>3,151</td>
<td>3,151</td>
<td>0</td>
</tr>
<tr>
<td>BRIGGSMORE</td>
<td>Oakdale to Roselle</td>
<td>3,159</td>
<td>3,159</td>
<td>0</td>
</tr>
<tr>
<td>BRIGGSMORE</td>
<td>Roselle to Claus</td>
<td>2,668</td>
<td>2,668</td>
<td>0</td>
</tr>
<tr>
<td>URBAN INTERCHANGES</td>
<td>SR99 to Morse/Nebraska</td>
<td>32,000</td>
<td>32,000</td>
<td>0</td>
</tr>
<tr>
<td>SR 132</td>
<td>SR99 to Morse/Nebraska</td>
<td>40,000</td>
<td>24,000</td>
<td>16,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>151,571</td>
<td>132,987</td>
<td>18,584</td>
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</table>

## EAST-WEST ARTERIALS

<table>
<thead>
<tr>
<th>STREET</th>
<th>SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td>PELANDALE</td>
<td>Dale to Prescott</td>
<td>2,730</td>
<td>2,730</td>
<td>0</td>
</tr>
<tr>
<td>PELANDALE</td>
<td>Prescott to Tully</td>
<td>2,478</td>
<td>2,478</td>
<td>0</td>
</tr>
<tr>
<td>PELANDALE</td>
<td>Tully to McHenry</td>
<td>3,899</td>
<td>3,899</td>
<td>0</td>
</tr>
<tr>
<td>PELANDALE</td>
<td>McHenry to Coffee</td>
<td>3,149</td>
<td>3,149</td>
<td>0</td>
</tr>
<tr>
<td>PELANDALE</td>
<td>Coffee to Oakdale</td>
<td>2,605</td>
<td>2,605</td>
<td>0</td>
</tr>
<tr>
<td>PELANDALE</td>
<td>Oakdale to Roselle</td>
<td>2,817</td>
<td>2,817</td>
<td>0</td>
</tr>
<tr>
<td>PELANDALE</td>
<td>Roselle to Expressway</td>
<td>2,380</td>
<td>2,380</td>
<td>0</td>
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<tr>
<td>YOSEMITE</td>
<td>El Vista to Lincoln</td>
<td>1,979</td>
<td>1,979</td>
<td>0</td>
</tr>
<tr>
<td>YOSEMITE</td>
<td>Lincoln to Mariposa</td>
<td>239</td>
<td>239</td>
<td>0</td>
</tr>
<tr>
<td>YOSEMITE</td>
<td>Mariposa to Claus</td>
<td>738</td>
<td>738</td>
<td>0</td>
</tr>
<tr>
<td>YOSEMITE</td>
<td>Claus to East U.L.</td>
<td>1,749</td>
<td>1,749</td>
<td>0</td>
</tr>
<tr>
<td>YOSEMITE</td>
<td>Empire Grade Separation</td>
<td>12,000</td>
<td>4,800</td>
<td>40% 7,200</td>
</tr>
<tr>
<td>HATCH</td>
<td>Crows Landing to SR 99</td>
<td>5,474</td>
<td>5,474</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42,237</td>
<td>35,037</td>
<td>7,200</td>
</tr>
</tbody>
</table>
## STREET FACILITIES PROJECTS

**COSTS IN 1989 DOLLARS**

<table>
<thead>
<tr>
<th>STREET SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NORTH-SOUTH ARTERIALS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prescott Kiernan to Snyder</td>
<td>2,955</td>
<td>2,955</td>
<td>0</td>
</tr>
<tr>
<td>Carpenter Kansas to Maze</td>
<td>1,081</td>
<td>1,081</td>
<td>0</td>
</tr>
<tr>
<td>Carpenter Maze to California</td>
<td>971</td>
<td>971</td>
<td>0</td>
</tr>
<tr>
<td>Carpenter California to Paradise</td>
<td>1,815</td>
<td>1,815</td>
<td>0</td>
</tr>
<tr>
<td>Carpenter Paradise to Hatch</td>
<td>6,557</td>
<td>6,557</td>
<td>0</td>
</tr>
<tr>
<td>Tully Pelandale to Standiford</td>
<td>290</td>
<td>290</td>
<td>0</td>
</tr>
<tr>
<td>McHenry Pelandale to Standiford</td>
<td>961</td>
<td>961</td>
<td>0</td>
</tr>
<tr>
<td>Coffee Claribel to Pelandale</td>
<td>680</td>
<td>680</td>
<td>0</td>
</tr>
<tr>
<td>Oakdale Claribel to Pelandale</td>
<td>911</td>
<td>911</td>
<td>0</td>
</tr>
<tr>
<td>Oakdale Pelandale to Sylvan</td>
<td>692</td>
<td>692</td>
<td>0</td>
</tr>
<tr>
<td>Roselle Floyd to Briggsmore</td>
<td>260</td>
<td>260</td>
<td>0</td>
</tr>
<tr>
<td>Lakewood Briggsmore to Scenic</td>
<td>978</td>
<td>978</td>
<td>0</td>
</tr>
<tr>
<td>Lincoln Scenic to Yosemite</td>
<td>2,300</td>
<td>2,300</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>20,401</td>
<td>20,401</td>
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</table>

<table>
<thead>
<tr>
<th>STREET SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRAFFIC SIGNALS (new and modifications)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New signals</td>
<td>18,965</td>
<td>100% 18,965</td>
<td>0</td>
</tr>
<tr>
<td>Modifications</td>
<td>3,680</td>
<td>100% 3,680</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STREET SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MEDIANS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On selected intersection approaches</td>
<td>509</td>
<td>100% 509</td>
<td>0</td>
</tr>
<tr>
<td>On new or widened streets</td>
<td>1,003</td>
<td>100% 1,003</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STREET SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SR 99 INTERCHANGES IMPROVEMENTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pelandale Interchange</td>
<td>4,911</td>
<td>50% 2,456</td>
<td>50% 2,456</td>
</tr>
<tr>
<td>Beckwith/Standiford Interchange</td>
<td>7,822</td>
<td>100% 7,822</td>
<td>0</td>
</tr>
<tr>
<td>Carpenter/Briggsmore Interchange</td>
<td>771</td>
<td>100% 771</td>
<td>0</td>
</tr>
<tr>
<td>Maze Northbound Ramp</td>
<td>200</td>
<td>100% 200</td>
<td>0</td>
</tr>
<tr>
<td>1 Street Ramps Intersections</td>
<td>122</td>
<td>100% 122</td>
<td>0</td>
</tr>
<tr>
<td>Hatch Interchange</td>
<td>4,000</td>
<td>33% 1,320</td>
<td>67% 2,680</td>
</tr>
<tr>
<td><strong>SR 99 INTERCHANGES Prelim Plan Studies</strong></td>
<td>200</td>
<td>100% 200</td>
<td>0</td>
</tr>
<tr>
<td><strong>SR 99 INTERCHANGES Project Study Reports</strong></td>
<td>160</td>
<td>100% 160</td>
<td>0</td>
</tr>
</tbody>
</table>

**GRAND TOTAL** | 256,553 | 225,633 | 30,920

---

### Escalation of 1989 Costs to 1991 Costs

<table>
<thead>
<tr>
<th></th>
<th>Construction</th>
<th>Equipment</th>
<th>Land</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total 1989 Costs</td>
<td>187,946</td>
<td>22,645</td>
<td>15,042</td>
<td>225,633</td>
</tr>
<tr>
<td>Escalation to 1991</td>
<td>9,961</td>
<td>2,491</td>
<td>-0-</td>
<td>12,452</td>
</tr>
<tr>
<td>Total 1991 Costs</td>
<td>197,907</td>
<td>25,136</td>
<td>15,042</td>
<td>238,085</td>
</tr>
</tbody>
</table>

a Construction cost inflation factor is 5.3 percent
b Equipment cost inflation factor is 11.0 percent
c No land cost escalation factor is applied
<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buses</td>
<td>$3,324,672</td>
</tr>
<tr>
<td>Bus Shelters</td>
<td>183,222</td>
</tr>
<tr>
<td>Bus Stops</td>
<td>133,731</td>
</tr>
<tr>
<td>Transit Center</td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>315,967</td>
</tr>
<tr>
<td>Construction</td>
<td>418,539</td>
</tr>
<tr>
<td>Total</td>
<td>$4,376,131</td>
</tr>
</tbody>
</table>

Source: Capital Facilities Fee Report, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto.
### TABLE A

AIR QUALITY MITIGATION PROJECTS  
(Unchanged from Capital Facilities Fee report)

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Light Synchronization</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>Park and Ride Lots</td>
<td>4 @ $175,000</td>
</tr>
<tr>
<td>Vanpooling/Carpooling</td>
<td>700,000</td>
</tr>
<tr>
<td>Bike Paths/Storage</td>
<td></td>
</tr>
<tr>
<td>Class I</td>
<td>30 Miles @ $105,600</td>
</tr>
<tr>
<td>Class II</td>
<td>50 miles @ $39,000</td>
</tr>
<tr>
<td>Footpaths, Pedestrian Access</td>
<td>20 miles @ $35,000</td>
</tr>
<tr>
<td>Total</td>
<td>$10,302,000</td>
</tr>
</tbody>
</table>

Source: Capital Facilities Fee Report, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto.
A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS, ELECTRICAL CONTRACTOR, INC. FOR MODIFICATION OF TRAFFIC SIGNALS AT BRIGGSMORE/CARPENTER AND ORANGEBURG/SISK, AND FOR RESTRIPPING CARPENTER ROAD BETWEEN ORANGEBURG/SISK AND BLUE GUM

WHEREAS, Resolution No. 91-5, adopted by the Council of the City of Modesto on January 8, 1991, approved the plans and specifications for traffic signal modifications and restriping of Carpenter Road between Orangeburg/Sisk and Blue Gum and authorized the calling for bids; and

WHEREAS, the bids received for modification of traffic signals at Briggsmore/Carpenter and Orangeburg/Sisk, and restriping Carpenter Road between Orangeburg/Sisk and Blue Gum were opened at 11:00 a.m. on January 31, 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, Inc. in the amount of $85,512 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, Inc. in the amount of $85,512 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 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-92

A RESOLUTION ACCEPTING THE BID OF MODESTO FORD TRACTOR, INC. FOR FURNISHING ONE NEW ARTICULATING LOADER

WHEREAS, Resolution No. 91-4, adopted by the Council of the City of Modesto on January 8, 1991, approved the plans and specifications for the purchase of one new articulating loader and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one new articulating loader were opened at 10:00 a.m. on February 4, 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 Modesto Ford Tractor, Inc. in the amount of $57,506.89 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Modesto Ford Tractor, Inc. in the amount of $57,506.89 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 19th day of February, 1991, by Councilmember Lang, 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, Lang,
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
A RESOLUTION ACCEPTING THE BID OF SEFAC LIFT & EQUIPMENT CORP. FOR FURNISHING MOBILE WHEEL LIFT JACKS

WHEREAS, Resolution No. 91-48, adopted by the Council of the City of Modesto on January 22, 1991, approved the plans and specifications for the purchase of mobile wheel lift jacks and authorized the calling for bids; and

WHEREAS, the bids received for furnishing mobile wheel lift jacks were opened at 11:05 a.m. on February 11, 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 Sefac Lift & Equipment Corp. in the amount of $41,435 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sefac Lift & Equipment Corp. in the amount of $41,435 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 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 91-94

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWENTY-ONE TRUCKS THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested the purchase of twenty-one trucks to replace trucks currently in operation that have high mileage and unacceptable downtime for repairs which may impact the City's ability to serve the community; and

WHEREAS, the City has used the State's Cooperative Purchasing Program because the State purchases in such large numbers they can extend the savings to public agencies.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twenty-one trucks is hereby waived.

BE IT FURTHER RESOLVED that purchase of twenty-one trucks through the State of California Cooperative Purchasing Contract for a total price of $266,794.25 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-95

A RESOLUTION REJECTING ALL BIDS FOR FURNISHING TWO WATER ADSORPTION-FILTER SYSTEMS TO BE INSTALLED AT WELL #2 AND WELL #30, OPENED IN THE OFFICE OF THE CITY CLERK ON OCTOBER 29, 1990

WHEREAS, Resolution No. 90-853 adopted by the Council of the City of Modesto on October 16, 1990, approved the plans and specifications for furnishing a carbon water adsorption system for Wells #2 and #30, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of two water adsorption-filter systems were opened at 10:00 a.m. on October 29, 1990, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, due to bidder protests of the award, it was recommended that all bids for the two water adsorption-filter systems be rejected.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing two water adsorption-filter systems for Wells #2 and #30 and opened in the office of the City Clerk on October 16, 1990, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________
NORRINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF THREE WATER ADSORPTION-FILTER SYSTEMS TO BE INSTALLED AT WELLS #2, #11, AND #30 FROM CALGON CARBON CORPORATION

WHEREAS, the Public Works and Transportation Department, Operations Division, has requested the purchase of three water adsorption-filter systems to be installed in three wells out of operation due to DBCP contamination; and

WHEREAS, it is expected to take several months to refurbish the City's water system in order to meet summer pumping requirements, and if the work is not started immediately, there will be reduced water pressure and possible health consequences this summer; and

WHEREAS, Calgon Carbon Corp. was selected to provide and install the requested water adsorption-filter systems because of their extensive experience in this area, their superior quality of product, and their ability to deliver and install within one week after notification.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of three water adsorption-filter systems is hereby waived.

BE IT FURTHER RESOLVED that purchase of three water adsorption-filter systems from Calgon Carbon Corporation for a total cost of $597,840 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-97

A RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATES TO THE STANISLAUS COUNTY WATER COORDINATION ADVISORY COMMITTEE

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

SECTION 1. The following persons are hereby appointed to the Stanislaus County Water Coordination Advisory Committee:

Representative: Councilmember Richard Patterson
Alternate: Councilmember Frank Muratore
Second Alternate: Director of Public Works or his designee

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Stanislaus County Water Coordination Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Dobbs, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:______________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-98

A RESOLUTION APPROVING APPROPRIATION TRANSFER of $12,773 FOR PURCHASE OF COMMUNICATION EQUIPMENT FOR THE POLICE DEPARTMENT

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

FROM: Asset Forfeiture (860 3410)

TO: Radio Equipment (010 190 1921 5000)

                  Portable Generator (010 190 1901 5000)

$12,773 $ 8,862 3,911

Ten portable radios and one charging unit will be purchased for the Police Department. These radios will be assigned to patrol supervisors and will allow them access to all radio channels used by the department. A generator will be installed in the Mobile Emergency Operations Center bus. The generator will make it possible to provide communication capabilities in the event of a power outage or emergency without the need for electricity from an outside source.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NONNINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY CONCERNING THE CITY'S OBLIGATION RELATED TO AN ENCROACHMENT PERMIT TO INSTALL A 10" WATERLINE IN LONE PALM AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County concerning the City's obligation related to an encroachment permit to install a 10" waterline in Lone Palm 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 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patter; Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-100

A RESOLUTION APPROVING THE FINAL MAP OF THE WOODLAND WOODS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Greg A. Smith and Sandra Smith, husband and wife; A. Russell Evers, Jr., and Wilma Von Flue Evers, husband and wife; and David E. Kamrar and Carole Lynn Kamrar, husband and wife, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.036 acres, known as the Woodland Woods Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of November, 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 Woodland Woods 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 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING
(LORI NEIMARK)

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:

Lori Neimark
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 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 19th day of February 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobb, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________
NORME COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-102

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION (CLARISSA TENORIO)

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

SECTION 1. The following person is hereby appointed to the Culture Commission for the respective term as indicated:

Clarissa Tenorio
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 Culture Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-103

A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION (LOUIS LEVIN)

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

SECTION 1. The following person is hereby appointed to the Human Relations Commission for the respective term as indicated:

Louis Levin
Term to expire: 1/1/93

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-104

A RESOLUTION APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(CAROL QUINLAN)

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

SECTION 1. The following person is hereby appointed to the International Friendship Committee for the respective term as indicated:

Carol Quinlan
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 International Friendship Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORMA COYLE, City Clerk

Committees
MODESTO CITY COUNCIL
RESOLUTION NO. 91-105

A RESOLUTION APPROVING SUPPLEMENTING THE PAY AND BENEFITS, UNTIL JUNE 30, 1991, FOR CITY EMPLOYEES CALLED TO ACTIVE DUTY AS A RESULT OF THE PERSIAN GULF WAR.

WHEREAS, there is a likelihood that some City employees may be called to active military duty as a result of the Persian Gulf War, and

WHEREAS, current state and federal law requires that employees who are called up to active military duty be kept on regular paid status for a period of 30 days, after 30 days said employees would be on unpaid leave, and

WHEREAS, while on unpaid leave status, employees would have to pay the full cost of health insurance for themselves and dependents and dental and vision coverage would not be available, and

WHEREAS, employees would face potential hardships due to a loss of income after 30 days and the cost of continuing health insurance coverage for dependents, and

WHEREAS, City staff recommends that the City Council take steps to make employees who are called to active military duty whole in terms of pay and health, dental, and vision benefits, and

WHEREAS, City staff recommends that a City employee on active military duty as a result of the Persian Gulf War should receive from the City, until June 30, 1991, the difference between the amount of the employee's military pay and the amount the employee would have received as a City employee. During the second and third months of duty the City supplement would be reduced by the amount of military pay the City employee received during the first 30 days of active military duty, and

WHEREAS, for those with dependent coverage the City would contribute the amount now contributed for health, dental, and vision insurance.
those employees without dependent coverage, however, the City would not pay in-lieu deferred compensation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approhes of supplementing the pay and benefits, until June 30, 1991, of City employees called to active military duty as a result of the Persian Gulf War.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that a City employee on active military duty as a result of the Persian Gulf War shall receive from the City, until June 30, 1991, the difference between the amount of the employee's military pay and the amount the employee would have received as a City employee. During the second and third months of duty the City supplement shall be reduced by the amount of military pay the City employee received during the first 30 days of active military duty.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that for those with dependent coverage the City would contribute the amount now contributed for health, dental, and vision insurance. For those employees without dependent coverage, however, the City would not pay in-lieu deferred compensation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: [Signature]
STAN T. YAMAMOTO, City Attorney

ATTEST: [Signature]
NORRINE COYLE, City Clerk

[Seal]
MODESTO CITY COUNCIL
RESOLUTION NO. 91-106

A RESOLUTION GRANTING THE REQUEST FOR FINANCIAL ASSISTANCE
FILED BY THE BEYER HIGH SCHOOL WIND ENSEMBLE TO ASSIST
WITH EXPENSES FOR A SPECIAL APPEARANCE AT THE CALIFORNIA
MUSIC EDUCATORS ASSOCIATION CONVENTION IN SANTA CLARA AND
FOR CONCERT APPEARANCES IN THE BAY AREA.

WHEREAS, the Beyer High School Wind Ensemble has been honored by
being selected as the only California high school band to play at the
California Music Educators Association Convention to be held in Santa Clara in
March, 1991, and

WHEREAS, in conjunction with that appearance, the band will perform
concerts at other locations during a three-day tour of the Bay Area, and

WHEREAS, a request for financial assistance to help defray the costs
of the trip was presented to the City Council at its meeting of February 12,
1991, which request was referred to City Staff for study and recommendation,
and

WHEREAS, the City Council, by Resolution No. 80-1065 as amended by
Resolution No. 81-716, adopted a "Policy For Evaluating Requests For City
Financial Assistance, and

WHEREAS, the Council has reviewed said policy and finds said request
to be in conformance with said policy and in addition finds it appropriate to
grant approval for financial assistance to the Beyer High School Wind Ensemble
to help defray the costs of said trip, and

WHEREAS, City staff has recommended to the City Council that
financial assistance in the amount of $1,000 be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby grants the request for financial assistance filed by the Beyer
High School Wind Ensemble in the amount of $1,000, as recommended by City staff, to help defray costs for a special appearance at the California Music Educators Association Convention in Santa Clara and for concert appearances in the Bay Area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

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. 91-107

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(482). (SCENIC DRIVE #1 -JOHN DOXEY AND ASSOCIATES)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Scenic Drive #1, a Limited Partnership, c/o John R. Doxey and Associates on December 3, 1990, to reclassify from Planned Development Zone, P-D(420), allowing a 152-unit two-story condominium, to a new Planned Development Zone, P-D(482), to allow a 62-lot de facto zero lot line single-family home subdivision, property located on the south side of Scenic drive, west of Rose Avenue, described as follows:

All that certain real property situate in a portion of the north half of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the northeast corner of Lot "1" Wellington Cove Condominiums as shown on the map filed in Book 32 of Maps at Page 39, Stanislaus County Records, said point being on the south line of present 90 foot wide Scenic Drive; thence South 0°33'03" East on the east line of said Wellington Cove Condominiums, 554.14 feet to the centerline of Dry Creek as shown on the map filed in Book 16 of Surveys at Page 71, Stanislaus County Records; thence along said Dry Creek centerline, the following two courses and distances:

1) South 75°55'52" West, 392.11 feet; thence
2) South 52°37'40" West, 384.89 feet; thence
North 0°33'51" West 683.05 feet to the south line of present 90 foot wide Scenic Drive; thence North 73°46'06" East along said south line of Scenic Drive 13.60 feet to an angle point in said south line of Scenic Drive; thence continuing along said south line of Scenic Drive North 73°46'48" East 702.53 feet to the point of beginning of this description.

Including also all the southern one-half of 90.00 foot wide Scenic Drive located immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on January 28, 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. 91-8
that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed residential development is in accordance with the General Plan which provides for a variety of housing types in all neighborhoods.

2. The proposed residential development compares favorably with other single-family developments in Modesto which also feature private streets.

WHEREAS, after a public hearing held on February 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Scenic Drive #1, a Limited Partnership, c/o John R. Doxey and Associates 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. 91-8 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2753-C.S. on the 26th day of February, 1991, reclassifying the above-described property from Planned Development Zone, P-D(420), to Planned Development Zone, P-D(482).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(482), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Wellington Cove - Grant Homes, Modesto, California" as amended in red, stamped approved by the Planning Commission on January 28, 1991.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan including a plan for retention of on-site trees and maintenance of the Dry Creek frontage shall be approved by
the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

a. Seven-foot-high, double-sided alternating board fence at a minimum around all patios.

b. Any security fencing along the top of bluff of Dry Creek shall be wrought iron only.

c. Six-foot-high decorative masonry wall with wrought iron opening as desired along the north property line.

d. Seven-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the entire east and west property lines.

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

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

6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

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

10. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
11. Prior to issuance of a 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.

12. All signs shall comply with the sign requirements of the R-3 Zone.

13. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.

14. There shall be no second-story balconies, decks, or windows, except high bathroom windows, which allow view into neighbors' private patios. Any exceptions shall be subject to plan review by the Planning and Community Development Director in accordance with similar procedures for the R-1 zone.

15. 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.

16. As a traffic mitigation measure, the developer shall design and construct at developer's expense all necessary improvements to modify the existing traffic signal system at the Scenic and Rose intersection including, but not necessarily limited to, relocation of traffic signal poles, signal heads, and controller cabinet, addition of new signal heads, mast arms, wiring, controller phases, and detector loops.

17. Prior to issuance of a building permit, the developer shall grant to the City of Modesto an easement for the purpose of installation and maintenance of any traffic signal control equipment which is to be placed outside of the public rights-of-way.

18. The project driveway approach shall be a drop curb approach and its geometry and the stacking distance provided on the approach shall be approved by the Public Works and Transportation Director.

19. Prior to issuance of a building permit, plans for all street, traffic signal, and driveway approach improvements shall be
submitted to the Public Works and Transportation Director for approval, and all improvements shall be constructed in accordance with the approved plans.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(482):

The entire construction program shall be accomplished in one phase, construction to begin on or before January 28, 1993, and completion to be not later than January 28, 1994.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(482) becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

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:

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MODESTO CITY COUNCIL
RESOLUTION NO. 91-108

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM
PLANNED DEVELOPMENT ZONE, P-D(420), TO PLANNED DEVELOPMENT
ZONE, P-D(482).

WHEREAS, on February 26, 1991, the City Council introduced
Ordinance No. 2753-C.S. giving approval to a project relating to an
amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to
reclassify from Planned Development Zone, P-D(420), to Planned Development
Zone, P-D(482), property located on the south side of Scenic Drive, West of
Rose Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 27-3-9 of the Zoning Map of
the City of Modesto to reclassify from Planned Development Zone, P-D(420), to
Planned Development Zone, P-D(482), property located on the south side of
Scenic Drive, West of Rose Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1989, by Councilmember Irizarry, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION NO. 91-109

A RESOLUTION PRELIMINARILY APPROVING ENGINEER'S REPORT, APPOINTING TIME AND PLACE OF HEARING PROTESTS AND DIRECTING NOTICE THEREOF, AND DESCRIBING PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT AND DIRECTING FILING OF BOUNDARY MAP

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, on February 26, 1991, this Council adopted Resolution No. 91-109, a Resolution of Intention to Make Acquisitions and Improvements, in which certain acquisitions and improvements were referred to the Engineer of Work for the purpose of making and filing a report in writing under and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the report has been made and filed and duly considered by this Council;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. The report as a whole and each part of it, to wit:
   (a) the plans and specifications for the proposed improvements;
   (b) the maps and descriptions of the lands and easements to be acquired, if any;
   (c) the engineer's estimate of the itemized and total costs and expenses of the acquisitions and improvements, and of the incidental expenses in connection with them;
   (d) the diagram showing the assessment district and the boundaries and dimensions of the respective subdivisions of land within the district; and
   (e) the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the acquisitions and improvements, and of the expenses incidental to the acquisitions and improvements; and

2. The report shall stand as the Engineer's Report for the purpose of all subsequent proceedings regarding the assessment district.

3. Tuesday, April 16, 1991, at the hour of 7:30 o'clock P.M., in the regular meeting place of this Council, City Council Chambers, City Hall, 801 11th Street, Modesto, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council will consider and finally determine whether the public interest, convenience and necessity require the
acquisitions and improvements, and when and where it will consider and finally act upon the Engineer's Report.

4. The City Clerk shall cause notice of the hearing to be given by publication once a week for two weeks in the *Modesto Bee*, a newspaper published and circulated in the City of Modesto, and by conspicuous posting along all the open streets within the assessment district at not more than three hundred feet apart, and not less than three in all. The first publication of the notice shall be made and the posting shall be completed at least twenty days before the date set in this Resolution for the hearing. The notices shall be headed "Notice of Improvement" (in letters of not less than one inch in height on the posted notice) and shall, in legible characters, state and contain: the fact and date of the passage of the Resolution of Intention, the filing of the report, the date, hour and place set for and the purpose of the hearing on the resolution and report and of protests; the total estimated cost, and a brief description of the proposed acquisitions and improvements; a statement that any person interested may file a protest in writing as provided in Division 12 of the Streets and Highways Code; the name and telephone number of the person designated by the City of Modesto to answer inquiries regarding the protest proceedings; and reference to the resolution and report for further particulars.

5. The City Clerk shall also cause notice of the hearing to be mailed, postage prepaid, at least twenty days before the date set in this Resolution for the hearing, to all persons owning real property to be assessed whose names and addresses appear on the last equalized assessment roll for general taxes or are known to the City Clerk. The notices shall contain, in addition to the matters provided above for the notice to be published and posted, the amount, as shown by the report, to be assessed against the particular parcel covered by each such notice, respectively. The notices shall be mailed to the owners at their addresses as they appear on the assessment roll, or as known to the City Clerk, or to both if not the same.

6. The proposed boundaries of the assessment district are hereby described as shown on a map of the assessment district filed in the office of the City Clerk, which indicates by a boundary line the extent of the territory included in the proposed assessment district and which shall govern for all details as to the extent of the district, reference to such map being hereby made for particulars. The map contains the name of the City and a distinctive designation in words or by number of the district shown on it.

7. The City Clerk shall endorse certificates on the original and at least one copy of this map evidencing the above filing and the date and adoption of this resolution, and within 15 days after adoption of this resolution, and in no event later than 15 days prior to the hearing, shall file a copy of the map with the County Recorder of the County of Stanislaus, in which County all of the proposed assessment district is located. The County Recorder shall endorse on the copy of the map the time and date of filing and shall fasten the same securely in a book of maps of assessment
districts which he shall keep in his office, and index the map by the name of the City and by the distinctive designation of the district as shown on such map.

************

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside
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. 91-110

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT DISTRICT NO. 29

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

SECTION 1. The plans and specifications for Improvement District No. 29 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 March 26, 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 91-112

A RESOLUTION OF INTENTION
TO MAKE ACQUISITIONS AND IMPROVEMENTS

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

1. The public interest, convenience and necessity require, and that it intends to order the making of the acquisitions and improvements described in Exhibit "A" attached and by this reference made a part of this Resolution.

2. Except as otherwise provided in this Resolution for the issuance of bonds, all of the work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Act").

3. All of the work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as provided in this Resolution. There is to be excepted from the work above described any work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications. Whenever any public way is referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work is shown on the plans to be done in those intersections. The streets and highways are or will be more particularly shown in the records in the office of the County Recorder of the County of Stanislaus, State of California, and shall be shown upon the plans.

4. Notice is hereby given of the fact that in many cases the work and improvements will bring the finished work to a grade different from that formerly existing, and that to this extent the grades are hereby changed and that the work will be done to these changed grades.

5. In cases where there is any disparity in level or size between the improvements proposed to be made in this Resolution and private property and where it is more economical to eliminate this disparity by work on the private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do the work on private property to eliminate the disparity. In these cases, the work on private property shall,
with the written consent of the owner of the property, be done and its actual cost may be added to the proposed assessment of the lot on which the work is to be done.

6. This Council does hereby adopt and establish as the official grades for the work the grades and elevations to be shown upon the plans, profiles and specifications. All of these grades and elevations are to be in feet and decimals of feet with reference to the datum plane of this City.

7. The descriptions of the acquisitions and improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of their description. The plans and profiles of the work and maps and descriptions as contained in the Engineer's Report, as directed in this Resolution to be made and filed, shall be controlling as to their correct and detailed description.

8. The contemplated acquisitions and improvements, in the opinion of this Council, are of local public benefit, and their costs and expenses are made chargeable upon an assessment district, the exterior boundaries of which are shown on a map on file in the office of the City Clerk, to which reference is hereby made for further particulars. This map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

9. This Council declares that all public streets, highways, lanes and alleys within the assessment district in use in the performance of a public function, and all lands owned by any public entity, including the United States and the State of California, or any of their departments, shall be omitted from the assessment hereafter to be made to cover the costs and expenses of the acquisitions and improvements.

10. If any excess shall be realized from the assessment it shall be used, in amounts as this Council may determine, in accordance with the provisions of law, for one or more of the following purposes:

   (a) Transfer to the general fund of this City, provided that the amount of any such transfer shall not exceed the lesser of $1,000 or 5% of the total amount expended from the improvement fund;

   (b) As a credit upon the assessment and any supplemental assessment, or, in the alternative, to call any outstanding bonds; or

   (c) For the maintenance of the improvements.

11. To the extent that any of the work, rights, improvements and acquisitions indicated in the Engineer's Report, to be made as provided in this Resolution, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this City, or of any public utility, it is the intention of this Council to enter into an agreement with that public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of Division 12 of the Act, which agreement may provide for, among other matters,
the ownership, operation and maintenance by that agency or utility of the works, rights, improvements and acquisitions, and may provide for the installation of all or a portion of the improvements by that agency or utility and for the providing of service to the properties in the area benefiting from the work, rights, improvements and acquisitions by that agency or utility in accordance with its rates, rules and regulations, and that the agreement shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of the agreement.

12. Notice is hereby given that, in the opinion of this Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and therefore that, pursuant to Section 20487 of the Public Contract Code, no notice of award of contract shall be published.

13. The acquisitions and improvements are hereby referred to Alfred Kaufman, Special Projects Manager of the Public Works and Transportation Department of the City, as the officer having charge and control of acquisitions and construction of public improvements in and for this City of the kind described in this Resolution (the "Engineer of Work"), and the Engineer of Work is hereby directed to make and file with the Clerk a report in writing, presenting the following:

   (a) Maps and descriptions of the lands and easements to be acquired, if any;

   (b) Plans and specifications of the proposed improvements if the improvements are not already installed. The plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and the type of improvements to be provided for each zone. The plans and the specifications may be prepared as separate documents, or either or both may be incorporated in the report as a combined document.

   (c) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvements, if the works, appliances, or property are to be acquired as part of the improvements.

   (d) An estimate of the cost of the improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the improvements, including any cost of registering bonds. If the Council, as herein otherwise provided in this Resolution, has ordered that private utility damages be included in the assessment, the report shall contain an estimate of the private utility damages.

   (e) A diagram showing, as they existed at the time of the passage of the this Resolution, all of the following:

       1. The exterior boundaries of the assessment district.

       2. The boundaries of any zones within the district.

       3. The lines and dimensions of each parcel of land within the district.
Each subdivision, shall be given a separate number upon the diagram. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

(f) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the improvement. The assessment shall refer to the subdivisions by their respective numbers as assigned under subparagraph (e) above.

When any portion or percentage of the costs and expenses of the acquisitions and improvements is to be paid from sources other than assessments, the amount of that portion or percentage shall first be deducted from the total estimated cost and expenses of the acquisitions and improvements, and the assessment shall include only the remainder of the estimated cost and expenses.

14. Notice is hereby given that serial bonds or term bonds, or both, to represent unpaid assessments, and bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of the bonds, will be issued in these proceedings in the manner provided by the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California (the "Bond Law"), the last installment of which bonds shall mature not to exceed twenty-five (25) years from the second day of September next succeeding twelve months from their date. The provisions of Part 11.1 of the Bond Law, providing an alternative procedure for the advance payment and calling of bonds, shall apply to the bonds issued in these proceedings. It is the intention of this Council to create a special reserve fund pursuant to and as authorized by Part 16 of the Bond Law. It is the intention of the City that the City will not obligate itself to advance available funds from the treasury of the City to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that a determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

The bonds may be refunded pursuant to the provisions of Division 11.5 of the Streets and Highways Code of California upon the determination of the City Council of the City that the public interest or necessity requires a refunding. A refunding may be undertaken by this Council when, in its opinion, lower prevailing interest rates may allow reduction in amount of the installments of principal and interest upon the assessments to be given to owners of property assessed for the works described in this Resolution. Refunding bonds shall bear interest at a rate not to exceed that which is stated in the resolution of this Council expressing its intention to issue the refunding bonds, which resolution of intention shall also set forth the maximum term of years of the
refunding bonds. Any adjustment to assessments resulting from the refunding will be done on a pro rata basis. The refunding shall be accomplished pursuant to Division 11.5 (commencing with Section 9500) of the Streets and Highways Code of California, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Council finds that each of the conditions specified in the resolution of intention is satisfied and that adjustments to the assessments are on a pro rata basis, the Council may approve and confirm the report and may, without further proceedings, authorize, issue and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the Streets and Highways Code of California.

15. Notice is hereby given that it is the intention of this Council to comply with the requirements of Division 4 of the Streets and Highways Code by proceeding under Part 7.5 of Division 4. To that end the Engineer’s Report, to be made as provided in this Resolution, shall include the following:

(a) The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, which would require an investigation and report under Division 4 against the total area proposed to be assessed.

(b) The total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed in these proceedings.

16. Notice is hereby given that it is the intention of this Council to consider adoption of an ordinance, pursuant to Section 10205 of the Streets and Highways Code, authorizing contributions by the City of Modesto, from any sources of revenue not otherwise prohibited by law, of a specified amount, portion or percentage of such revenues, for the purpose of acquisition or construction of improvements, the acquisition of interests in real property and the payment of expenses incidental to that acquisition for the use and benefit of the assessment district contemplated by this Resolution, and to consider authorizing application of these revenues as a credit upon the assessment proposed to be levied in proceedings pursuant hereto.

17. Alfred Kaufman, Special Projects Manager of the Public Works and Transportation Department of the City, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had in connection with this proposed assessment district, and may be contacted during regular office hours at City Hall, 801 11th Street, Modesto, CA 95353 or by calling (209) 577-5238.

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THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO, City Attorney
EXHIBIT A

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

Description of Work

Within the City of Modesto, County of Stanislaus, State of California, the construction and acquisition of the following public improvements, including the acquisition of all lands, easements, rights-of-way, licenses, franchises, and permits and the construction of all auxiliary work necessary and/or convenient to the accomplishment thereof in accordance with plans and specifications to be approved by the City of Modesto:

1. The widening of Sisk Road from two to four lanes between Brenner Way and Conant Avenue, including all required clearing, grubbing, grading, and the construction of storm drainage facilities, domestic water facilities, sidewalks, curbs, medians, wheelchair ramps, signage, stripings and fencing, and the installation and/or relocation of street lights.

2. The widening of Standiford Avenue from two to four lanes from Dale Road to Prescott Road including all required clearing, grubbing, grading, and the construction of storm drainage and other facilities, sidewalks, curbs, wheelchair ramps, street lights, signage and striping.

3. The improvement of the intersection of Standiford Avenue, Sisk Road and Dale Road by widening Standiford Avenue to accommodate one additional westbound left turn lane, including all required clearing, grubbing, grading, and the construction of storm drainage facilities, sidewalks, curbs, medians, wheelchair ramps, signage, stripings, the installation and/or relocation of street lights, and modifications of traffic signals.

4. The improvement of the intersection of Standiford Avenue and Prescott Road by the installation of traffic signals.

5. The improvement of the intersection of Sisk Road and Rumble Road by the installation of traffic signals.
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REPLACING THE WORD PROCESSING SYSTEM IN CITY HALL

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

SECTION 1. The plans and specifications for possible replacing of the word processing system in City Hall, 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 March 25, 1991, at 10:00 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-114

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE REMOVAL OF FIVE FUEL TANKS AT THE MODESTO CITY-COUNTY AIRPORT

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

SECTION 1. The plans and specifications for the removal of five fuel tanks at the Modesto City-County Airport, 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 March 27, 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-115

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR YOSEMITE PARK STREET IMPROVEMENTS

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

SECTION 1. The plans and specifications for Yosemite Park street improvements 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 March 21, 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
WHEREAS, Resolution No. 91-46, adopted by the Council of the City of Modesto on January 22, 1991, approved the plans and specifications for Jefferson Street sewer lift station and authorized the calling for bids; and

WHEREAS, the bids received for Jefferson Street sewer lift station were opened at 11:00 a.m. on February 14, 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 Western Stone Products, Inc. in the amount of $194,197 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products, Inc. in the amount of $194,197 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature]
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE EMERGENCY PURCHASE OF AN AIR CONDITIONING SYSTEM FROM COMM AIR FOR THE DATA PROCESSING DEPARTMENT

WHEREAS, the Finance's Data Processing Division is requesting the purchase of an air conditioning system to replace an aging system installed in 1977; and

WHEREAS, the City currently has a contract with Commair for all service work on City air conditioning units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of an air conditioning system is hereby waived.

BE IT FURTHER RESOLVED that authorization for purchase of an air conditioning system from Commair for the Data Processing Department for an estimated cost of $20,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM CONTINGENCY RESERVE TO PURCHASE AN AIR CONDITIONING SYSTEM FOR THE DATA PROCESSING DEPARTMENT

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

FROM: Contingency Reserve (200 800 8000 8003) $20,000
TO: Air Conditioning Unit (200 430 6587 6000) $20,000

Funds needed for the purchase of an air conditioning system for the Finance Data Processing Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-119

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1990-91 TO TRANSFER THREE HUNDRED THIRTY-SEVEN THOUSAND ($337,000) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130) FOR VILLAGE ONE IMPLEMENTATION PROGRAM AND ALLOCATION OF FUNDS FOR STEP ONE.

WHEREAS, approval of Village One Implementation Program and Allocation of Funds for Step One in the amount of Three Hundred Thirty-seven Thousand ($337,000) Dollars require certain adjustments to the 1990-91 Fiscal Year Budget of the City of Modesto, and

WHEREAS, the sum of Three Hundred Thirty-seven Thousand ($337,000) Dollars is available in the Unappropriated Fund Balance of the General Fund (Fund No. 010), and

WHEREAS, said sum will not be required for operating costs of the City during the 1990-91 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for Implementation of the Village One Program and Allocation of Funds for Step One,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1990-91 Annual Budget be amended to transfer Three Hundred Thirty-seven Thousand ($337,000) Dollars from the Unappropriated Fund Balance of the General Fund (Account No. 010-800-8000-8003) to the Special Fund for Capital Outlays (Account No. 130-140-P895-6000).

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 26th day of February, 1991, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-120

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ECONOMIC PLANNING SYSTEMS (EPS) FOR CONSULTANT SERVICES IN CONNECTION WITH THE VILLAGE ONE IMPLEMENTATION PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Economic Planning Systems (EPS) for consultant services in connection with the Village One implementation 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 26th day of February, 1991, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-121

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROMA DESIGN GROUP FOR ON-CALL CONSULTANT SERVICES IN CONNECTION WITH THE VILLAGE ONE IMPLEMENTATION PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and ROMA Design Group for on-call consultant services in connection with the Village One implementation 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 26th day of February, 1991, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-122

A RESOLUTION TO THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION EXPRESSING THE MODESTO CITY COUNCIL'S OPPOSITION TO ANNEXATIONS IN THE VILLAGE ONE AREA UNTIL SUCH TIME AS THE AREA IS PREZONED BY THE MODESTO CITY COUNCIL.

WHEREAS, on October 3, 1989, the Modesto City Council adopted the City's "Growth Management Strategy" that provides for future expansion of the City's "Urban Reserve" as "villages" that are comprehensively planned with Specific Plans, and

WHEREAS, on September 11, 1990, the Modesto City Council adopted a General Plan amendment for the area to the north and east of the existing city boundaries (former Merle, Merle East, Roselle, and Claus Neighborhoods), known as Village One, changing the land use classification of the area from "Urban Reserve" to a mixture of urban land use classifications (i.e. Residential, Commercial, Industrial, Schools, Parks, etc.) consistent with the then draft Village One Specific Plan, and

WHEREAS, on October 11, 1990, the Modesto City Council adopted the Village One Specific Plan and Village One Financing Plan for the Village One area, and

WHEREAS, the Village One Specific Plan requires that Precise Plans be prepared before developments are approved as a means to address land use, design, zoning, financing, infrastructure, affordable housing and other development related issues, and

WHEREAS, the City's Zoning Ordinance needs to be amended to reflect the Village One Specific Plan's land use classifications and standards, and to provide for the Precise Plan process described in the Specific Plan, and
WHEREAS, once the above amendments to the Zoning Ordinance are completed, the City intends to prezone the entire Village One area and annex it all at one time (excluding the areas north of Sylvan Avenue where the property lines do not correspond to the Specific Plan), consistent with the policies of the Village One Specific Plan, and

WHEREAS, on February 26, 1991, the Modesto City Council adopted a two step Village One Implementation Program, including time table, for the actions needed to implement the Village One Specific Plan, and

WHEREAS, according to the Village One Implementation Program, the Village One area should be prezoned and an application for annexation of the entire area filed with the Stanislaus County Local Agency Formation Commission by July or August of 1991, and

WHEREAS, until such time as the Village One area is prezoned, the zoning of any property annexed in this area will be governed by Section 10-2.309 of the Modesto Municipal Code that automatically converts the County Zoning to City Zoning, which will result in zoning that is inconsistent with the City's General Plan and the Village One Specific Plan, and

WHEREAS, the application of inconsistent zoning to the Village One area will dramatically complicate the orderly process of Implementing the Village One Specific Plan because it bypasses the Precise Plan process, conveys the incorrect impression that the land may be subdivided, and could result in the construction of buildings and structures in direct conflict with the Specific Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
1. The Modesto City Council finds that the orderly development of Village One requires the cooperation of the Stanislaus County Local Agency Formation Commission, and asks the Commission to consider the negative impact that a premature application to annex property in the Village One area to the City of Modesto could have on the implementation process.

2. The Modesto City Council urges the Stanislaus County Local Agency Formation Commission to deny any application for annexation to the City of Modesto in the Village One area, before the area has been prezoned, on the basis that such applications are premature.

3. The Modesto City Council finds, pursuant to the Stanislaus County Local Agency Formation Commission's adopted policies (II EVALUATION OF PROPOSALS, D. Evidence of City Approval, 2. Predetermination) that it cannot provide evidence of "City approval" for any application to annex property in the Village One area of the City of Modesto before the area is prezoned, since the means to provide urban services cannot be determined without the review and approval of a Precise Plan consistent with the policies of the Village One Specific Plan.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to 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 26th day of February, 1991, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-123

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN EMPIRE SURPLUS LINES FOR RENEWAL OF TUOLUMNE RIVER REGIONAL PARK ERRORS & OMISSIONS INSURANCE POLICY FOR FEBRUARY 27, 1991 - FEBRUARY 27, 1992

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the American Empire Surplus Lines for renewal of the Tuolumne River Regional Park Errors & Omissions insurance policy for February 27, 1991 - February 27, 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-124

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARTHA L. MALSON, JANE MARIE BAKER, WILLIAM CLARK STANTON, NOEL ANN STANTON AND STEPHEN S. LOCKE, OWNERS OF THE COMMERCIAL BUILDING AT 401 "H" STREET, FOR LEASE BY THE CITY'S HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Martha L. Malson, Jane Marie Baker, William Clark Stanton, Noel Ann Stanton and Stephen S. Locke, owners of the commercial building at 401 "H" Street, for lease by the City's Housing Program Office be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-125

AMENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMOS DEGROOT AND HEIN HETTINGA FOR THE LEASE OF THE REMOTE SEWER PONDS PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Amos DeGroot and Hein Hettinga for the lease of the remote sewer ponds property 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: __________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH MODESTO IRRIGATION DISTRICT AND DEL ESTE WATER COMPANY FOR DESIGN, FINANCING AND CONSTRUCTION OF A SURFACE WATER TREATMENT PLANT, TRANSMISSION PIPELINES AND RESERVOIRS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding with Modesto Irrigation District and Del Este Water Company for design, financing and construction of a surface water treatment plant, transmission pipelines and reservoirs be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution 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 26th day of February, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-127

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES HALL HILL & WHITE, A PROFESSIONAL LAW CORPORATION, FOR SPECIAL LEGAL COUNSEL SERVICES IN CONNECTION WITH WATER TREATMENT PLANT FINANCING BY THE MODESTO IRRIGATION DISTRICT.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jones Hall Hill & White, a professional law corporation, for special legal counsel services in connection with Water Treatment Plant financing by the Modesto Irrigation District, be and it is hereby approved, subject to the condition that in addition to Paragraph 2. entitled "Compensation" of said agreement that the Council hereby imposes a limitation on the City of Modesto not to exceed total expenditures in the amount of $10,000 for said services.

BE IT FURTHER RESOLVED that the execution of said agreement by designated City officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
022691
MODESTO CITY COUNCIL
RESOLUTION NO. 91-128

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SEIDLER-FITZGERALD PUBLIC FINANCE TO PROVIDE FINANCIAL ADVISORY SERVICES FOR THE SURFACE WATER TREATMENT PLANT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Seidler-Fitzgerald Public Finance to provide financial advisory services for the Surface Water Treatment Plant Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION AMENDING RULE 1 OF THE PERSONNEL RULES RELATING TO GENERAL PROVISIONS AND AMENDING RULE 12 OF THE PERSONNEL RULES RELATING TO APPEALS AND HEARINGS.

WHEREAS, Section 1202 of Article XII of the Charter of the City of Modesto provides that the personnel system provided by said Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the City Council upon recommendation of the City Manager, and

WHEREAS, the City Council has adopted Personnel Rules as authorized by the City Charter, and

WHEREAS, the City Manager has recommended that Section 1.7 of Rule 1 of the Personnel Rules relating to General Provisions be amended to add a definition of the term disciplinary probation, and Rule 12 of the Personnel Rules relating to Appeals and Hearings be rewritten to refer to the appropriate Memorandum of Understanding for employees and provide for binding disciplinary arbitration, and

WHEREAS, at its meeting of February 26, 1991, the City Council considered amending Section 1.7 of Rule 1 of the Personnel Rules relating to General Provisions to add thereto paragraph (o) entitled "Disciplinary Probation", and amending throughout Rule 12 of the Personnel Rules relating to Appeals and Hearings to refer to the appropriate Memorandum of Understanding for represented employees and for management and confidential employees to provide for binding disciplinary arbitration as well.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Rules 1 and 12 of the Personnel Rules shall be amended to read as follows:
1.1 Authority

These rules are adopted under the authority of Section 1202 of Article XII of the City Charter, which provides that "The personnel system provided by this article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council upon the recommendation of the City Manager".

1.2 Intent

It is the intent of these rules to recognize the following principles:

(a) The City Council and all citizens of the City of Modesto have the right to expect: that the City will employ the best qualified persons reasonably available with preference to citizens of Modesto, qualifications being equal; that the tenure of every city employee will be based on demonstrated need for the work performed, availability of funds, faithful effective performance, proper personal conduct, and continuing fitness for his position; that each employee will be encouraged, trained, and developed to assure optimum performance.

(b) Each employee of the City of Modesto has the right to expect: that he/she will be fully informed as to his/her duties and responsibilities; that he/she will be provided with adequate administrative and supervisory direction; that he/she will be informed as to how well he/she is performing his/her duties and will be encouraged and helped to improve his/her level of performance; that promotions will be made on the basis of merit and ability; that progressively improved work performance over an extended period will be recognized and rewarded and that incompetence will not be tolerated; that he/she will not be subject to dismissal without justification.

1.3 Changes in Rules

Suggestions for changes in these rules shall be submitted to the City Manager in writing. The City Manager shall transmit any suggested changes to the City Attorney who shall review them to determine conformance with the spirit and intent of the Charter, Modesto Municipal Code, and with these rules. The proposed changes shall be submitted to the City Council along with a recommendation from the City Manager concerning them. Adoption of changes in the rules shall be by Council resolution.

1.4 Fair Employment Personnel Policy

(a) Employment and promotion by the City of Modesto shall be based on merit and fitness, free of personal and political considerations, in no way shall be affected or influenced by race, religion, color, national origin, ancestry, age, handicap, or sex.
(b) The California Fair Employment Practice Act shall govern all City employment and employment practices.

1.5 Acceptance of Rules

In accepting employment with the City of Modesto, each employee agrees to be governed by and to comply with these personnel rules, administrative orders and procedures established by the City Manager pursuant thereto, and rules, regulations and directives of the department in which he/she is employed.

1.6 Violation

Violation of the provisions of the City Charter, the Modesto Municipal Code, these personnel rules, or related personnel administrative orders shall be grounds for rejection, suspension, demotion, or dismissal.

1.7 Definitions

The words and terms used in these rules shall have the meaning indicated as follows, unless the context clearly indicates otherwise:

(a) Advancement. A salary increase within the limits of the salary range established for the class.

(b) Allocation. The assignment of a position to its class.

(c) Anniversary Date. The anniversary of the date an employee was appointed to his/her current position.

(d) Applicant. A person who has made formal application for employment.

(e) Appointment. The offer to a person and his/her acceptance of a position.

(f) Board of Personnel Appeals. A three (3) member Board established by Section 1108 of the City Charter.

(g) Appointing Authority. The Council, City Manager, or persons delegated authority to make appointments or remove persons from city service.

(h) Candidate. An applicant whose application has passed initial screening, and who is admitted to examination.

(i) Class or Classes of Positions. A group of positions having duties and responsibilities sufficiently similar that the same title, examples of duties, and requirements may be applied.

(j) Classification Plan. The arrangement of positions into classes, with titles and specifications describing each class.
(k) **Classified Service.** All positions in the city service EXCEPT: (1) all elected officers; (2) City Manager, Deputy City Manager (as revised July 6, 1965), City Attorney, City Clerk and Auditor, and all heads of departments; (3) all members of boards and commissions; (4) persons employed as unskilled laborers; (5) positions in any class or grade created for a special or temporary purpose for a period of not longer than 90 days in any one fiscal year; (6) persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character; (7) part-time employees paid on an hourly or per diem basis.

(1) **Consult/Consultation in Good Faith.** "Consult/Consultation in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement.

(m) **Continuous Service.** Employment by the City, uninterrupted from the date of appointment, except by authorized absence with pay.

(n) **Demotion.** A downgrade of a regular employee from one class to another class with a lower salary range imposed as a disciplinary action or as a substitution for layoff. A reduction in salary within the same class shall not be considered a demotion.

(o) **Disciplinary Probation.** A form of disciplinary action, as distinguished from the usual probationary period for new employees, for a specified time not to exceed one year. Employees placed on disciplinary probation may be dismissed for failure to meet any requirement imposed as a condition to such status.

(p) **Dismissal.** The separation from employment of an employee by an appointing authority for cause.

(q) **Downgrade:** A change in employment status of a regular employee from one class to another class with a lower salary range.

(r) **Eligible.** A person whose name is on an appropriate eligible list and who is not ineligible for appointment for any reason.

(s) **Eligible List.** A record of the names of persons who have qualified, through examination, for employment in a specific class.

(t) **Examination.** A test or group of tests and evaluations used to determine eligibility and to rank candidates for employment in a class.
(u) **Lay-off.** Termination of service because of lack of work, lack of funds, or in the interests of economy, without fault on the part of the employee involved.

(v) **Leave of Absence.** Permission to be absent from duty without pay for a specified period and purpose, with the right to return before or at the expiration of the period.

(w) **Modesto Municipal Code.** Chapter 5 of Title II of the Modesto Municipal Code plus any other provisions of the Modesto Municipal Code which deal with the City's personnel system.

(x) **Original Appointment.** The first appointment of an employee to a position in the city service.

(y) **Position.** A combination of duties regularly assigned to be performed by one person.

(z) **Probationary Period.** A working test period during which an employee appointed from an eligible list is required to demonstrate his/her fitness for the class by actual performance of the duties of his/her position.

(aa) **Probationary Status.** The status of an employee who has been appointed from an eligible list, but has not completed the prescribed probationary period.

(ab) **Probationer.** An employee who has probationary status.

(ac) **Promotion.** A change in employment status of a regular employee from one class to another class with a higher salary range.

(ad) **Promotional Examination.** An examination in which competition is limited to regular employees in the classified service.

(ae) **Promotional List.** An eligible list resulting from a promotional examination.

(af) **Proof of Employee Support.** "Proof of Employee Support" means (1) an authorization card recently signed and personally dated by each employee, or (2) an authorization petition or petitions recently signed and personally dated by each employee, or (3) employee deduction authorization, using the payroll register for the payroll period immediately prior to the date a petition is filed hereunder, that dues deduction authorizations for more than one employee for the account of any one employee shall not be considered as proof of employee support for any employee organization. The words "recently signed" shall mean within sixty (60) days prior to the filing of a petition or an authorization card. The only authorization which shall be considered as proof of employee support hereunder shall be
the authorization last signed by an employee. The City Manager shall arrange for the City Clerk/Auditor to verify the information on authorization cards and petitions.

(ag) **Provisional Employee.** An employee who is appointed without examination to a regular position in the classified service for which no eligible list exists.

(ah) **Recognized Employee Organization.** "Recognized Employee Organization" means an employee organization which has been formally recognized by the City as the employee organization that represents the employees in an appropriate representation unit.

(ai) **Reduction.** A salary decrease within the pay range for the class.

(aj) **Regular Employee.** An employee who has satisfactorily completed his/her initial probationary period and has been retained in the classified service.

(ak) **Regular Position.** A position in the classified service which requires, or is likely to require, the services of an employee for more than six months.

(al) **Release.** Separation of an employee from the service during or at the close of the probationary period.

(am) **Reinstatement.** The reappointment without examination of an employee who has resigned in good standing.

(an) **Resignation.** The voluntary separation of an employee from his/her position.

(ao) **Separation.** Any termination of employment.

(ap) **Status.** The condition of an employee's present appointment, such as temporary, provisional, probationary, or regular.

(aq) **Suspension.** An involuntary absence without pay, imposed for disciplinary purposes, or pending investigation of charges.

(ar) **Temporary Appointment.** An appointment for a limited period.

(as) **Transfer.** A change in employment status of a regular employee from one position to another within the same class, or a comparable class. "Comparable" means a class with similar duties and responsibilities, and the same or similar minimum qualifications, and the same salary range.

(at) **Unclassified Service.** The noncompetitive service. Positions in the unclassified service are those listed as exceptions in definition (j) above.
(au) **Vacancy or Vacant Position.** Any unfilled position in the city service.

### 12.1 Requests for Hearing on Disciplinary Actions

Any regular employee in the classified service shall have the right to appeal any disciplinary probation, suspension, demotion or dismissal in accordance with the provisions of the applicable Memorandum of Understanding, or in the absence of such procedures in a Memorandum, in accordance with the Personnel Rules. Said right of appeal shall not apply to reclassifications, lay-offs, demotions as a substitute for lay-off, or any actions taken for non-disciplinary reasons.

### 12.2 Disciplinary Hearings

The remaining provisions of Personnel Rule 12 shall apply to all employees in the classified service not covered under a Memorandum of Understanding.

(a) An appeal must be filed in writing with the Director of Personnel within thirty (30) days following written notice to the employee of the discipline.

(b) Upon filing of an appeal, the City shall request a list of seven (7) hearing officers from the State Mediation and Conciliation Service. The City and employee shall alternately strike names from the list until only one name remains and the remaining name shall be that of the Hearing Officer. The parties shall toss a coin to determine who will strike first.

(c) The Hearing Officer shall proceed in any manner which will, in the Hearing Officer's judgment, develop all the facts bearing upon the matter, and no informality on the Officer's part shall constitute just cause for criticism of findings and decisions. Upon completion of the hearing, the Hearing Officer shall furnish certified copies of findings and decisions to the persons concerned. The decision of the Hearing Officer shall be final.

(d) The person selected as the Hearing Officer shall set a date for the start of the hearing.

(e) Oral evidence at the hearing shall be taken only on oath or affirmation.

(f) Each party shall have these rights at the hearing: To be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; to subpoena witnesses and relevant documentary evidence, and to rebut the evidence against him or her. Further, at the
hearing the employee may be examined and may examine or cause any person to be examined under Section 776 of the Evidence Code.

(g) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

Evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is presumed inadmissible absent an offer of proof establishing its relevance and reliability and that its probative value is not substantially outweighed by the probability that its admission will create substantial danger of undue prejudice or confuse the issue. For purpose of this paragraph, "complainant" means any person claiming to have been subjected to conduct which constitutes sexual harassment, sexual assault, or sexual battery.

(h) At the request of either of the parties, the City shall employ a competent court reporter to record the proceedings.

(i) If either party requests it, the Hearing Officer may exclude from the hearing room any witness not at the time under examination so that the witness may not hear the testimony of other witnesses, but a party to the proceeding may not be so excluded.

(j) The Hearing Officer shall, after the matter is submitted, prepare and file findings and decisions. The decisions of the Hearing Officer shall be final. The decisions shall be rendered as quickly as possible with due regard for the hardships that may result from undue delay.

(k) The cost of the Hearing Officer and court reporter shall be divided equally between the City and the employee. Upon receipt of invoices for said services, the City shall bill the employee for the employee share. The employee shall pay said sum to the City within sixty (60) days of billing. The City shall have the right to withdraw reasonable amounts from an employee's paycheck until the bill is paid.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

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 COMPREHENSIVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND MODESTO CITY FIREFIGHTERS ASSOCIATION WHICH INCLUDES THE BINDING DISCIPLINARY ARBITRATION PROCESS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and Modesto City Firefighters Association be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution 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 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore,
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-131

A RESOLUTION DENYING THE REQUEST OF THE PROPERTY OWNER AT
2254 FLOYD AVENUE FOR CITY TO ACCEPT WATER SERVICE
INSTALLATION CHARGES IN THE AMOUNT OF $6,470.23. OWNER:
ROSS BRILES OCCUPANT: "PUTT-PUTT MINIATURE GOLF COURSE"

WHEREAS, Section 11-1.04 of the Modesto Municipal Code, provides
that the Council may establish by resolution water service installation
charges for property that has not already participated in the cost of a water
main and which is to be served by an existing water main, and

WHEREAS, the basis for the water service installation charges is to
collect equally from each property served by an existing water main, and

WHEREAS, said water service installation charges are collected upon
the issuance of the building permit for properties which are not included in a
parcel map or subdivision map, and

WHEREAS, Ross Briles, hereinafter referred to as OWNER, did not
apply for nor did the City issue a building permit to connect OWNER'S property
to the City water main prior to January 1, 1991, and

WHEREAS, Council Resolution No. 90-850 established the rate schedule
for said water service installation charges to be collected on and after
January 1, 1991, and

WHEREAS, Council Resolution No. 89-1136 was rescinded as of
January 1, 1991 and was superseded by Council Resolution No. 90-850, and

WHEREAS, OWNER prepared a check in the amount of $6,470.23 in
accordance with Council Resolution No. 89-1136 and mailed said check to the
City of Modesto for payment of said water service installation charges for
said OWNER'S property, which check was received by the City on January 2,
1991, and

022691 -1- 10591CA2
WHEREAS, OWNER is requesting that the City accept said check as payment in full for said water service installation charges. Said check being based on the rate schedule established by Council Resolution No. 89-1136, which resolution and rate schedule was rescinded as of January 1, 1991.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that OWNER shall pay the water service installation charges in the amount of $7,331.23 for the property located at 2254 Floyd Avenue in accordance with Council Resolution No. 90-850, which was effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: MRRINE COYLE, CITY CLERK

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 91-132

A RESOLUTION APPROVING THE FINAL MAP OF THE STANDIFORD AVENUE PROFESSIONAL OFFICES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Phillip D. Overholtzer, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.14 acres, known as the Standiford Avenue Professional Offices Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 5th day of March, 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 Standiford Avenue Professional Offices Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on
behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, 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, Lang, Muratore, Mayor Whiteside

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. 91-133

A RESOLUTION ADVISING THE LOCAL AGENCY FORMATION
COMMISSION THAT CITY SERVICES COULD BE MADE AVAILABLE TO
THE PROPOSED NORTH BEYER PARK REORGANIZATION, AND
REQUIRING AN ENVIRONMENTAL IMPACT REPORT.

WHEREAS, on January 18, 1991, Dennis E. Wilson, President of
Mid-Valley Engineering, Inc., representing the owners of the real property of
what is known as the North Beyer Park Reorganization Area (hereinafter
"Applicant"), represented to the City that Applicant was preparing to file an
application with the Stanislaus County Local Agency Formation Commission
(hereinafter "LAFCO") for annexation to the City of Modesto, and

WHEREAS, Applicant has represented that LAFCO guidelines require
that such an application include a resolution of the City Council stating that
the City can provide the necessary services, and

WHEREAS, said proposed North Beyer Park Reorganization Area is in
the urban reserve area of the City of Modesto, and is north of the Beyer
Neighborhood, and

WHEREAS, said area is bounded on the south by the current sanitary
sewer limit and city limits on the west by Coffee Road on the north by the
proposed extension of Pelandale Road (Claratina Avenue) and on the east by
Oakdale Road, containing 160.1 total acres, and

WHEREAS, on February 13, 1990, the City Council accepted the Public
Projects Committee recommendation that remnants of five neighborhoods be
considered on a case-by-case basis, and the North Beyer Park area was
designated a neighborhood "remnant", and
WHEREAS, various City departments have been polled as to the degree of impact which would be placed on each department to provide City services to the proposed North Beyer Park Reorganization Area, and

WHEREAS, on March 5, 1991, the Council of the City of Modesto considered the City's staff report and whether City services could be provided to the proposed North Beyer Park Reorganization Area,

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

1. That in the event of annexation, City services can be provided to the proposed North Beyer Park Reorganization Area.

2. That LAFCO require a tiered or phased EIR for the proposed annexation with the understanding, in the event such annexation occurs, that City reserves the right to conduct further environmental review when the Applicant submits specific development proposals for the area to the City.

3. That by this action, the City Council is not approving the proposed annexation.

4. That the City Clerk is hereby directed to transmit a certified copy of this resolution to LAFCO.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Bird, 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: Bird, Lang, Muratore, Patterson,

NOES: Councilmembers: Irizarry, Mayor Whiteside

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-134

A RESOLUTION ESTABLISHING CEQA PROCEDURES FOR THE
EVALUATION AND MITIGATION OF SCHOOL IMPACTS FROM
RESIDENTIAL PROJECTS IN CONJUNCTION WITH A GENERAL PLAN
AMENDMENT, REZONING, PREZONING, OR OTHER LEGISLATIVE ACT
BY THE MODESTO CITY COUNCIL.

WHEREAS, adequate public school capital facilities are necessary for
the general well-being of city residents, and

WHEREAS, school mitigation fees authorized by the state legislature
are only one of the exclusive methods of mitigating impacts to school
facilities, and

WHEREAS, current school mitigation fees have not proven adequate to
address capital facilities needs of public schools serving Modesto residents,
and

WHEREAS, inadequate school mitigation fees and additional approval
of new residential projects compounds the difficulty of public schools
addressing their capital facility needs, and

WHEREAS, the City of Modesto is not restricted to statutorily
exclusive public school mitigation measures when making zoning decisions and
undertaking other legislative acts, and may deny applications based on a lack
of school facilities, and

WHEREAS, the California Environmental Quality Act requires cities to
avoid or minimize impacts, where feasible, through the imposition of
mitigation measures, and

WHEREAS, the school districts serving the Modesto Urban Area have
asked the Modesto City Council to exercise its authority to require that new
residential projects to be approved in conjunction with other legislative acts
address the impact of such projects on public school facilities, and
WHEREAS, the largest number of new students will come from residential developments located on property that is currently classified as "Urban Reserve" in the Modesto General Plan, or on property that is currently classified for nonresidential use if subsequently reclassified as "Residential" in the Modesto General Plan, and

WHEREAS, the fewest number of new students will come from residential development on property that is currently classified as "Residential" in the Modesto General Plan because there is very little of this land that is vacant,

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

In each instance where a residential development project that is located in an area classified as "Urban Reserve" by the Modesto General Plan, or in an area classified for nonresidential use by the Modesto General Plan (i.e. College West) as of March 5, 1991, seeks legislative approval, and a public school district serving residents of the City of Modesto seeks to impose upon said development project mitigation measures in addition to those which are statutorily authorized and determined to be exclusive, the public school district shall:

1. Make an application to the State of California for the funds to provide school facilities to mitigate the impacts caused by new residential development projects; or agree to diligently and expeditiously pursue funds from the State of California to reimburse residential developers who participated in a Mello-Roos District, other special assessment program, or other measures, which addressed public school facility needs.

2. Submit to the Planning and Community Development Department of the City of Modesto the following:
a. A copy of the application and resolution of the school board approving an application to the State building program, together with an identification of the period of time that the application remains valid, or

b. A copy of any Mello-Roos District, other special assessment, or other mitigation measure documentation, including the school board's commitment to pursue reimbursement from the State, and

c. A copy of its current "School Facilities Fees Plans" that documents existing and future enrollment and facilities needs.

Any public school capital facilities mitigation measures imposed in addition to those which are held to be statutorily mandated and exclusive should not apply to future residential projects that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration, or adoption of an exemption determination) as of March 5, 1991.

As each school district serving the residents of the City of Modesto may have unique capital facilities impacts placed on them by proposed residential projects, it shall be the responsibility of each of said districts to develop and present to the City a mitigation program that best meets their circumstances and needs.

The CEQA procedures attached hereto as Exhibit "A", and made a part hereof will augment existing procedures to systematically address the issues raised by public school districts serving residents of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
CEQA PROCEDURES FOR THE EVALUATION AND MITIGATION OF SCHOOL IMPACTS FROM RESIDENTIAL PROJECTS APPROVED WITH GENERAL PLAN AMENDMENTS, REZONING, PREZONING, OR OTHER LEGISLATIVE ACTS IN THE CITY OF MODESTO.

The following procedures shall be used to evaluate and mitigate the impacts on school facilities from proposed residential projects within the Modesto Urban Area that require the approval of a General Plan Amendment, rezoning, prezoning, or other legislative act on the part of the Modesto City Council.

1. Developers of residential projects that are subject to these procedures should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc. will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities.

2. Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the present environmental review process.

3. Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA.

4. If it is determined that a proposed residential project may have a significant effect on a school district's facilities, then either an EIR shall be required, or the school impact shall be mitigated by the project applicant. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.

5. The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

6. The above procedures shall apply when:
(a) a residential project seeks the approval of a General Plan Amendment, rezoning, pre zoning, annexation, or other legislative act, and

(b) the project is located on property classified as "Urban Reserve," or some other nonresidential land use classification of the Modesto General Plan, as it existed on March 5, 1991, and

(c) a school district has imposed school mitigation fees pursuant to Government Code Section 53080, and

(d) a school district has a valid application for the funding of public school capital facilities pending before the State, or

(e) a school district uses or intends to use a Mello-Roos District, other special assessment district, or other mitigation measure that contains a provision to seek reimbursement from the State to mitigate school facility impacts.

7. The above procedures shall not apply to residential projects approved in conjunction with a General Plan Amendment, rezoning, pre zoning, annexation, or other legislative act that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration or adoption of an exemption determination) as of March 5, 1991.
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SAND BLASTING AND RECOATING CLARIFIER NO. 2 AT THE WATER QUALITY CONTROL PLANT

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

SECTION 1. The plans and specifications for sand blasting and recoating Clarifier No. 2 at the Water Quality Control Plant, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 28, 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-136

A RESOLUTION ACCEPTING THE BID OF ACME GLASS COMPANY INC. FOR FURNISHING AND INSTALLING TWO ELECTRONIC ENTRY DOOR SYSTEMS AT THE SENIOR CITIZENS' CENTER

WHEREAS, Resolution No. 91-47, adopted by the Council of the City of Modesto on January 22, 1991, approved the plans and specifications for furnishing and installing two electronic entry door systems at the Senior Citizens' Center and authorized the calling for bids; and

WHEREAS, the bids received for furnishing and installing two electronic entry door systems at the Senior Citizens' Center were opened at 11:00 a.m. on January 22, 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 Acme Glass Company Inc. in the amount of $26,436 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Acme Glass Company Inc. in the amount of $26,436 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
MODESTO CITY COUNCIL
RESOLUTION NO. 91-137

A RESOLUTION ACCEPTING THE SYLVAN AVENUE IMPROVEMENTS AT BEYER HIGH SCHOOL AS COMPLETE

WHEREAS, a report has been filed by the Director of Finance that the Sylvan Avenue improvements at Beyer High School has been completed by Western Stone Products, Inc. in accordance with the contract agreement dated May 8, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Sylvan Avenue improvements at Beyer High School be accepted from said contractor, Western Stone Products, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $171,048.07 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  NARRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-138

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES, AND RESCINDING RESOLUTION NO. 90-151.

WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After April 1, 1991

<table>
<thead>
<tr>
<th>Size of Meter</th>
<th>Monthly Rate April 1, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>$\frac{3}{8}^\prime$</td>
<td>$6.29$</td>
</tr>
<tr>
<td>1 $\prime$</td>
<td>8.37</td>
</tr>
<tr>
<td>1$\frac{1}{2}$ $\prime$</td>
<td>10.40</td>
</tr>
<tr>
<td>2 $\prime$</td>
<td>12.55</td>
</tr>
<tr>
<td>3 $\prime$</td>
<td>16.73</td>
</tr>
<tr>
<td>4 $\prime$</td>
<td>21.76</td>
</tr>
<tr>
<td>6 $\prime$</td>
<td>32.71</td>
</tr>
<tr>
<td>8 $\prime$</td>
<td>41.78</td>
</tr>
<tr>
<td>10 $\prime$</td>
<td>50.36</td>
</tr>
<tr>
<td>12 $\prime$</td>
<td>58.98</td>
</tr>
</tbody>
</table>

The charge for each additional 100 cf over 1,680 cf on a monthly rate is $.38.

Commodity Charge:

For the first one thousand, six hundred eighty (1,680) cubic feet of water delivered through a water meter, per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand, six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be thirty-eight ($ .38) cents per one hundred (100) cubic feet.
If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after April 1, 1991 shall be as follows:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Monthly Rate April 1, 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,500 SF, or less</td>
<td>$ 8.24</td>
</tr>
<tr>
<td>3,501 to 7,000 SF</td>
<td>9.50</td>
</tr>
<tr>
<td>7,001 to 10,500 SF</td>
<td>10.65</td>
</tr>
<tr>
<td>10,501 to 14,000 SF</td>
<td>11.79</td>
</tr>
<tr>
<td>14,001 to 17,500 SF</td>
<td>14.20</td>
</tr>
<tr>
<td>17,501 to 21,000 SF</td>
<td>16.65</td>
</tr>
</tbody>
</table>

For each 3,500 SF or fraction thereof over 21,000 2.24

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5%) percent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 3. PREPAID UNMETERED WATER SERVICE CHARGES. Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 90-151 adopted on February 27, 1990, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SSEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND SUPERSEDING RESOLUTION NO. 89-766 AND RESOLUTION NO. 89-1182.

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

WHEREAS, the Council has previously established sewer service charges, and

WHEREAS, this resolution supersedes Resolution No. 89-766 and Resolution No. 89-1182, and

WHEREAS, City staff has recommended adjustment in the various sewer service charges, and

WHEREAS, on March 5, 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.

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 for the period commencing on and after April 1, 1991.

(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 for the period commencing on and after April 1, 1991:

(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 400mg/l or less

Group 2

Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l

Group 3

Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l

Group 4

Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l

(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>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$17.54</td>
</tr>
<tr>
<td>Group 2</td>
<td>20.21</td>
</tr>
<tr>
<td>Group 3</td>
<td>24.77</td>
</tr>
<tr>
<td>Group 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 for the period commencing on and after April 1, 1991:

(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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family or mobile home on a lot (1 dwelling unit only)</td>
<td>$3.12</td>
</tr>
<tr>
<td>Each dwelling unit in a duplex</td>
<td>2.17</td>
</tr>
<tr>
<td>One additional dwelling unit or mobile home on a lot</td>
<td>2.17</td>
</tr>
<tr>
<td>Each dwelling unit in an apartment building or dwelling group</td>
<td>2.17</td>
</tr>
<tr>
<td>(triplex, fourplex, etc.) or each space in a mobile home park</td>
<td>2.17</td>
</tr>
<tr>
<td>Service Fee</td>
<td>0.35</td>
</tr>
</tbody>
</table>

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. EFFECTIVE DATE. This resolution shall become effective and apply on and after April 1, 1991.

SECTION 9. SUPERSEDES PRIOR RESOLUTIONS. This resolution supersedes Modesto City Council Resolution No. 89-766 and Resolution No. 89-1182.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING A FINE SCHEDULE FOR VIOLATION OF WASTE DISCHARGE PERMITS AND RESCINDING RESOLUTION NO. 90-611.

WHEREAS, Section 5-6.13.2 of the Modesto Municipal Code relating to sewage collection and disposal states that the Public Works and Transportation Director may determine the existence of a violation and may levy a fine for violations of waste discharge permits, which fine shall be in accordance with a schedule approved by the Council from time to time by resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that wastewater permit violation fines are hereby established as follows:

1. Administrative fine in the amount of $1100.00 for each violation.

2. Processing fine in the amount of:
   - $570.46 per million gallons of flow in excess of permit allocation.
   - $67.47 per 1,000 pounds of Biochemical Oxygen Demand (BOD) in excess of permit allocation.
   - $62.11 per 1,000 pounds of Suspended Solids (SS) in excess of permit allocation.

BE IT FURTHER RESOLVED that the fines established by this resolution are in addition to the sewer service charges for processing the wastewater flow which is excess of the permit allocation.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective for violations which occur on and after April 1, 1991.

BE IT FURTHER RESOLVED that effective through March 31, 1991, Resolution No. 90-611 adopted on June 26, 1990 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

022791 -2- 1871CA
MODESTO CITY COUNCIL
RESOLUTION NO. 91-141

A RESOLUTION ESTABLISHING A FINE SCHEDULE FOR VIOLATIONS
OF CATEGORICAL INDUSTRY PRETREATMENT STANDARDS AS SET BY
THE ENVIRONMENTAL PROTECTION AGENCY (EPA), 40 CFR PART
469, ADOPTED BY THE CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD (CRWQCB), AND STATED IN MODESTO'S NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND
RESCINDING RESOLUTION NO. 87-1264.

WHEREAS, categorical industry's permit mandates that said industry
comply with specified categorical pretreatment standards, and

WHEREAS, Section 5-6.13.2 of the Modesto Municipal Code relating to
sewage collection and disposal authorizes the Director to levy fines for
violations of national pretreatment standards, which fines shall be in
accordance with a schedule approved by the Council from time to time by
resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that categorical pretreatment standard violation fines are hereby established
as follows:

1. Parameters shall mean a limited concentration of the following
chemicals in an amount set by the Environmental Protection
Agency (EPA). A processing fine may be imposed for each
parameter per pound over industry's permit limits in the amount of:

- **Cadmium** $250 per pound over industry's permit limits
- **Chromium** $100 per pound over industry's permit limits
- **Copper** $80 per pound over industry's permit limits
- **Lead** $500 per pound over industry's permit limits
- **Nickel** $100 per pound over industry's permit limits
- **Silver** $225 per pound over industry's permit limits
- **Zinc** $80 per pound over industry's permit limits
- **Cyanide T** $160 per pound over industry's permit limits
- **Cyanide A** $100 per pound over industry's permit limits

(Example:) Industry A has a flow of .01 MGD and exceeds lead
by 2 ppm, the excess amount is (.01 MGD) (2 ppm) (8.34) = .17
pounds which may result in a processing fine of (.17) ($500) =
$85.00.
2. An administrative fine up to $10,000 (Section 5-6.13.2, Part B, Modesto Municipal Code), may be levied for each violation stated in Part 1. Each failure to remain within the parameters shall constitute a separate violation.

3. The pH range shall be 6.0 to 9.0 for any industrial waste discharged into the City sewer lines. pH for hauled-in industrial waste to the wastewater treatment plant shall be greater than 2 and less than 12.5. Any variation over or under this range may result in an administrative fine of $500.00.

BE IT FURTHER RESOLVED that the fines established by this resolution shall become effective for violations which occur on or after April 1, 1991.

BE IT FURTHER RESOLVED that effective through March 31, 1991, Resolution No. 87-1264 adopted on December 8, 1987, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-142

A RESOLUTION DETERMINING THAT A PROJECT AREA COMMITTEE SHALL NOT BE FORMED IN CONNECTION WITH THE MODESTO REDEVELOPMENT PROJECT.

WHEREAS, by Resolution No. 91-3 adopted on January 7, 1991, the Planning Commission of the City of Modesto selected and designated the boundaries of the project area (the "Project Area") for the Modesto Redevelopment Project (the "Project"), approved a Preliminary Plan for the Project and submitted said Preliminary Plan to the Redevelopment Agency of the City of Modesto (the "Agency"), and

WHEREAS, the Agency is preparing a proposed redevelopment plan (the "Redevelopment Plan") for the Project, and

WHEREAS, Section 33385 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requires that a project area committee be formed if a substantial number of low-and moderate-income families will be displaced by a redevelopment project, and

WHEREAS, the California Community Redevelopment Law also requires that, in the event a redevelopment project will not displace a substantial number of low-and moderate-income families, the redevelopment agency shall consult with and obtain the advice of residents and existing community organizations and, in addition, requires that the redevelopment plan be submitted to such project area committee or residents and community organizations prior to submitting it for adoption,

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

Section 1. The City Council hereby finds and determines that the proposed Project will not displace a substantial number of low- and
moderate-income families and that formation of a project area committee is not required prior to the adoption of the Redevelopment Plan. The City Council further determines that a project area committee shall not be formed in connection with the Project.

Section 2. The Executive Director of the Agency is hereby authorized and directed to consult with and obtain the advice of residents and community organizations with the Project Area and to provide such residents and community organizations with the Redevelopment Plan prior to its submission to the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember _Lang____, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-143

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN MARINE AND AVIATION/IRIS, LTD, FOR RENEWAL OF AIRPORT LIABILITY INSURANCE POLICY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Southern Marine and Aviation/IRIS, Ltd. for renewal of airport liability insurance policy 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-144

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CAROLINA CASUALTY/HAMILTON MERIDIAN FOR RENEWAL OF TRANSIT LIABILITY INSURANCE POLICY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Carolina Casualty/Hamilton Meridian for renewal of transit liability insurance policy 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CURTIS C. AND MARY L. LEMMONS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1315 CARPENTER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Curtis C. and Mary L. Lemmons for water service to property outside City limits at 1315 Carpenter Road, located on the west side of Carpenter Road between Woodland Avenue and Shaddox 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whitesided

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD L. AND SHERRY O. NELSON FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1746 EUREKA STREET

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richard L. and Sherry O. Nelson for sewer service to property outside City limits at 1746 Eureka Street, located on the east side of Eureka Street between Colusa Avenue and Glenn 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-147

A RESOLUTION APPROVING THE FINAL MAP OF THE REMAX
PROFESSIONAL PLAZA SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Coffee Road Investors Limited, a California Limited
Partnership, is possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 1.371 acres, known as the Remax
Professional Plaza Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City
Planning Commission on the 8th day of May, 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 Remax Professional Plaza Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct, and

WHEREAS, all public improvements required by the City of Modesto
have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved; that the improvements completed in said tract
be accepted; that the streets, alleys and easements as shown thereon within
the boundaries of said tract be accepted on behalf of the public for public
use; and that the City Clerk be authorized to certify the map of said tract on

-1-
behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-148

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BISSELL AND KARN FOR DESIGN SERVICES FOR A PEDESTRIAN OVER-CROSSING OVER CLAUS ROAD AT JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Bissell and Karn for design services for a pedestrian over-crossing over Claus Road at Johansen High School 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-149

A RESOLUTION AUTHORIZING THE MODESTO IRRIGATION DISTRICT TO PROCEED WITH AN ENGINEERING SERVICES AGREEMENT WITH BLACK AND VEATCH FOR DESIGNS OF THE SURFACE WATER TREATMENT PLANT AND TRANSMISSION SYSTEM.

WHEREAS, negotiations have resulted in a Memorandum of Understanding with the Modesto Irrigation District ("District"), Del Este Water Company ("DEW"), and the City of Modesto ("City") in relation to treated surface water to supplement ground water supplies, and

WHEREAS, by Resolution No. 91-126 adopted on February 26, 1991, the Council of the City of Modesto authorized execution of said Memorandum of Understanding, and

WHEREAS, page 9, Subsection 6.1.1 of Paragraph 6 entitled "Design Phase" of said Memorandum of Understanding provides in part that District shall retain a project engineer or engineers necessary for the construction, operation and maintenance of the project. and

WHEREAS, page 32, Subsection 12.3.1 of Paragraph 12 entitled "Project Management" of said Memorandum of Understanding provides in part that prior to District's approval of any engineering services contract concerning the design and engineering of the project, City and DEW shall review the contract or contracts and each shall provide to District written authorization to proceed, and

WHEREAS, District, City, and the DEW have negotiated an engineering agreement, scope of work and method of payment with the firm of Black and Veatch for design of the surface water project, and
WHEREAS, at its meeting of March 5, 1991, the Council considered authorizing District to proceed with an engineering services agreement with Black and Veatch for design of the surface water treatment plant and transmission system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto Irrigation District to proceed with an engineering services agreement with Black and Veatch for design of the surface water treatment plant and transmission system.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to District and DEW.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of MARCH, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-150

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEEDSHILL-HERKENHOFF, INC. FOR ENGINEERING SERVICES AND CONSTRUCTION ADMINISTRATION FOR DESIGN FOR A NEW WATER/SEWER SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Leedshill-Herkenhoff, Inc. for engineering services and construction administration for design for a new water/sewer supervisory control and data acquisition system 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHANI L. AND REBECCA A. VILLANEUVA FOR THE LEASE OF THE MANCINI HOUSE AT MANCINI PARK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Chani L. and Rebecca A. Villaneuva for the lease of the Mancini House at Mancini Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-152

A RESOLUTION AMENDING THE FISCAL YEAR 90-91 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES TO ALLOCATE UNUSED FUNDS FROM STANISLAUS COUNTY ECONOMIC DEVELOPMENT CORPORATION (SCEDCO) TO CITY'S ECONOMIC DEVELOPMENT REVOLVING LOAN FUND AND CITY'S REHABILITATION PROGRAMS.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Fiscal Year 90-91 Final Statement of Community Development Objectives to Allocate $200,000 unused funds from Stanislaus County Economic Development Corporation to $100,000 for City's Economic Development Revolving Loan Fund and $100,000 for City's Rehabilitation Programs, as recommended by the Citizens Housing and Community Development Committee, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember _____ Lang______, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
STAN T. YAMAMOTO, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 90-91 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES TO APPROVE FUNDS TO INSTALL AUDIBLE TRAFFIC SIGNALS THROUGH THE CITY PUBLIC WORKS AND TRANSPORTATION DEPARTMENT.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Fiscal Year 90-91 Final Statement of Community Development Objectives to approve $6,200 in Community Development Block Grant (CDBG) Funds to the City Public Works and Transportation Department to install audible traffic signals at Briggsmore/Prescott and McHenry/Floyd Intersections, under the Handicapped Barrier Removal Program, as recommended by the Citizens Housing and Community Development Committee, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-154

AMENDED
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITIES SERVICE PROGRAM/SENIOR NUTRITION PROGRAM TO INCREASE THEIR GRANT BY $19,616 AND AMENDING THE 1990-91 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunities Service Program/Senior Nutrition Program to increase their grant by $19,616 and amending the 1990-91 Final Statement of Community Development Objectives 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE
NORRINE COYLE, City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
AUTHORIZING AND DIRECTING THE PREPARATION AND EXECUTION OF
CERTAIN LEASE FINANCING DOCUMENTS, AUTHORIZING THE
PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL
STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF
CERTIFICATES OF PARTICIPATION RELATING THERETO, AND
AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT
THERETO.

RESOLVED, by the City Council of the City of Modesto, California
(the "City"), as follows:

WHEREAS, the City, working together with the Redevelopment Agency of
the City of Modesto (the "Agency"), has caused Certificates of Participation
(Modesto Community Center Project) (the "Prior Certificates") to be executed
and delivered in the aggregate principal amount of $21,600,000, the proceeds
of which were used to refinance the acquisition, construction, installation
and equipping of certain capital improvements, as more particularly described
in the hereinafter defined Lease Agreement (the "Project"), and

WHEREAS, the City proposed to refinance the Project, and it is in
the public interest and for the public benefit that the City authorize and
direct the preparation and the execution of the hereinafter defined Lease
Agreement and certain other financing documents in connection therewith, and

WHEREAS, Merrill Lynch & Co. (the "Underwriter") has been directed
to prepare a preliminary official statement containing information material to
the offering and sale of the 1991 Certificates described below, and

WHEREAS, the documents below specified shall be filed with the City
and the members of the City Council, with the aid of its staff, shall review
said documents,
NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Certificates of Participation (1991 Modesto Community Center Refinancing Project) (the "1991 Certificates") are hereby authorized to be executed and delivered pursuant to the provisions of the Trust Agreement hereinafter defined; provided, however, the payments of principal and interest with respect to the 1991 Certificates shall create a present value savings in comparison to the payments of principal and interest with respect to the Prior Certificates of not less than $500,000. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to establish the principal amount of 1991 Certificates to be executed and delivered and to establish any other terms and provisions with respect to the 1991 Certificates, so long as such terms and provisions are substantially similar to the terms and provisions of the Prior Certificates.

Section 2. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to have prepared, and to review upon preparation thereof, the below-enumerated documents, the review and execution thereof as herein provided being conclusive evidence of the approval of such documents by the City, and any one of the Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute said documents, with such changes, insertions and omissions as may be approved by such official, and the City Clerk is hereby authorized and directed to attest to such official's signature:

(a) a site and facility lease between the City, as lessor, and the Agency, as lessee;
(b) a lease agreement, relating to the Project, between the Agency, as lessor, and the City, as lessee (the "Lease Agreement");

(c) a trust agreement, by and among the Agency, the City and an institution to be named therein, as trustee (the "Trust Agreement"), relating to the financing, and the execution and delivery of the 1991 Certificates evidencing the direct, undivided fractional interests of the owners thereof in lease payments to be made by the City under the Lease Agreement; and

(d) an escrow trust and deposit agreement, by and between the City and the trustee for the Prior Certificates pursuant to which the Prior Certificates will be defeased.

Section 3. The City hereby approves the preparation of a Preliminary Official Statement describing the financing, together with any changes therein or additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director. The City authorizes and directs the Finance Director, on behalf of the City, to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Preliminary Official Statement prior to its distribution by the Underwriter.

Section 4. The Underwriter, on behalf of the City, is authorized and directed to cause the Preliminary Official Statement to be distributed to such investors and other persons as may be interested in purchasing the 1991 Certificates therein offered for sale if, in its judgment, such distribution would enhance the marketing of the 1991 Certificates.

Section 5. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to have prepared, and to review upon preparation thereof, a contract of purchase, by and between the Underwriter
and the City, pursuant to which the Underwriter agrees to purchase the 1991 Certificates, the review and execution thereof as herein provided being conclusive evidence of the approval of such contract of purchase hereby, and the Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute said document, with such changes, insertions and omissions as may be approved by such official.

Section 6. The Mayor, the City Manager or the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the "Final Official Statement") and to execute said final Official Statement, dated as of the date of the sale of the 1991 Certificates, and a statement that the facts contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the 1991 Certificates, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the 1991 Certificates, and does not, as of the date of delivery of the 1991 Certificates, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Mayor, the City Manager or the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the Final Official Statement, which shall include such changes and additions thereto deemed advisable by the Mayor, the City Manager or the
Finance Director and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Final Official Statement by the City.

Section 7. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the 1991 Certificates.

Section 8. The law firm of Jones Hall Hill & White, A Professional Law Corporation, is hereby approved as special counsel to the City in connection with the transaction contemplated by this Resolution. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute an agreement for legal services, if any, in connection with the transaction contemplated by the Resolution.

Section 9. The financial consulting firm of Seidler-Fitzgerald Public Finance is hereby approved as financial consultant to the City in connection with the transaction contemplated by this Resolution. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute an agreement for financial consulting services, if any, in connection with the transaction contemplated by the Resolution.

Section 10. The Mayor, the City Manager, the Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates as may be necessary to effect the purposes of this resolution and the financing herein authorized.

Section 11. This Resolution shall take effect upon its adoption by this City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
I, the undersigned City Clerk of the City of Modesto, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of the City at a meeting thereof on the 5th day of March, 1991, by the following vote of the members thereof:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

NORRINE COYLE, City Clerk
A RESOLUTION AMENDING COUNCIL RESOLUTION NO. 91-83 TO AMEND THE EFFECTIVE DATE OF THE APPOINTMENT OF J. EDWARD TEWES AS CITY MANAGER OF THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto, by Resolution No. 91-83 adopted February 5, 1991, appointed J. Edward Tewes as City Manager of the City of Modesto effective March 18, 1991, and

WHEREAS, the Council desires to amend said Resolution No. 91-83 to change the effective date of the appointment of J. Edward Tewes from March 18, 1991, to March 10, 1991,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Council Resolution No. 91-83 to appoint J. Edward Tewes to the position of City Manager of the City of Modesto effective March 10, 1991 as follows:

Effective Date. That March 10, 1991 shall be the effective date of the appointment of Mr. J. Edward Tewes to the City Manager position.

BE IT FURTHER RESOLVED that all other conditions of employment set forth in Council Resolution No. 91-83 not in conflict with this resolution shall remain in full force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORME COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-157

A RESOLUTION APPOINTING MEMBER OF THE AIRPORT ADVISORY COMMITTEE (LARRY DAVIS)

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

SECTION 1. The following person is hereby appointed to the Airport Advisory Committee for the respective term as indicated:

Larry Davis
Term expires: 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 Airport Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-158

A RESOLUTION APPOINTING STEPHEN BURKE TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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:

Stephen Burke
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to 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 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE
NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(NINA ZAGARIS)

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

SECTION 1. The following person is hereby appointed to the International Friendship Committee for the respective term as indicated:

Nina Zagaris
Term expires: 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 International Friendship Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

Committees
A RESOLUTION APPOINTING MEMBER OF THE LANDMARK PRESERVATION COMMISSION (MARTHA COWDREY)

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

SECTION 1. The following person is hereby appointed to the LANDMARK PRESERVATION COMMISSION for the respective term as indicated:

Martha Cowdrey
Term expires: 1/1/93

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________
NORRIS COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-161

A RESOLUTION APPROVING A COST SHARING ARRANGEMENT BETWEEN
THE CITY OF MODESTO AND THE MODESTO HIGH SCHOOL DISTRICT,
STATING THE COUNCIL'S INTENTION TO CONTRIBUTE A PERCENTAGE
OF THE COSTS RELATING TO THE CLAUS ROAD PEDESTRIAN
OVERCROSSING AT JOHANSEN HIGH SCHOOL AND AUTHORIZING
EXECUTION OF NECESSARY DOCUMENTS.

WHEREAS, an understanding has been reached between the City of
Modesto and the Modesto High School district relating to the cost sharing
arrangement involving the design and construction of a pedestrian overcrossing
on Claus Road at Creekwood Drive to service Johansen High School and related
public facilities, and

WHEREAS, the Council desires to indicate a commitment by the City to
contribute forty (40) percent of the total cost of the project, and

WHEREAS, the Modesto High School District has agreed to contribute
sixty (60) percent of the total cost of the project, and

WHEREAS, the estimated cost sharing amounts would be as follows:

<table>
<thead>
<tr>
<th></th>
<th>School District (60%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>City (40%)</td>
<td>$564,600</td>
<td>$847,000</td>
</tr>
<tr>
<td></td>
<td>$1,411,600</td>
<td></td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby states its intention to contribute $564,600 which is forty (40)
percent of the total cost of the design and construction of a pedestrian
overcrossing on Claus Road at Creekwood Drive to service Johansen High School
and related public facilities,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to
execute any and all documents necessary to provide for said cost sharing
arrangement between the City of Modesto and the Modesto High School District
for the pedestrian overcrossing on Claus Road at Creekwood Drive to service
Johansen High School and related public facilities.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION GRANTING APPROVAL TO THE MODESTO AREA FOURTH OF JULY CELEBRATION COMMITTEE OF THE MODESTO JAYCEES TO HOLD A PARADE, PICNIC IN THE PARK AND FIREWORKS DISPLAY FOR THE 1991 FOURTH OF JULY CELEBRATION IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Modesto Area Fourth of July Celebration Committee of the Modesto Jaycees (hereinafter referred to as the Committee) has filed a request with the City Council for permission to have a parade, picnic in the park, and fireworks display which will be held to celebrate the 1991 Fourth of July, and

WHEREAS, the Committee has requested the use of Graceada Park for the 1991 Fourth of July Celebration, and

WHEREAS, the Council deems it appropriate to grant approval and assistance to the Committee relating to its Fourth of July celebration, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Committee's 1991 Fourth of July Celebration parade, picnic in the park and fireworks display:

1. The Committee is granted permission to use the bluff land adjacent to Dryden Park Golf Course (part of Tuolumne River Regional Park) for display of fireworks on the evening of Thursday, July 4, 1991, subject to the following conditions:

   (a) That the weather conditions will not create any fire hazard to the surrounding area;
(b) That the City be reimbursed for any damages which may occur to the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses, and John Thurman Field;
(c) That arrangements be cleared by the Parks and Recreation Director and the Police Chief;
(d) That the fireworks display be conducted according to the requirements of the Fire Chief of the City of Modesto.

2. The City will supply two (2) standby fire trucks for the fireworks display.

3. The City will provide twelve (12) chemical toilets for use in the Dryden Park Driving Range for the fireworks display on Thursday, July 4, 1991.

4. "I" Street, between 11th and 12th Streets will be barricaded between 9:30 a.m. and 2:30 p.m. on Thursday, July 4, 1991, for the parade.

5. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 8:00 a.m. for use for the parade on Thursday, July 4, 1991, and will remove said reviewing stand thereafter.

6. The Committee is granted permission to use a public address system at the reviewing stand for the parade. Said public address system to be furnished by the Committee.

7. The following parade route is approved as the parade route to be used on Thursday, July 4, 1991, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and F Streets, north on 10th to J Street; east on J Street to 11th Street; south on 11th to I Street; east on I Street to 16th Street; then disband.
8. The City will supply three (3) street sweepers for the parade.
9. The City will pay the Committee a total of Ten Thousand and no/100ths Dollars ($10,000.00) to help defray some of the Committee's expenses such as insurance, postage, etc. for the 1991 Fourth of July fireworks display and parade.
10. The City will provide police assistance during the parade, picnic in the park, and fireworks display as deemed necessary by the Police Chief.
11. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb side parking for the Committee during park activities.

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

1. That the Committee's request to use Graceada Park relating to the Picnic in the Park 1991 Fourth of July Celebration is hereby approved subject to the following conditions:
   a. There shall be no amplified music in the Park.
   b. Alcoholic beverages shall not be sold.
   c. The number of booths in the park shall be limited to craftsman/purveyors of original art.
   d. The sale of food will be limited to one booth per kind of food.
   e. The Picnic in the Park 1991 Fourth of July Celebration shall not continue beyond the hour of 6:00 o'clock p.m. on said date.

2. That the City of Modesto will supply a minimum of ten (10) chemical toilets for use in the Graceada Park for the Picnic in the Park on, Thursday, July 4, 1991.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its 1991 parade, picnic in the park and fireworks display:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's sponsored Fourth of July parade, use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the streets and areas adjacent thereto for the Committee's fireworks display and the use of City facilities for the Committee's parade and picnic in the park.

3. That the Committee shall furnish to the City Clerk of City current and valid certificate(s) of insurance evidencing coverages of general and automobile liability insurance as shall protect the Committee and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Committee's use of Graceada Park and the areas adjacent thereto for the Committee's use of City facilities for the
Picnic in the Park and the Committee's use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the areas adjacent thereto for the Committee's fireworks display and the use of City facilities for the Committee's parade.

The amounts of Public Liability insurance shall be as follows:

Combined Single Limits of not less than One Million and no/100ths Dollars ($1,000,000.00) per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and Two Hundred Thousand and no/100ths Dollars ($200,000.00) for claims for property damage, subject to the approval of the Risk Manager.

The City, its elected or appointed officers, officials, employees and volunteers shall be included as additional insureds with regard to damages and defense of any and all claims arising from the named insureds' use of City property for the Fourth of July parade, fireworks display, bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and the areas adjacent thereto as well as John Thurman Field and the picnic in the park.

The Committee shall provide to the City Clerk copies of valid certificate(s) of insurance and an original endorsement naming the City as an additional insured. The certificates shall contain contractual liability certification provisions stating that the policies are extended to cover the liability assumed by the Committee under the terms of this resolution. The certificate(s) of insurance must be on file with the City Clerk and shall not permit cancellation of said insurance unless ten (10) days' written notice is furnished to the City Clerk of the City of Modesto, prior to the date of June 1, 1991.
BE IT FURTHER RESOLVED that future Fourth of July celebrations consisting of parades, picnics in the park and/or fireworks displays are approved so long as each such event and activity complies with all ordinances, rules, regulations, orders, conditions or the like as the same now exists or as hereafter may be promulgated and all authorizations or approvals are first obtained from the City Manager, Police Chief, the Fire Chief, the Parks and Recreation Director or such other City officers as may be appropriate.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO REAPPROPRIATE REVENUES FOR TRAFFIC SIGNALS.

WHEREAS, the Public Works staff, as directed by Council, met extensively with the Planning Commission and Councilmembers to evaluate the prioritization of traffic improvement projects in the current CIP.

WHEREAS, as a result of the meetings, it was recommended by the Planning Commission that the traffic signal at Orangeburg and Claus be constructed prior to the traffic signal at Orangeburg and Kearney.

WHEREAS, the traffic signal at Orangeburg and Kearney is currently budgeted for $121,000 in fund 141, and Orangeburg and Claus-engineering is budgeted for $10,000 in fund 070. No work has been done on either project.

WHEREAS, Public Works now wishes to remove the Orangeburg-Kearney traffic signal from the annual budget, and completely fund Orangeburg and Claus traffic signal in fund 141. The Orangeburg and Kearney traffic signal will be requested in the 1991-92 CIP.

WHEREAS, the Orangeburg and Claus traffic signal is fully fundable through CFF, and the $10,000 budgeted in Gas Tax Fund (070), needs to be moved to CFF-Streets Fund (141).

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.

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
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</thead>
<tbody>
<tr>
<td>070-160-P929-6000</td>
<td>Orangeburg/Claus T/Signal-eng.</td>
<td>$(10,000)</td>
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<tr>
<td>070-800-8000-8003</td>
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<tr>
<td>141-160-P957-6000</td>
<td>Orangeburg/Kearney T/Signal</td>
<td>$(121,000)</td>
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<tr>
<td>141-160-P929-6000</td>
<td>Orangeburg/Claus T/Signal</td>
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<tr>
<td>141-800-8000-8003</td>
<td>Contingency Reserve</td>
<td>11,000</td>
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</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 19th day of March 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-164

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FLOYD NEIGHBORHOOD PARK

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

SECTION 1. The plans and specifications for the Floyd Neighborhood Park copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 11, 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 19th day of March, 1991, by Councilmember Lang, who moved the 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-165

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS FOR FURNISHING UTILITY TRUCKS AND VANS

WHEREAS, Resolution No. 91-64, adopted by the Council of the City of Modesto on February 5, 1991, approved the plans and specifications for the purchase of utility trucks and vans and authorized the calling for bids; and

WHEREAS, the bids received for utility trucks and vans were opened at 11:00 a.m. on March 4, 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 Country Ford Trucks in the amount of $91,133 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks in the amount of $91,133 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patter, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 91-166

A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND TRUCKS FOR FURNISHING UTILITY TRUCKS AND VANS

WHEREAS, Resolution No. 91-64, adopted by the Council of the City of Modesto on February 5, 1991, approved the plans and specifications for the purchase of utility trucks and vans and authorized the calling for bids; and

WHEREAS, the bids received for utility trucks and vans were opened at 11:00 a.m. on March 4, 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 Dow Hammond Trucks for the total price of $174,043 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dow Hammond Trucks for the total price of $174,043 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
A RESOLUTION ACCEPTING THE BID OF F.B. HART CO. FOR FURNISHING UTILITY TRUCKS AND VANS

WHEREAS, Resolution No. 91-64, adopted by the Council of the City of Modesto on February 5, 1991, approved the plans and specifications for the purchase of utility trucks and vans and authorized the calling for bids; and

WHEREAS, the bids received for utility trucks and vans were opened at 11:00 a.m. on March 4, 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 F.B. Hart Co. for the total price of $216,554 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of F.B. Hart Co. for the total price of $216,554 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
MODESTO CITY COUNCIL
RESOLUTION NO. 91-168

A RESOLUTION ACCEPTING THE ADDITIONAL RIP RAP REPAIR AT THE STORAGE PONDS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the additional rip rap repair at the storage ponds has been completed by Cimarron Construction in accordance with the contract agreement dated November 6, 1990.

NOW, THEREFORE, BE IT RESOLVED that the rip rap repair at the storage ponds be accepted from said contractor, Cimarron Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $38,250 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-169

A RESOLUTION ACCEPTING THE UNION AVENUE RAILROAD CROSSING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Union Avenue railroad crossing has been completed by Western Stone Products, Inc. in accordance with the contract agreement dated October 9, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Union Avenue railroad crossing be accepted from said contractor, Western Stone Products, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $26,158.80 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-170

A RESOLUTION APPROVING THE REQUEST OF LIQUOR BARN FOR REFUND OF $660.62 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Liquor Barn for refund of $660.62 for overpayment of business license tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-171

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY HOUSING AUTHORITY ENABLING THEM TO USE SINGLE FAMILY MORTGAGE REVENUE BOND PROCEEDS TO FINANCE ABOUT 200 SINGLE FAMILY RESIDENCES FOR FIRST TIME HOME-BUYERS WITHIN THE CITY LIMITS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Housing Authority, enabling them to use Single Family Mortgage Revenue Bond proceeds to finance about 200 single family residences for first time homebuyers within the City limits 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-172

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, AUTHORIZING PARTICIPATION IN A HOME MORTGAGE FINANCE PROGRAM IN COOPERATION WITH THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR AN ALLOCATION TO ISSUE QUALIFIED MORTGAGE BONDS AND AUTHORIZING ASSIGNMENT OF SUCH BONDS AND AUTHORIZING ASSIGNMENT OF SUCH ALLOCATION TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS.

WHEREAS, there is a shortage throughout Stanislaus County (the "COUNTY") of decent, safe and sanitary housing which is affordable to first-time home buyers who are persons of low and moderate income and a consequent need to encourage the construction or development of homes affordable by such persons and otherwise increase the housing supply in the County for such persons, and

WHEREAS, the Board of Commissioners of the Housing Authority of the County of Stanislaus (the "Authority") has heretofore adopted its resolution declaring its intent to engage in home mortgage finance program (the "Program") pursuant to Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code of the State of California (the "Act"), and

WHEREAS, the City desires to cooperate with the Authority and authorize the Authority to use its best efforts to provide financing for first time home buyers of low and moderate income to secure single family home mortgages for homes located within the boundaries of the City in accordance with the Program, and

WHEREAS, the Authority intends to issue bonds (the "Bonds") pursuant to the Act to provide funds for the Program, and
WHEREAS, before issuing the Bonds, the Authority must apply for and receive a private activity bond allocation from the California Debt Limit Allocation Committee or other appropriate state committee grant allocations (the "Committee"), and

WHEREAS, the Authority can obtain an allocation from the Committee in the maximum amount of only TWENTY MILLION DOLLARS ($20,000,000.00), and in order for there to be sufficient allocation to permit home mortgages to be originated from proceeds of the bonds with respect to homes located in the City it is necessary for the City to obtain an allocation from the Committee and to assign said allocation to the Housing Authority.

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

Section 1. Cooperative Agreement. The City Council hereby authorizes the Authority to use its best efforts to provide financing for first time home buyers of low and moderate income with respect to single family home mortgages for homes located within the boundaries of the City in accordance with the Program; subject, however, to the applicable provisions of the Act, as amended and the proceedings to be had and taken for the issuance of the Bonds, including the availability of proceeds of such Bonds for such purposes. The form of the Agreement of Cooperation presented to this meeting is hereby approved and the City Manager is hereby authorized and directed to execute and the City Clerk is authorized and directed to attest said Agreement of Cooperation in substantially the form presented with such insubstantial changes thereto as may be approved by the officers executing the same such approval to be conclusively evidenced by the execution thereof.
Section 2. **Private Activity Bond Allocation.** The City Manager or the City Manager's designee is hereby authorized to apply to the Committee for a private activity bond allocation for Single Family Mortgage Revenue Bonds in an amount not to exceed Twenty Million and no/100ths ($20,000,000.00) Dollars, the allocation received by the City shall be assigned to the Authority, which will issue qualified mortgage bonds pursuant to the terms of the Program to make mortgage loans to first time home buyers of low and moderate income. The City Manager or the City Manager's designee is hereby directed to take such steps and execute such documents as are necessary to effect the assignment of such allocation to the Authority.

Section 3. **Official Actions.** The officers and employees of the City are hereby authorized and directed, jointly and severally, to do any and all things necessary or advisable in order to effectuate the purposes of this resolution or the issuance of the Bonds by the Authority, and any and all actions previously taken by such officers and employees in connection with the matters herein are hereby ratified and approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember _Lang______, 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, Lang, Muratore, Patterson, Mayor Whiteside

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. 91-173

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY AND PATRICIA ASKEW AND DAVID AND SANDRA MESENHIMER, dba MODESTO FLIGHT CENTER FOR LEASE OF A PORTION OF HANGAR NO. 1 AND FOUR TIE-DOWNS AT THE AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry and Patricia Askew and David and Sandra Mesenhimer, dba Modesto Flight Center for lease of a portion of Hangar No. 1 and four tie-downs at the Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-174

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY AND PATRICIA ASKEW AND DAVID AND SANDRA MESENHIMER, dba MODESTO FLIGHT CENTER FOR LEASE OF OFFICE BUILDING NO. 1, HANGAR NO. 5, AND TIE-DOWNS AT THE AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry and Patricia Askew and David and Sandra Mesenhimer, dba Modesto Flight Center for lease of Office Building No. 1, Hangar No. 5, and tie-downs at the Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAY A. & PATRICIA G. FRIESEN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 717 BRIGGS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Jay A. and Patricia G. Friesen for sewer service to property outside City limits at 717 Briggs Avenue, located on the north side of Briggs Avenue between Wheatley Avenue and Spencer 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-176

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH PERRY, JR. TO STATE THE TERMS OF RIGHT OF ENTRY NEEDED TO PERFORM WORK ON PRIVATE PROPERTY FOR THE JEFFERSON STREET LIFT STATION CONSTRUCTION PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Ralph Perry, Jr., to state the terms of Right of Entry needed to perform work on private property for the Jefferson Street lift station construction project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-177

A RESOLUTION ACCEPTING A RIGHT OF ENTRY FROM RALPH PERRY, JR. TO PERFORM WORK ON PRIVATE PROPERTY FOR THE JEFFERSON STREET LIFT STATION CONSTRUCTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Right of Entry from Ralph Perry, Jr. to perform work on private property for the Jefferson Street lift station construction project 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE "HOUSING NEEDS REPORT, STANISLAUS COUNTY AND ITS CITIES, VOLUME III, 1990-1997" PREPARED BY STANISLAUS AREA ASSOCIATION OF GOVERNMENTS

WHEREAS, the Stanislaus Area Association of Governments (hereinafter "SAAG") is the local council of governments and is an areawide planning organization; and

WHEREAS, each council of governments is required by Section 65584 of the Government Code, as added by Chapter 1143, Statutes of 1980, (hereinafter "Section 65584"), to determine the existing and projected housing needs for its region; and

WHEREAS, each council of governments is further required to determine each city's and county's share of the regional housing needs; and

WHEREAS, the Housing Needs Report, Stanislaus County and its Cities, Volume III, 1990-1997 (hereinafter "Housing Needs Report") is intended to satisfy all State requirements for determining local and regional housing needs; and

WHEREAS, SAAG's staff has prepared and circulated, for public review and comment, a draft Housing Needs Report, meeting the requirements of Section 65584; and

WHEREAS, on February 13, 1991, SAAG's Executive Policy Board considered the proposed Housing Needs Report and comments thereon; and

WHEREAS, SAAG's Executive Policy Board found that such report includes consideration of all factors listed in Section 65584 in proposing the initial determination of regional housing needs; and

WHEREAS, the Housing Needs Report, was approved by SAAG's Executive Policy Board for the purpose of beginning the official review and revision of the determinations contained therein; and

WHEREAS, SAAG's staff have worked with the staff of the City of Modesto to ensure that the most complete and reliable information has been used in the determination of housing needs for this jurisdiction; and
WHEREAS, Section 65584(c) states that a local government may, within 90 days of the council of governments above decision, revise the determination of its share of the regional housing needs; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 65584, the City of Modesto hereby accepts its Regional Housing Needs, as contained in the "Housing Needs Report, Stanislaus County and its Cities, Volume III, 1990-1997"; and

BE IT FURTHER RESOLVED, that the City of Modesto may, at a later date, revise its share of the regional housing need, based upon available data and accepted planning methodology in accordance with the requirements of Section 65584;

PASSED AND ADOPTED by the Council of the City of Modesto, this 19th day of March, 1991, by the following vote:

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 19th day of March, 1991, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: None

ABSENT: None

ATTEST: NORMINE COYLE, City Clerk

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO
MODESTO CITY COUNCIL
RESOLUTION NO. 91-179

A RESOLUTION REVISIING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, 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:

ASSISTANT TRAFFIC ENGINEER

The specification for the classification created, 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 March 19, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
ASSISTANT TRAFFIC ENGINEER

DEFINITION

To perform technical traffic engineering work; and to provide technical staff assistance to higher level engineering staff.

DISTINGUISHING CHARACTERISTICS

This is the entry level class in the professional traffic engineering series. Employees in this classification perform a wide range of traffic engineering duties. Employees at this level work under general supervision while learning job tasks and are expected to perform at the journey level within prescribed time frames. Employees at this level exercise some independence and discretion in the performance of their jobs.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level engineering staff.

Exercises technical supervision over technical staff within the traffic engineering division.

EXAMPLES OF DUTIES – Duties may include, but are not limited to, the following:

- Evaluate traffic flow within the City; conduct traffic engineering studies and surveys.
- Track accidents within the City to identify potentially hazardous situations; recommend changes to improve traffic safety.
- Design, plan and coordinate traffic signal installations; review and design modifications in signal timing and design.
- Design and modify design of traffic striping plans and traffic signs.
- Review and respond to citizen requests relating to traffic flow and safety.
- Review site development plans to assess impact to traffic flow, compatibility and accessibility of streets, circulation and accessibility for pedestrians and parking design, and conformance with City standards.
- Assist in reviewing and recommending modifications or additions to the circulation element of the general plan.
- Design and coordinate street lighting plans.
- Meet with developers and community groups to discuss various issues relating to traffic management and operations.

Performs related and other duties as required.
QUALIFICATIONS

Knowledge of:

- Principles and practices of traffic engineering.
- Pertinent Federal, State and local rules, regulations and ordinances.
- Trends, developments, current literature and sources of information regarding traffic engineering.
- Methods, materials and techniques used in the construction of traffic engineering projects.

Ability to:

- Design, check and prepare engineering plans.
- Understand and interpret engineering construction plans, specifications and contract documents.
- Perform technical research.
- Conduct engineering studies and surveys; prepare and present recommendations.
- Ensure compliance with Federal, State and local rules, regulations and ordinances.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with others.
- Use computer software such as SOAP, PASSER, Auto Cad, Transit and Netsim is highly desirable.

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:

Training:
A Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

Experience:
Experience in traffic engineering is desirable.

License or Certificate:
Possession of a valid California Class C (Class III) driver's license at time of appointment.
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 March 19, 1991", which is attached hereto and made a part hereof as
though set forth in full herein. Said amended Exhibit "G" adds Assistant
Traffic Engineer to the Class Range Table, salary range 432.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after March 19, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NMRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
<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 |

Effective March 19, 1991

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Exhibit "G"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>432</td>
<td>Plant Mechanic Supervisor</td>
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<td>Recreation Supervisor II</td>
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<td>Historical Buildings Supervisor</td>
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<td>Assistant Civil Engineer</td>
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<td>Housing Program Supervisor</td>
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Effective March 19, 1991
MODESTO CITY COUNCIL
RESOLUTION NO. 91-181

A RESOLUTION AUTHORIZING A THIRD QUARTER PAYMENT TO THE COUNTY OF STANISLAUS AS PART OF THE CITY OF MODESTO'S CONTRIBUTION TOWARD THE STANISLAUS COUNTY FREE LIBRARY OPERATIONS.

WHEREAS, in the City of Modesto's 1990-91 Operating Budget the Council of the City of Modesto appropriated funds in the amount of $634,496 for contribution toward the Stanislaus County Free Library main branch operations, and

WHEREAS, first and second quarter payments to the County of Stanislaus have previously been authorized until such time as an agreement for shared administrative decision making purposes could be entered into between the City of Modesto and the County of Stanislaus, and

WHEREAS, at its meeting of February 19, 1991, the Council of the City of Modesto agreed to approve a third quarter payment to the County of Stanislaus toward the Stanislaus County Free Library main branch operations, conditioned upon pending ongoing negotiations to secure an agreement as mentioned above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a third quarter payment to the County of Stanislaus in the amount of $160,000 as part of the City of Modesto's contribution toward the Stanislaus County Free Library main branch operations.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
STAN T. YAMAMOTO, City Attorney
A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 90-925
ENTITLED "A RESOLUTION ESTABLISHING FILING FEES FOR ZONE
BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL
REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING
RESOLUTION NO. 89-987" TO REVISE THE FILING FEES RELATING TO
THE ENVIRONMENTAL ASSESSMENT PROCESS.

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and
10-2.2803 of the Modesto Municipal Code provide that the Council by
resolution, shall establish filing fees for each application filed pursuant to
Chapter 2 of Title X of said Code, and

WHEREAS, Sections 4-10.01 et seq. of the Modesto Municipal Code and
the "City of Modesto Environmental Review Guidelines for Compliance with the
California Environmental Quality Act" permit charges for environmental review,
and

WHEREAS, the Council, by Resolution No. 90-925, established filing
fees for Environmental Review as well as fees for other purposes, and

WHEREAS, as of January 1, 1991, a State Department of Fish and Game
review fee, pursuant to AB 3158, is required at the time of filing of the
Notice of Determination, said fee to be collected by the Planning and
Community Development Department in advance of the final hearing on a project
and only those projects where a "de minimis" (less than significant) finding
can be made by staff are exempt from paying said fees, and

WHEREAS, in accordance with the new legislation, the County
Clerk-Recorder is empowered to collect an administrative fee of $25 for filing
of all Notices of Determination, thus, virtually all projects that go before
the Environmental Assessment Committee will be subject to said additional fee,
WHEREAS, on February 5, 1991, the County Board of Supervisors adopted an ordinance that implements AB 3158 (Fees for Filing Notices) by charging $25 for filing all Notices of Determinations; AB 3158 requires the payment of a review fee for environmental documents reviewed by the Department of Fish and Game and authorizes the County Clerk-Recorder to charge a $25 administrative fee for all Notices of Determinations, and

WHEREAS, project sponsors, both public and private, are now required to pay the appropriate fee when filing Notices of Determination, and

WHEREAS, in order to ensure that no City projects are delayed, an amendment to City Council Resolution No. 90-925 is needed to modify the Environmental Assessment fee schedule to change the existing initial fee from $390 to $415,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 90-925 entitled "A Resolution Establishing Filing Fees for Zone Boundary Changes, Use Permits, Variances, Environmental Review, Subdivisions, and other Applications, and Rescinding Resolution No. 89-987", is hereby amended to read as follows:

"SECTION 1. FEES. The following filing fees and environmental review fees are hereby established:

(a) P-D Zoning $885.00
(b) Amend P-D Zone pursuant to Sec. 10-2.1709(b) 885.00
(c) Amend P-D Zone pursuant to Sec. 10-2.1709(a) 635.00
(d) Rezoning 800.00
(e) Plot Plan Review
   - for a satellite antenna for a single-family house 110.00
   - for a second-story addition to a single-family house 245.00
   - all other plot plan reviews 440.00
(f) Conditional Use Permit 635.00
(g) Variance
   - on a lot with a single family house in the R-A, R-1, R-2 or R-3 zone
   - all others
   (h) Administrative Approval of Revised Plans
   (i) Letter of Verification - Zoning
   (j) Tentative Subdivision Map
   (k) Tentative Parcel Map
   (l) Reversion to Acreage
   (m) Parcel Map Waiver
   (n) Lot Line Adjustment
   (o) Time Extension
   (p) Environmental Assessment
     - initial study
     - staff evaluation of special studies
     - Environmental Impact Report
     - Environmental Impact Report deposit
     (q) Appeals
     - of Planning Commission or Board of Zoning Adjustment
     - of administrative decisions
   (r) Annexation
   (s) Documents
     - Planning Commission Minutes
     - Planning Commission Agendas
     - Board of Zoning Adjustment Minutes
     - Board of Zoning Adjustment Agendas
     - Other Reports and Documents, as established by the Planning and Community Development Director from time to time
   20% of applicable filing fee
   $25.00
   585.00
   530.00
   515.00
   515.00
   120.00
   125.00
   415.00
   380.00
   Actual Cost
   $2,000 advance deposit. Refund or balance due upon completion of final EIR
   $100.00
   100.00
   $435.00 plus State Board of Equalization fee
   $27.00/year
   42.00/year
   18.00/year
   18.00/year
(g) Variance
   - on a lot with a single family house in the R-A, R-1, R-2 or R-3 zone 165.00
   - all others 675.00

(h) Administrative Approval of Revised Plans 20% of applicable filing fee

(i) Letter of Verification - Zoning $25.00

(j) Tentative Subdivision Map 585.00

(k) Tentative Parcel Map 530.00

(l) Reversion to Acreage 515.00

(m) Parcel Map Waiver 515.00

(n) Lot Line Adjustment 120.00

(o) Time Extension 125.00

(p) Environmental Assessment
   - initial study 415.00
   - staff evaluation of special studies 380.00
   - Environmental Impact Report Actual Cost
   - Environmental Impact Report deposit $2,000 advance deposit. Refund or balance due upon completion of final EIR

(q) Appeals
   - of Planning Commission or Board of Zoning Adjustment $100.00
   - of administrative decisions 100.00

(r) Annexation $435.00 plus
   State Board of Equalization fee

(s) Documents
   - Planning Commission Minutes $27.00/year
   - Planning Commission Agendas 42.00/year
   - Board of Zoning Adjustment Minutes 18.00/year
   - Board of Zoning Adjustment Agendas 18.00/year
   - Other Reports and Documents, as established by the Planning and Community Development Director from time to time
BE IT FURTHER RESOLVED that all other provisions of Resolution No. 90-925 not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED that this resolution shall become effective sixty (60) days after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

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 IMPROVEMENTS IN COUNTRY RANCH IV SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS AND SAVINGS ACCOUNT ASSIGNMENTS

WHEREAS, Bright Development, subdividers of Country Ranch IV Subdivision, have filed Irrevocable Commitment of Funds in the amount of $300,000 and Savings Account Assignment in the amount of $23,600 for faithful performance, and Irrevocable Commitment of Funds in the amount of $150,000 and savings account assignment in the amount of $11,800 for labor and materials, to guarantee improvements in Country Ranch IV Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated March 6, 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 Irrevocable Commitment of Funds and savings account assignments upon expiration of the statutory period.

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

1. The improvements in Country Ranch IV Subdivision are hereby accepted.

2. The City Clerk is hereby authorized the release the Irrevocable Commitment of Funds for faithful performance in the amount of $300,000 and savings account assignment in the amount of $23,600 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of $150,000, and savings account assignment in the amount of $11,800 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 19th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ELWYN JOHNSON FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE MARCH 19, 1991

WHEREAS, Elwyn Johnson was appointed a member of the International Friendship Committee on February 23, 1988; and

WHEREAS, Elwyn Johnson has tendered his resignation from the International Friendship Committee effective March 19, 1991; and

WHEREAS, Elwyn Johnson 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 Elwyn Johnson from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Elwyn Johnson 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 19th day of March, 1991, by Councilmember Lang , 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS.

WHEREAS, Government Code section 65864 et seq. authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, a set of "Procedures and Requirements for the Consideration of Development Agreements" by the City has been prepared, and has been reviewed and recommended for approval by the City Attorney and Planning and Community Development Director, and

WHEREAS, the public health, safety and general welfare will be promoted by the adoption of such Procedures and Requirements by, among other things, providing certainty and consistency to the processes involved in the application for, and timely consideration of, development agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Procedures and Requirements for the Consideration of Development Agreements, attached hereto as Exhibit A and incorporated herein by this reference, are hereby adopted, and that the Planning and Community Development Director or his designee is instructed to prepare, or cause to be prepared, application forms, checklists and such other documents as required by, or necessary or appropriate to the implementation of, said Procedures and Regulations.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March 1991, by Councilmember Lang, 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, Lang, Muratore, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
EXHIBIT A

PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS

TABLE OF ARTICLES

ARTICLE 1 APPLICATIONS
ARTICLE 2 NOTICE AND HEARINGS
ARTICLE 3 STANDARDS OF REVIEW, FINDINGS AND DECISION
ARTICLE 4 RECORDATION
ARTICLE 5 ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE
ARTICLE 6 COMPLIANCE, MODIFICATION OR TERMINATION
ARTICLE 7 MISCELLANEOUS PROVISIONS

ARTICLE 1. APPLICATIONS

Section 101. Authority for Adoption. These regulations are adopted pursuant to Government Code section 65864 et seq.

Section 102. Coordination with Related Laws. Processing an application with the City of Modesto (the “City”) for a development agreement must be done in coordination with other related City ordinances, regulations, policies and standards, including without limitation the City's General Plan, specific plans, zoning and subdivision map requirements.

Section 103. Forms and Information.

(a) Forms. The Planning and Community Development Director or the designee (the "Director") shall prepare or cause to be prepared an application form, a standard notice form, and all other documents provided for, required under, or necessary or appropriate to the implementation of these regulations and the preparation and implementation of a development agreement. Prior to the completion of such forms, application may be made to the City for a development agreement, provided the application satisfies the requirements of Section 105(a) and (b) herein.

(b) Information. The Director shall require the submittal of such information and supporting data as the Director considers necessary or appropriate for the processing of an application for a development agreement.
Section 104. Qualification as an Applicant.

(a) Only a qualified applicant may file an application for a development agreement. A qualified applicant is any person or business entity, or authorized agent of either, or any successors in interest thereto (the "Applicant"), who has legal or equitable interest in the real property which is the subject of the development agreement. The Director may require a Applicant to submit proof of such interest and/or authorization to act on behalf of the Applicant of such interest as the Director considers necessary or appropriate.

(b) The minimum combined project size, including the combined total of a phased development, eligible for development agreement consideration shall be fifty thousand (50,000) square feet for a commercial, retail office, medical office and other non-residential uses; or one hundred (100) dwelling units. In the case of a mixed use development, combining residential and commercial uses, each residential unit shall be counted as five hundred (500) square feet of commercial area.

Section 105. Proposed Form of Agreement.

(a) Submitted Agreement. Each application shall clearly state that it is an application for a development agreement, and shall include the proposed draft development agreement (the "Submitted Agreement"). The Submitted Agreement shall contain, without limitation, the provisions required under Government Code section 65864 et seq., particularly Section 65865.2, which includes:

(1) duration of the agreement;
(2) permitted uses of the property;
(3) density or intensity of use;
(4) maximum height and size of proposed buildings; and
(5) provisions for reservation or dedication of land for public purposes.

(b) Additional Information. In addition to the mandatory elements described above, the Submitted Agreement may also include:

(1) conditions, terms, restrictions and requirements for subsequent discretionary actions by the City;
(2) terms and conditions relating to the construction and financing of necessary public facilities and reimbursement relating to same; and
(3) terms and conditions requiring that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

Section 106. Review of Application.

(a) Time Of Review. Not later than thirty (30) calendar days after the Director has received an application for a development agreement, the Director shall review the application for sufficiency, shall determine in writing whether the application is complete and shall transmit that written determination to the Applicant. If the application is determined to be incomplete, the Director shall describe those parts of the application which are incomplete, and indicate the manner in which the application can be made complete, which may include but not be limited to a list and general description of the information needed to complete the application. The Applicant shall submit materials to the Director in response to that list and description.

(b) Additional Submittals. Upon receipt of any materials submitted to the Director in response to the Director's written determination regarding the completeness and sufficiency of the application, a new thirty (30) calendar day period shall begin, during which the Director shall again take the steps described in subdivision (a) of this Section in determining the sufficiency and completeness of the application.

(c) Staff Report and Recommendation. Within thirty (30) days after receiving an application determined to be sufficient, the Director shall submit the proposed development agreement and any materials appended thereto for review in accordance with Title IV, Chapter 10, Environmental Impact, of the Modesto Municipal Code, and any and all guidelines or procedures established therefore. Upon completion of said review, the Director shall: (1) prepare or cause to be prepared a staff report and recommendation; (2) shall offer an opinion as to whether the agreement as proposed or in an amended form would be consistent with the General Plan, any specific plan, and other applicable City and/or State land use regulations; and (3) notify the applicant that the proposed development agreement is calendared for a public hearing before the Planning Commission.

In addition and concurrently with compliance with Title IV, Chapter 10, Environmental Impact, the Director may transmit copies of the application and Submitted Agreement to appropriate City departments. If the Director elects to transmit the application and Submitted Agreement to such appropriate City departments, the Director shall specify a time period for response.
ARTICLE 2. NOTICE AND HEARINGS.

Section 201. Planning Commission and City Council Hearings.

(a) Generally. All proposed development agreements shall be considered at public hearings before the Modesto Planning Commission (the "Commission") and Modesto City Council (the "Council"), which are noticed, conducted and concluded pursuant to this Article 2.

(b) Planning Commission. A public hearing on a proposed development agreement shall be held by the Commission not more than sixty (60) calendar days after compliance with Title IV, Chapter 10, of the Modesto Municipal Code and the guidelines or procedures related thereto. The Commission may continue the public hearing from time to time but not to exceed forty-five (45) days from the original hearing date. The Commission shall make its written recommendation to the Council, pursuant to Section 301 of this Resolution, no later than fifteen (15) calendar days after the conclusion of its public hearing on the proposed development agreement. Notice of such hearing(s) and the Commission's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

(c) City Council. A public hearing on a proposed development agreement shall be held by the Council not more than forty-five (45) calendar days from the date the Commission makes its written recommendation regarding a proposed development agreement to the City Council. The public hearing may be continued from time to time, but not to exceed sixty (60) calendar days from the hearing date specified in the original notice of public hearing. Notice of such hearing(s) and the Council's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

If the Council finds that the proposed development agreement is consistent with the City's General Plan and any applicable specific plan, and that the agreement will promote the public health, safety and general welfare, it may, but is not required to approve, the development agreement.

Section 202. Duty to Give Notice. The Director shall give notice of the Commission's and/or Council's intention to consider the adoption of the development agreement, and of any other public hearings required by law or this Resolution, pursuant to this Article 2.

Section 203. Form and Time of Notice.

(a) Form of Notice. The form of the notice of intention to consider adoption of proposed development agreements shall contain without limitation:

(1) the date, time and place of the hearing;
(2) the identity of the hearing body or officer;
(3) a general explanation of the matter to be considered;

(4) a general description, in text or by diagram of the location of the real property that is the subject of the development agreement and the hearing;

(5) the location(s) where a copy of the proposed development agreement may be reviewed; and

(6) any proposals in the development agreement affecting the City's General Plan or any applicable prior approvals of the project.

(7) a notice substantially stating all of the following: "If you challenge the development agreement in any court of law, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (Planning Commission or City Council) at, or prior to, the public hearing.

(b) Time and Manner of Notice. Notice of the Commission's or Council's intention to consider the adoption of a proposed development agreement at a public hearing shall be given pursuant to Government Code Section 65867.

Section 204. Failure to Receive Notice. The failure of any person entitled to receive notice required by law or these regulations does not and shall not constitute grounds for invalidation of any actions of the City for which the notice was given.

Section 205. Irregularity in Proceedings. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to application, notice, record, findings, hearing, report, recommendation, or any matters or procedures whatever, unless after an examination of the totality of the circumstances, including the administrative record, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. No presumption of prejudice or injury shall arise from any showing of an error having occurred.

ARTICLE 3. STANDARDS OF REVIEW, FINDINGS AND DECISION.

Section 301. Determination by Planning Commission. At a public hearing(s), noticed conducted and concluded pursuant to Article 2 herein, the Commission shall review and consider the staff report and testimony or
comments offered by the Applicant and the public at or before its public hearing on the proposed development agreement. After said hearing(s), the Commission shall make its recommendation, and the reasons therefore, in writing to the Council, which shall include, without limitation, the Commission's determination as to whether or not the proposed development agreement:

(a) is consistent with the goals, objectives, policies, standards, programs and uses specified in the General Plan, and any applicable specific plan;

(b) is consistent with the specific content and other requirements of this Resolution, the City's subdivision and zoning provisions of the Modesto Municipal Code, and Government Code Section 65864 et seq.; and

(c) is in compliance with the California Environmental Quality Act.

Section 302. Decision by City Council.

(a) Ordinance; Public Hearing. The adoption of a development agreement is a legislative act and shall be approved by ordinance only after a public hearing before the Council, noticed, conducted and concluded pursuant to Article 2 herein.

ARTICLE 4. RECORDATION.

Section 401. Recordation of Development Agreement.

(a) Original Recordation. Within ten (10) business days after the City or its authorized agent enters into the development agreement, the Director shall record with the Stanislaus County Recorder's Office, a copy of the development agreement, which shall describe the land subject thereto. From and after the time of such recordation, the development agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the development agreement.

(b) Subsequent Recordation. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868, the Director shall have notice of such action recorded with the Stanislaus County Recorder's Office.

ARTICLE 5. ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE.

Section 501. Time for Review. The Applicant's best efforts shall be required to initiate an annual review by submitting a written request for same at least seventy-five (75) calendar days prior to the review date specified in the development agreement. An annual review shall occur at least every twelve (12) months from the effective date of the agreement. The
Applicant shall be required to demonstrate good faith compliance with the terms of the development agreement.

Section 502. Delegation to Planning and Community Development Director. Any annual or periodic review shall be conducted by the Director.

Section 503. Notice of Annual Review. The Director shall begin an annual or periodic review process by giving at least ten (10) calendar days advance notice to the Applicant and any other parties to the development agreement of the time, date and place at which the matter will be considered by the Director.

Section 504. Public Hearing. The Director shall conduct a noticed public hearing pursuant to procedures set forth in Article 2 herein, at which time the Applicant shall have the burden of proof, based upon substantial evidence, good faith compliance with the terms of the development agreement.

Section 505. Evidence and Findings.

(a) Written Findings. The Director shall make written findings based on substantial evidence in the record whether or not the Applicant has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

(b) Compliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded, and the City shall not modify or terminate the agreement unless Applicant consent.

Upon the determination of compliance, the Director may issue a "Finding of Compliance," which shall be in recordable form and may be recorded by the Applicant, at the Applicant's expense, in the Stanislaus County Recorder's Office after conclusion of the annual review. The following events shall be a final and conclusive determination of compliance and shall complete the review for the applicable period: (i) the issuance of a Finding of Compliance by the Director and the expiration of the appeal period hereinafter specified (without an appeal being filed); (ii) the confirmation by the Council of the issuance of the Finding of Compliance on such appeal; or (iii) the lack of a Finding of Noncompliance within thirty (30) days after the review date specified in the development agreement.

(c) Noncompliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has not complied in good faith with the terms and conditions of the development agreement during the period under review, the Director shall issue a "Finding of Noncompliance" which may be recorded by the City in the Stanislaus County Recorder's Office. The Director shall state in writing to the Applicant the respects in which Applicant has failed to comply, and shall set forth, to the extent possible, terms of compliance and state a reasonable time for the Applicant to meet the terms of compliance.
If the Applicant subsequently fails to comply with the Director's terms of compliance within the prescribed time limits, the development agreement shall be subject to Council action pursuant to Article 6 herein.

(d) Appeal of Determination. Upon issuance of either a Finding of Compliance or a Finding of Noncompliance, the Director shall give public notice of the issuance in the manner provided by Section 2(a) herein. An appeal may be brought regarding the issuance of a Finding of Compliance or Finding of Noncompliance within fifteen (15) calendar days after the Director has issued a notice of such determination. An appeal of the Director's determination to the Council shall be noticed pursuant to Article 2 herein and conducted in the same manner as any other adjudicatory appeal before the Council, at which time both oral and written testimony or comments shall be taken and considered and written findings thereon made which support the conclusions and determinations made by the Council. If no appeal to the Director's determination of a Finding of Compliance or a Finding of Noncompliance is filed within fifteen (15) calendar days of the giving of public notice, such determination shall become final and conclusive.

ARTICLE 6. COMPLIANCE, MODIFICATION OR TERMINATION.

Section 601. City Council Proceedings. If an appeal is brought pursuant to Section 505 (d) herein, or if the Director intends to take action under Section 505 (c) herein, the Council shall review and consider the findings and determinations of the Director made pursuant to Article 5 herein, any oral or written testimony or comments submitted prior to or at a public hearing noticed, conducted and concluded pursuant to Article 2, and shall further determine whether or not to modify or terminate the development agreement, to add, delete or modify conditions of compliance, to rescind the Finding of Compliance or Finding of Noncompliance or order the issuance of a different finding, or to take such other action as the Council determines necessary or appropriate.

Section 602. Other Actions by City Council. The Council may refer any matter under Articles 1-7 herein to the Commission for further proceedings, including without limitation, promulgation of a report and recommendation. Any such Commission proceedings shall be noticed, conducted and concluded pursuant to Article 2 herein. The Council may also take such other actions as it determines necessary or appropriate. The decision of the Council shall be final and conclusive.

Section 603. Cancellation or Modification by Mutual Consent. Any development agreement may be cancelled or modified by mutual consent of the parties, but only in the manner provided for in Government Code Section 65868.

In the event that a development agreement is cancelled or terminated, all rights of the Applicant or any successors in interest pursuant to the agreement shall terminate. The City may, in its sole discretion, and
upon a finding of noncompliance determine to retain any and all benefits, including reservations or dedications of land, and payment of fees, obligated to or received by the City.

Notwithstanding the above paragraph, any termination or cancellation of the development agreement shall not prevent the Applicant from completing a building or other improvements authorized pursuant to a valid building permit, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring after termination or cancellation of the development agreement.

ARTICLE 7. MISCELLANEOUS PROVISIONS

Section 701. Effect of Development Agreement. The following development agreement provisions are declaratory of existing law pursuant to Government Code Section 65866. If State law is subsequently amended to prescribe different development agreement requirements, those requirements shall supersede the following provisions:

(a) unless otherwise provided by the development agreement, the City's rules, regulations and official policies governing permitted uses of the property, density, design, improvement, and construction standards and specifications applicable to the development of the real property subject to a development agreement shall be those City rules, regulations and official policies in force on the effective date of the development agreement.

(b) a development agreement shall not prevent the City in subsequent actions applicable to the real property described in the agreement, from applying new rules, regulations and official policies which do not conflict with those rules, regulations and official policies applicable to said real property as set forth in the development agreement.

(c) a development agreement shall not prevent City from denying or conditionally approving any subsequent land use permit or authorization for the real property described in the agreement, on the basis of such existing or new rules, regulations, and official policies.

Section 702. Construction. This Resolution governs the interpretation of any development agreement enacted under this Resolution.

Section 703. Judicial Review; Time Limitations.

(a) Any judicial review of a legislative act of the City taken pursuant to this Resolution and relating to a development agreement, such as the adoption of an ordinance approving a development agreement, shall be by writ of mandate pursuant to Code of Civil Procedure Section 1085; any judicial review of an adjudicatory act of the City taken pursuant to this Resolution and relating to development agreement shall be by writ of mandate pursuant to Code of Civil Procedure Section 1094.5.
(b) Any action or proceeding to attack, review, set aside, void or annul any adjudicatory action of the City taken pursuant to this Resolution and relating to a development agreement shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the action, as authorized by Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 704. Reimbursement for Costs. Fees and charges imposed for the filing and processing of each application and document provided for or approved under this Resolution, including appeals, annual reviews, and administration of development agreements shall be based on the established hourly rate for all development applications as established and periodically amended by separate Council Resolution.

Section 705. Indemnity. All development agreements shall contain an indemnity clause requiring the Applicant to indemnify and hold the City harmless against any and all claims arising out of the development agreement process, including all legal fees and costs.

Section 706. Separate Procedure. This Resolution setting forth the procedures and requirements for the consideration of development agreements is and shall be a separate procedure from other land use planning procedures and shall not take the place of the City's General Plan, any specific plan, zoning ordinance, development plan, conditional use permit or any other City planning procedures or functions. Public hearings on a proposed development agreement may, but need not be held concurrently with any other public hearings on related land use matters.

Section 707. Enforcement of Development Agreements. The procedures for enforcement, modification or termination of a development agreement specified in this Section and Government Code Section 65865.4, as the same now exists or hereafter may be amended, are non-exclusive. A development agreement may be enforced, modified or terminated in any manner otherwise provided by law or by the terms of the development agreement.

Section 708. Severability. Should any provision of this Resolution or a subsequent development agreement be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Resolution or any development agreement shall remain in full force and effect unimpaired by the holding except as may otherwise be provided in a development agreement.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-186

A RESOLUTION AMENDING THE CITY OF MODESTO’S AFFIRMATIVE ACTION POLICY STATEMENT

WHEREAS, on April 7, 1987, by Resolution No. 87-238, the City Council adopted an Affirmative Action Policy statement that included only seven of the ten required protected groups, reflecting the requirements and guidelines established by the California Fair Employment and Housing Act and Section 8014(a)(1) of the California Administrative Code; and

WHEREAS, the Affirmative Action Commission has reviewed the amended Affirmative Action Policy and approved the amended statement demonstrating the City of Modesto's commitment to equal opportunity for all persons regardless of their medical condition (cancer related), ancestry or physical handicap (including AIDS).

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the amended policy statement entitled "Affirmative Action 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 26th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
AFFIRMATIVE ACTION

POLICY STATEMENT

The Modesto City Council is committed to the principles of justice, equal opportunity and nondiscrimination in all employment practices. We fully endorse the policy of equal opportunity and have committed the City of Modesto to a program of affirmative action to provide employees and applicants equal employment opportunities in all departments and job classifications within the City. The City's Affirmative Action Program aims at: identifying and eliminating the effects of any past discrimination; removing any artificial barriers to the employment of women, minority and handicapped persons; improving the ratio of women, minority and handicapped employees at all levels of employment so that it approximates parity in the labor market; and providing a continuing program of training and promotion for such employees.

The Modesto City Council recognizes an individual's right to secure employment with the City of Modesto in any field of endeavor based on his/her merit and qualifications. The City will not participate in discriminatory practices against any person employed or seeking employment because of race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS) or sexual orientation. Equal employment opportunity extends, but is not limited to recruitment, compensation, benefits, layoff, termination and all other conditions of employment.

As an integral part of the Modesto City Council's affirmative action policy, the Council also recognizes the need to actively recruit, identify and encourage minority enterprises to enter the contract bidding process of the City of Modesto. As potential minority bidders are identified, they will be contacted and made familiar with the bidding process. Contractors awarded public works contracts are required to comply with applicable federal and state laws and regulations relating to affirmative action in the workplace.

The City Manager is responsible for the implementation of the Affirmative Action Program. The Affirmative Action Program has established and will maintain affirmative action goals and a monitoring system to overcome any effects of past discrimination, either real or perceived. An active effort will be made to recruit women, minorities and handicapped individuals for all employment opportunities within the City.
A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO COMPLETE RECONSTRUCTION OF A PORTION OF THE MODESTO CITY-COUNTY AIRPORT'S AIR CARRIER AND TRANSIENT AIRCRAFT PARKING APRON, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT.

WHEREAS, the Modesto City-County Airport's pending master plan recommends that the passenger terminal area, air carrier and corporate aprons be reconstructed and widened, and

WHEREAS, on February 12, 1991, the City Council reviewed and approved the submittal of a Project Application for Federal funds for a project at or associated with the Modesto City-County Airport, specifically, terminal apron reconstruction and widening including marking, and

WHEREAS, acceptance of the Grant Offer of Federal funds in the amount of $136,890 to complete reconstruction of a portion of the Modesto City-County Airport's air carrier and transient aircraft parking apron will obligate the City of Modesto to accomplish the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grant Offer of Federal funds in the amount of $136,890 to complete the reconstruction of a portion of the Modesto City-County Airport's air carrier and transient aircraft parking apron is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the Grant Agreement on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL TO APPROPRIATE A NEW AIRPORT CAPITAL IMPROVEMENT PROJECT.

WHEREAS, a grant offer for federal fund in the amount of $136,890 to complete the reconstruction of a portion of the Airport's air carrier and transient aircraft parking apron has been accepted.

WHEREAS, the federal revenue was estimated in the 1990-91 Annual Budget in account 632-510-9510-3613 FAA Capital Grants. However, the project was not known at that time and therefore was not appropriated. The revenue estimate was appropriated to the Airport contingency reserve.

WHEREAS, there is a required ten percent match of $15,210. This match will be fully provided for out of the Special Fund for Capital Outlays (130). The County will be billed for up to $7,605, if payment is received, that portion will be transferred back to fund 130.

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.

SPECIAL AVIATION FUND (632)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
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<tbody>
<tr>
<td>632-480-6586-6000</td>
<td>Terminal Parking Apron-Reconstruct(12)</td>
<td>$152,100</td>
</tr>
<tr>
<td>632-800-8000-8003</td>
<td>Contingency Reserve</td>
<td>(136,890)</td>
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<tr>
<td>632-700-7000-9130</td>
<td>Transfer in from fund 130</td>
<td>15,210</td>
</tr>
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SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
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<tbody>
<tr>
<td>130-700-7000-7632</td>
<td>Transfer out to fund 632</td>
<td>$15,210</td>
</tr>
<tr>
<td>130-800-8000-8003</td>
<td>Contingency Reserve</td>
<td>(15,210)</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 26th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Cole
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ESTHER J. RATLIFF FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1333 WATTS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Esther J. Ratliff for water service to property outside City limits at 1333 Watts Avenue, located on the west side of Watts Avenue between Woodland Avenue and Shaddox 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 26th day of March, 1991, by Councilmember Lang, 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, Lang, Muratore, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________
NORRINE COYLE, City Clerk
A RESOLUTION RECOGNIZING MAYOR WHITESIDE'S SERVICE TO THE COMMUNITY

WHEREAS, Carol G. Whiteside has served our community as Mayor from December 22, 1987 to March 19, 1991; and
WHEREAS, prior to becoming Mayor, she served as a Councilmember for your years; and
WHEREAS, she has provided enormous energy, dedication and talent to serving the citizens of Modesto in both capacities; and
WHEREAS, she worked toward compromise and positive solutions on issues pressing local government today by considering and listening to the viewpoints of all willing to come before the Council; and
WHEREAS, she has distinguished herself in her role as Mayor and Councilmember through active participation in the United States Conference of Mayors, the National League of Cities, and the League of California Cities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does adopt this resolution of appreciation and gratitude in recognition of the service of Carol G. Whiteside on this 26th day of March, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March 1991, by Councilmember Lang, 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, Lang, Muratore, Acting Mayor Dobbs
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-191

A RESOLUTION AUTHORIZING A SUBSTITUTION OF DEPOSIT FOR
PERMITS IN RELATION TO CONDITION NO. 14 OF COUNCIL
RESOLUTION NO. 88-914 WHICH APPROVED A REVISED DEVELOPMENT
PLAN FOR P-D(451) AND WHICH AMENDED RESOLUTION
NO. 88-628. (ERNEST P. GRAHAM)

WHEREAS, the City Council, by Ordinance No. 2603-C.S., which was introduced on August 23, 1988, finally adopted on September 6, 1988, and which became effective on October 6, 1988, to rezone from a portion of Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), to allow a three-story office complex with free-standing "pads" for restaurants or banks/financial institutions, property located on the southwest corner of Standiford Avenue and Carver Road, and

WHEREAS, City Council Resolution No. 88-628, which was adopted on August 23, 1988, approved a development plan for P-D(451) and contained the conditions of approval thereof, and

WHEREAS, Resolution No. 88-914 adopted by the Council on November 22, 1988, amended Condition No. 14 of the development plan for P-D(451) to allow Ernest P. Graham Development Company to place a deposit in the amount of $100,000 in lieu of completion of the final traffic signal design plans and approval thereof by the City Traffic Engineer, and

WHEREAS, City inadvertently issued building permits without requiring Developer to make the $100,000 deposit required by Condition No. 14, as amended by Council Resolution No. 88-914, and

WHEREAS, by letter dated March 22, 1991, Mid-Valley Engineering on behalf of Ernest P. Graham Development Company requested revising the requirements of Condition No. 14 of Resolution No. 88-628 as amended by
Resolution No. 88-914 in relation to the development plan for P-D(451) to allow Ernest P. Graham Development Company to substitute a non-interest bearing note in the amount of $100,000 secured by a deed of trust on the property, in lieu of the required cash deposit in the amount of $100,000 required by Condition No. 14, until completion of the final traffic signal design and approval, and

WHEREAS, Developer is unable to provide the required $100,000 deposit at this time and contends that if he is unable to obtain a building permit for tenant improvements in the three-story office building to accommodate the needs of a prospective tenant and if City refuses to issue such a permit until Developer makes the $100,000 deposit and provides the final plans for upgrading the signal to the traffic engineer for his final approval, he will suffer severe economic hardship, and

WHEREAS, after a public hearing held on March 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the request of Mid-Valley Engineering on behalf of Ernest P. Graham Development Company requesting a modification to Condition No. 14 of the development plan for P-D(451) to allow Ernest P. Graham Development Company to place a non-interest bearing note in the amount of $100,000 in lieu of the cash deposit required by Condition No. 14 of Resolution No. 88-628 as amended by Resolution No. 88-914, should be granted, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after consideration of the request of Mid Valley Engineering on behalf of Ernest P. Graham Development Company, the Council hereby authorizes a
substitution of a non-interest bearing note in the amount of $100,000 in lieu of the cash deposit required by Condition No. 14 of Resolution No. 88-628 as amended by Resolution No. 88-914, conditioned upon the terms set forth in an agreement dated March 26, 1991, between the City of Modesto and Ernest P. Graham Development Company, a copy of which agreement is marked Exhibit "A", attached hereto and incorporated herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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: Bird, Irizarry, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEQUAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORMINE COYLE, City Clerk
This Agreement made and entered into in the City of Modesto, State of California, this 26th day of March, 1991, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as City, and ERNEST P. GRAHAM DEVELOPMENT CO., and STANDIFORD CENTRE, LTD., a California General Partnership, hereinafter referred to collectively as Developer.

This Agreement is made with regard to the following recitals:

Whereas, The Modesto City Council, by Ordinance No. 2603-C.S. introduced on August 23, 1988, and effective on October 6, 1988, upon application by Developer, rezoned Developer's property hereinafter described from a portion of Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), to allow a two structure three-story office complex with two free-standing "pads" for restaurants or banks/financial institutions; and

Whereas, Developer's property is located on the southwest corner of Standiford Avenue and Carver Road and is more particularly described in Exhibit "A" which is attached hereto and made a part hereof and which is hereinafter referred to as "the property"; and

Whereas, City Council Resolution No. 88-628, which was adopted on August 23, 1988, approved a development plan for P-D(451) and contained the conditions of approval thereof; and

Whereas, condition 14 of said Resolution No. 88-628 provided as follows:

"14. Prior to issuance of a building permit, as a traffic impact mitigation measure, the developer shall pay an amount as determined by the City Traffic Engineer, 70 percent of the cost of upgrading the existing traffic signal at the Carver Road/Standiford Avenue intersection including but not limited
to left turn phasing in accordance with engineered plans and specifications prepared by the applicant's traffic consultants and approved by the City's Traffic Engineer."

Whereas, in November, 1988, Developer requested a modification to said condition number 14 of Resolution No. 88-628 to allow Developer to place a deposit in the amount of $100,000 in lieu of completion of the final traffic signal design plans and approval thereof by the City traffic engineer; and

Whereas, the purpose of Developer's request was to allow Developer to immediately obtain building permits without having to await the completion of the final traffic signal design plans; and

Whereas, the Modesto City Council considered Developer's request to amend said condition 14 at a public hearing held on November 22, 1988; and

Whereas at the conclusion of the public hearing, the Modesto City Council adopted Resolution No. 88-914 which amended condition 14 to read as follows:

"14. Prior to issuance of a building permit, the developer shall deposit $100,000 with the City to cover the cost of upgrading the existing traffic signal at the Carver Road/Standiford Avenue intersection. Said $100,000 deposit represents 70 percent of the construction cost of upgrading the signal. Within a reasonable time after issuance of the building permit, the developer, at his own expense, shall have his consulting traffic engineer submit engineered plans for upgrading the signal to the City Traffic Engineer. The plans shall include but not be limited to left turn phasing and a construction cost estimate. Upon the City Traffic Engineer's approval of the plans and estimate, the City shall refund to the developer the difference between $100,000 and 70 percent of the estimated cost of constructing the upgraded signal."

Whereas, shortly after the adoption of said Resolution No. 88-914, Developer obtained a foundation permit for its project on the property on December 2, 1988. A second permit was issued by the City on January 3, 1989, for the first three-story office building shell for which a final occupancy
permit was issued on September 26, 1989. Thereafter, on August 9, 1990, a building permit was issued for the construction of a restaurant on the free-standing pad located on the northeast corner of the property. A final occupancy permit was issued for that structure on November 6, 1990; and

Whereas, City inadvertently issued said building permits without requiring Developer to make the $100,000 deposit required by condition 14, as amended; and

Whereas, Developer also failed to provide the final plans for upgrading the signal to the City traffic engineer for his final approval; and

Whereas, Developer now desires a building permit for tenant improvements in the three-story office building to accommodate the needs of a prospective tenant and City refuses to issue such a permit until Developer makes the $100,000 deposit and provides the final plans for upgrading the signal to the traffic engineer for his final approval; and

Whereas, Developer is unable to provide the required $100,000 deposit at this time and also contends that if he is unable to obtain a building permit for said tenant improvements, he will suffer severe economic hardship; and

Whereas, Developer proposes to provide the City with a non-interest bearing note in the amount of $100,000, secured by a deed of trust on the property, in lieu of the $100,000 cash deposit as well as a commitment to providing the required final engineered plans for upgrading the signal to the City traffic engineer for his approval; and

Whereas, the City is willing to accept this proposal upon the terms and conditions hereinafter set forth.
NOW, THEREFORE, the parties do hereby mutually agree as follows:

1. City agrees to accept a non-interest bearing note in the amount of $100,000, all due and payable on September 1, 1991, in lieu of the cash deposit required by condition 14, as amended. The note shall be secured by a deed of trust on the property owned by Developer described in the attached Exhibit "A". The note and deed of trust are attached as Exhibit "B" and "C", respectively. In the event Developer does not pay the $100,000 deposit on or before September 1, 1991, the City, in addition to any other remedies provided by the deed of trust, (e.g., private foreclosure) or by law, (e.g., judicial foreclosure) shall have the right to revoke any and all building permits then outstanding for tenant improvements that have been issued pursuant to this agreement.

2. Within five days after the date of this agreement, Developer shall supply City with a letter signed by a registered traffic engineer stating that the engineered plans for upgrading the signal at the Carver Road/Standiford Avenue intersection as required by condition 14, as amended, will be submitted to the City's traffic engineer for his approval no later than April 19, 1991. Thereafter, the Developer's traffic engineer shall respond within a reasonable time, as determined by the City's traffic engineer in his sole discretion, to any comments or requirements of the City's traffic engineer regarding plan amendments until the plans, including a construction cost estimate, have been finally approved. As provided by amended condition 14, in the event 70 percent of the construction cost estimate is less than $100,000, the City shall accept such lesser amount in full satisfaction of the promissory note referred to in paragraph 1 of this agreement. In the event Developer's traffic engineer fails to provide the letter described in this
paragraph within five days of the date of this agreement, or in the event the Developer's traffic engineer fails to provide the engineered plans for upgrading the signal at the Carver Road/Standiford Avenue intersection to the City's traffic engineer for his approval on or before April 19, 1991, or fails to respond within a reasonable time to any comments or requirements of the City's traffic engineer, then the City may revoke any and all building permits that have been issued for tenant improvements pursuant to this agreement. In addition, City may immediately, pursuant to the terms of the note, accelerate Developer's obligation.

3. Upon execution of this agreement, City shall process Developer's applications for building permits for tenant improvements to the existing three-story office building on the property as if condition 14, as amended, had been satisfied. Developer understands and agrees that this agreement does not relieve Developer of any other requirements normally imposed by the City's building department as conditions to the issuance of building permits or of any of the other conditions of approval set forth in Resolution No. 88-914. Developer further understands and agrees that this agreement only applies to applications for building permits for tenant improvements to the existing three-story office structure on the property. In other words, Developer understands that this agreement does not entitle it to apply for building permits in connection with the construction of the second three-story office structure or the remaining free-standing "pad" for a restaurant or bank or other financial institution that were approved as part of P-D(451). Developer acknowledges that it has received no promises, assurances, or commitments of any kind that City will issue building permits for the second three-story office structure or the remaining free-standing pad
pursuant to this agreement. The sole purpose of this agreement is to permit Developer to apply for building permits for tenant improvements to the existing three-story office structure only. Developer understands and acknowledges that any expenditures made or liabilities incurred, including contractual obligations to furnish additional space to existing or prospective tenants in a second three-story office structure or in a second restaurant and/or bank or financial institution on the remaining free-standing "pad" on the property are at the sole risk of Developer. Accordingly, the parties agree that Developer shall not apply for nor shall City issue any additional building permits other than building permits for tenant improvements in the existing three-story office building on the property until condition 14, as amended, has been satisfied by Developer's cash deposit in the required amount and final approval by City of the engineered plans for the upgrading of the traffic signal. In the event Developer fails to meet the obligations under either paragraph 1 or paragraph 2 of this agreement and City forecloses its lien on Developer's property at either a private sale or through a judicial foreclosure, neither Developer nor its successor in interest shall be entitled to apply for any additional building permits after the date of Developer's default until the chief building official determines in his sole discretion that the City has realized enough cash from such proceedings to satisfy Developer's entire obligation under condition 14, as amended.

4. In the event Developer applies for and City issues building permits for tenant improvements in the existing three-story office structure pursuant to the terms of this agreement, it is understood and agreed that the issuance of said permits by City does not confer upon Developer a "vested right" to have further building permits issued for the construction of a
second three-story office structure and/or a restaurant or bank or other financial institution on the remaining free-standing "pad".

5. Developer acknowledges and agrees that the provisions of Government Code §66000 through §66024, inclusive, do not apply to the traffic mitigation fee required by condition 14, as amended. Developer further waives whatever right it may have under law to challenge said fee.

6. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of both parties, however, Developer shall not assign any of its rights, duties or obligations under this agreement without the prior written consent of City, which consent shall not be unreasonably withheld.

Dated: ___________________________ Dated: 3-26-91

CITY OF MODESTO

ERNEST P. GRAHAM DEVELOPMENT CO.

APPROVED AS TO FORM:

STANDIFORD CENTRE, LTD., a California Limited Partnership

ATTEST:

NORRINE COYLE, City Clerk

By: _____________________________ By: _____________________________

J. EDWARD TELLES, City Manager

ERNEST P. GRAHAM

By: _____________________________ By: _____________________________

STAN T. YAMAMOTO, City Attorney General Partner
All that real property situate in the State of California, County of Stanislaus, City of Modesto described as follows:

Parcel 2 as per Parcel Map filed December 1, 1986 in Volume 38 of Parcel Maps, at Page 94, Stanislaus County Records.

EXHIBIT "A"
PROMISSORY NOTE SECURED BY DEED OF TRUST

$100,000.00

Modesto, California

March 25, 1991

FOR VALUE RECEIVED, the undersigned, STANDIFORD CENTRE, LTD., a California Limited Partnership, promises to pay to the CITY OF MODESTO, or order, at 801 11th Street, Modesto, California, 95353, or at such other place as the holder may from time to time designate by written notice to maker, the principal sum of ONE HUNDRED THOUSAND DOLLARS ($100,000.00) without interest. The principal will be due and payable in lawful money of the United States of America without set off, deduction, or counterclaim, in one lump sum, on September 1, 1991.

The entire principal sum will at once become due and payable, without notice, at the option of the holder of this note, in the event maker defaults in the performance of any of its obligations in the security agreement executed on this same date between maker and City of Modesto or in the performance of any of the agreements in the deed of trust securing this note. Failure to exercise such option will not constitute a waiver of the right to exercise it in the event of any subsequent failures to perform.

If the property, any part of it, or interest in it is sold or further encumbered, or if the trustor agrees to sell, convey, further encumber, or alienate the property, by operation of law or otherwise, all obligations secured by this instrument regardless of the maturity dates, at the option of the holder and without demand or notice will immediately become due and payable. Failure of the holder to exercise the option to accelerate
the debt in the event of sale, assignment, or further encumbrance will not constitute a waiver of the right to exercise this option in the event of subsequent sale, assignment or further encumbrance.

This note is secured by a deed of trust executed this date.

STANDIFORD CENTRE, LTD., a California Limited Partnership

By [Signature] 3-26-91
DEED OF TRUST WITH ASSIGNMENT OF RENTS
(SHORT FORM)

This DEED OF TRUST, made this 26th day of March, 1991, between

STANDIFORD CENTRE, LTD., a California Limited Partnership,

whose address is

Post Office Box 644
Modesto, California 95353

AND

FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, hereinafter called TRUSTEE,

the CITY OF MODESTO, a Municipal Corporation

Wherein called BENEFICIARY,

WITNESSETH: That Trustor grants to Trustee in trust, with Power of Sale, that property in the City of Modesto, County of Stanislaus, State of California, described as:

Parcel 2 as per parcel map filed December 1, 1986 in Volume 38 of Parcel Maps, at page 94, Stanislaus County Records.

Together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the Purpose of Securing (1) payment of the sum of $100,000.00 (2) interest thereon according to the terms of a promissory note or notes of even date heretofore made by Trustor, payable to order of Beneficiary, and extensions or renewals thereof, and (3) the performance of each and all of the terms and provisions set forth in the following: and (4) the provisions set forth in the trust created hereby, provided the same shall not exceed the amount allowed by law.

shall issue to and hold the parcel hereby described, in trust, with Power of Sale, the property hereby described, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

STATE OF CALIFORNIA
COUNTY OF STANISLAUS

On March 26, 1991, before me, the undersigned, a Notary Public in and for said County, personally appeared

Ernest P. Graham, General Partner, Standiford Centre, Ltd.

The execution hereof was proved to my hand and acknowledged to me that he/she/they executed the same.

Exhibit "C"
A RESOLUTION GRANTING APPROVAL TO THE CHAMBER OF COMMERCE FOR GRAFFITI USA ON SATURDAY, JUNE 8, 1991, AND SUNDAY, JUNE 9, 1991, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Chamber of Commerce (hereinafter referred to as the Chamber) has requested assistance from the City of Modesto (hereinafter referred to as City) with the Graffiti USA activities to be held on Saturday, June 8, 1991, and Sunday, June 9, 1991, and

WHEREAS, said Graffiti USA activities will include a downtown street festival, formerly known as Modesto a la Carte, which offers a variety of organized and managed family-oriented entertainment, and a controlled cruise/parade on Saturday only featuring classic cars, and

WHEREAS, Chamber specifically has requested that the City of Modesto support the following: concept, goals and strategy of Graffiti USA and to allow closure of City streets and parking lots in the event area; to support the closure of McHenry Avenue for the Graffiti USA cruise; to provide adequate personnel during the event; to provide barricading of streets; to provide any necessary cleanup of streets and parking lots; and to waive licensing or inspection fees, and

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

WHEREAS, at its meeting of April 2, 1991, the Council considered the request for City assistance with the Graffiti USA activities to be held on Saturday, June 8, 1991, and Sunday, June 9, 1991, and the Council deems it appropriate to grant approval and assistance to the Chamber relating to said request, subject to certain conditions,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Chamber's request for City assistance with the Graffiti USA activities to be held on Saturday, June 8, 1991, and Sunday, June 9, 1991:

1. The Chamber shall receive a permit from the California Department of Transportation authorizing closure of McHenry Avenue on Saturday, June 8, 1991, from 3:00 p.m. until 7:00 p.m., as a requirement of the proposed Cruise/Parade.

2. The Chamber shall be allowed to conduct the Cruise/Parade from 4:00 p.m. until 7:00 p.m., on Saturday, June 8, 1991, and shall not permit any cars to enter McHenry Avenue northbound after 6:30 p.m.

3. The Chamber is to provide sufficient volunteers to place and maintain barricades along McHenry Avenue. These volunteers shall remain on site during the entire time of the street closure, 3:00 p.m. until 7:00 p.m.

4. The volunteers of the Chamber shall remain on site during the transition from the Cruise/Parade to the opening of McHenry Avenue to the public and shall remove the barricades to a corner location designated by the City.

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

6. The Chamber shall be responsible for cleanup of all parking lots and streets during and after the event. The City shall provide the normal street sweeping on Sunday evening.

7. Parking shall not be allowed at the Southern Pacific site on Saturday, June 8, 1991, due to its use as the alternate bus transfer site or at the Centre Plaza parking facilities, due to previously scheduled events.

8. Vehicular traffic on City parking lots shall be restricted to passenger vehicles and pickup trucks.

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

10. Signs shall be provided by the Chamber directing vehicular and pedestrian traffic at all locations where streets and sidewalks are closed to through traffic.
11. Prior to the event, all food carts shall be inspected at the Fire Prevention Bureau.

12. Emergency equipment shall be provided access at all times. Any vehicles or other items blocking access shall be towed.

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

14. Each tent shall be inspected by the Fire Marshall or his designee and appropriate permits shall be issued.

15. The Chamber shall execute a rental license to use the Centre Plaza and shall pay the required deposit to the Centre Plaza within one week of Council approval of the event.

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

17. The City shall waive all fire inspection fees; however, the Chamber shall be responsible for any and all other fees as may be required by other agencies.

18. The Chamber shall provide its own 24-hour security in the downtown area during the setup period and for the duration of the event.

19. That Chamber shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Chamber's sponsored Graffiti USA activities, use of the Centre Plaza, McHenry Avenue and other City streets and City parking lots.

20. The Chamber shall furnish to the Risk Manager of City current and valid certificate(s) of insurance evidencing coverages in the amounts of $1,000,000 primary and $4,000,000 umbrella with the City of Modesto named as "additional insured". In addition, a separate liquor legal liability endorsement must be obtained and included on the certificate of insurance if alcoholic beverages are to be sold.

The certificates shall contain contractual liability certification provisions stating that the policies are extended to cover the liability assumed by the Chamber under the terms of this resolution. After review and
approval of the certificates by the Risk Manager, the
certificate(s) of insurance must be on file with the City
Clerk and shall not permit cancellation of said insurance
unless ten (10) days' written notice is furnished to the
City Clerk of the City of Modesto, prior to the date of
June 8, 1991.

BE IT FURTHER RESOLVED that prior to the event, the Chamber shall
receive approval by the County of Stanislaus, the Downtown Improvement
District and the Downtown Merchants' Association.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 2nd day of April, 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, Irizarry, Lang, Muratore, Patterson,
    Acting Mayor Dobbs

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. 91-193

A RESOLUTION RESCINDING RESOLUTION NO. 86-931 ENTITLED "A RESOLUTION ADOPTING A HOUSING DENSITY BONUS POLICY."

WHEREAS, on August 5, 1986, by Resolution No. 86-931, the Council of the City of Modesto adopted a Housing Density Bonus Policy, and

WHEREAS, at its meeting of April 2, 1991, the Council introduced an Ordinance adding Chapter 3 entitled "Affordable Housing" to Title X of the Modesto Municipal Code, and

WHEREAS, said amendment incorporates provisions for density bonuses into Title X of the Modesto Municipal Code and replaces Resolution No. 86-931 and its housing density bonus policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 86-931.

BE IT FURTHER RESOLVED that this resolution shall not become effective until the effective date of Ordinance No. 2756-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 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, Irizarry, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________
STAN T. YAMAMOTO, City Attorney

032991 10691CA2
A Resolution Accepting the Bid of Don Lambert & Sons, Inc. for Removing Five Fuel Tanks at Modesto City-County Airport

WHEREAS, Resolution No. 91-114, adopted by the Council of the City of Modesto on February 26, 1991, approved the plans and specifications for removing five fuel tanks at Modesto City-County Airport and authorized the calling for bids; and

WHEREAS, the bids received for removing five fuel tanks at Modesto City-County Airport were opened at 11:05 a.m. on March 21, 1991, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Don Lambert & Sons, Inc. in the amount of $36,995 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Don Lambert & Sons, Inc. in the amount of $36,995 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 2nd day of April, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYFE. City Clerk
A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR YOSEMITE PARK STREETS

WHEREAS, Resolution No. 91-115, adopted by the Council of the City of Modesto on February 26, 1991, approved the plans and specifications for the Yosemite Park streets

and authorized the calling for bids; and

WHEREAS, the bids received for the Yosemite Park streets

were opened at 11:00 a.m. on March 2, 1991, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Western Stone Products, Inc. in the amount of $25,392 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products, Inc. in the amount of $25,392 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 2nd day of April, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Acting Mayor Dobbs
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
    NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-196

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUBLIC FACILITIES DISTRICT NO. 6 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of Public Facilities District No. 6 has been completed by Ms. Machines Construction, Inc. in accordance with the contract agreement dated May 8, 1990.

NOW, THEREFORE, BE IT RESOLVED that the construction of Public Facilities District No. 6 be accepted from said contractor, Ms. Machines Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,109,512.14 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 April, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-197


WHEREAS, it has been determined that certain interim 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 Exhibits I, II, and III 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 2nd day of April, 1991, by Councilmember Bird, 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: Bird, Irizarry, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
### General Fund Revenue

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**Total:** (519,487)
### General Fund Expenditures

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Total Equals Revenue Decrease: (198,487)
### INTERIM ADJUSTMENTS - OTHER FUNDS

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## INTERIM ADJUSTMENTS - OTHER FUNDS

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-198

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CARROLL W. DUNKEL FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 533-37 BRIGGS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Carroll W. Dunkel, for sewer service to property outside City limits at 533-37 Briggs Avenue, located on the north side of Briggs Avenue between Ackerman Way and Martin Luther King 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 2nd day of April, 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-199

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR
PROPOSALS FOR A COMPUTER PROGRAM FOR THE INDUSTRIAL WASTE
DIVISION OF THE CITY OF MODESTO.

WHEREAS, the Industrial Waste Division of the City of Modesto tracks
Modesto's permitted industries, and

WHEREAS, permits and discharge limits are issued on a yearly basis
and monitored monthly to insure the industries' compliance with their limits
as required by the State Water Resources Control Board, and

WHEREAS, the computer program currently used by Industrial Waste is
workable but needs frequent modification and significant improvement because
it is not applicable to our growing industrial monitoring needs, and

WHEREAS, City staff has recommended using a new program which will
generate the necessary monitoring reports for the Environmental Protection
Agency and the State and which will enable the Industrial Waste Division to
perform more efficiently,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes City staff to issue a request for proposals for a
new computer program which will adequately handle the needs of the Industrial
Waste Division of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April 1991, by Councilmember Lang, 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, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
RESOLUTION NO. 91-200

A RESOLUTION APPOINTING RICHARD LANG TO THE SEAT OF MAYOR OF THE CITY OF MODESTO

WHEREAS, Section 702 of the Charter of the City of Modesto authorizes the City Council to appoint persons to fill vacancies in the office of Mayor or Councilmember, said appointee to hold office until a successor is duly elected at the next regular municipal election; and

WHEREAS, the Mayor's seat was vacated by Carol Whiteside on March 19, 1991; and

WHEREAS, Richard Lang has served as a Councilmember since his election to the City Council on March 8, 1977.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Councilmember Richard Lang is hereby appointed to fill the vacant seat of Mayor until the next regular municipal election which will be held on November 5, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 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, Irizarry, Lang, Muratore, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-201

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 1991 COLD-IN-PLACE RECYCLING PROJECT

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

SECTION 1. The plans and specifications for the 1991 cold-in-place recycling 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 May 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 9th day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-202

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

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

SECTION 1. The plans and specifications for the purchase of golf course turf maintenance equipment 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 May 6, 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 9th day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-203

A RESOLUTION ACCEPTING THE BID OF SANCON ENGINEERING, INC. FOR SAND BLASTING AND RECOATING CLARIFIER NO. 2 AT THE CITY'S WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 91-135, adopted by the Council of the City of Modesto on March 5, 1991, approved the plans and specifications for sand blasting and recoating clarifier No. 2 at the City's Water Quality Control Plant and authorized the calling for bids; and

WHEREAS, the bids received for the sand blasting and recoating of clarifier No. 2 at the City's Water Quality Control Plant were opened at 11:00 a.m. on March 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 & Transportation has recommended that the bid of Sancon Engineering, Inc. in the amount of $73,500 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sancon Engineering, Inc. in the amount of $73,500 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 April, 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, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF ENGINE DIAGNOSTIC EQUIPMENT FROM SUN ELECTRIC CORP.

WHEREAS, the Service Division of Public Works and Transportation has requested the purchase of engine diagnostic equipment to provide City mechanics with equipment that can perform fleet diagnostic procedures on a variety of equipment; and

WHEREAS, research of the equipment available identified three manufacturers of this specialized equipment, but of the three, only Sun Electric Corp. performs a multitude of engine diagnostic routines that are geared toward large fleet operations such as the City's; and

WHEREAS, staff has determined that Sun Electric Corp. equipment is the most prevalent engine diagnostic equipment in the market, including a track record for reliability, service, and support.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of engine diagnostic equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of engine diagnostic equipment from Sun Electric Corp. for the total cost of $47,367 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 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, 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 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. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Cross Connection Specialist

The specifications for the classification of Cross Connection Specialist (Range 122), 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 April 9, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April 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, 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
CITY OF MODESTO
No. 6160

FEBRUARY 1991

CROSS CONNECTION SPECIALIST

DEFINITION

To inspect cross connection devices and to inspect, test and certify backflow prevention devices; to read, repair and maintain watermeters; to maintain, repair and service sewer and storm drain lift stations and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory staff. Exercises technical supervision over lower level maintenance staff.

EXAMPLES OF DUTIES – Duties may include, but are not limited to, the following:

Administer Cross Connection Control Program

Enforce public health regulations relating to backflow and cross connection control within the City of Modesto's water distribution system.

Conduct cross connection surveys and inspections in order to identify water user premises where cross connections are likely to occur.

Inspect premises for cross connections and certify backflow preventers on new construction or remodels when building permits are issued.

Provide information to contractors, architects and engineers, concerning the City's Cross Connection program.

Maintain the City of Modesto list of certified backflow assembly testers.

Maintain accurate records of backflow preventer locations, testing and repairs.

Maintain annual backflow testing and maintenance schedule with monthly notification program.

Test, maintain and repair backflow preventers on city property and buildings.

Trouble shoot and respond to complaints on backflow preventers within the city's water distribution system.

Inspect water tank trucks to ensure that the trucks have proper air-gap separations.

Maintain records on water trucks relating to its holding capacity in gallons and air gap separation.

Meet with State Health Inspector yearly for review and audit of the City's cross connection and backflow program.

032891

Exhibit "A"
EXAMPLES OF DUTIES (continued)

**Hydrant Meter Program Duties**

Issue hydrant permits.

Enforce hydrant meter program.

Maintain records of repairs, maintenance and calibration of hydrant meters.

Obtain hydrant meter readings for billing.

Repair and test hydrant meters.

**Subdivision Meter Program Duties**

Repair and maintain meter and check valve assembly.

Obtain meter readings for billing.

**Meter Replacement Program Duties**

Maintain service records information for large water meters.

Test large meters for accuracy and replace water meters that are inefficient or obsolete.

**Other Duties**

Work as Pump Mechanic if needed.

Operate water automation control board.

Sample water for State Health Department.

Weld and fabricate.

Perform related duties as assigned.

**QUALIFICATIONS**

**Knowledge of:**

- Inspection, testing, repair and certification of backflow prevention devices, watermeters, motors, and pumps.

- Inspection and testing of cross connection devices.
QUALIFICATIONS (continued)

Knowledge of:

Principles, practices, tools, equipment and parts used in maintenance and repair of backflow prevention devices, water meters and lift stations.

Municipal water system and water service components.

Pertinent state, federal and local laws, codes and regulations.

Pertinent safety principles and practices including working in confined spaces.

Principles and practices of electricity, hydraulics, metal cutting and welding.

Basic mathematics.

Basic writing skills including grammar, punctuation, and spelling.

Ability to:

Perform a variety of skilled and complex work in the repair, testing, and certification backflow devices in accordance with state, county and city ordinances and regulations.

Perform skilled and complex work in the inspection, diagnose, repair and maintenance of cross connection devices, meters, pumps, motors, and computerized and pneumatic controls.

Work independently.

Maintain records and prepare reports.

Understand and carry out oral and written instructions.

Establish and maintain effective working relationships with others.

Communicate effectively both orally and in writing.

Tactfully deal with the public.

Enforce regulations relating to cross connection and backflow devices.

Perform heavy manual labor, including lifting and carrying 50 to 100 pounds.

Read and interpret blueprints.

Work in confined spaces.
Experience and Training Guidelines:

Experience:

Two years experience equivalent to Meter Reader/Repair Worker or 1 year of experience in the inspection repair and maintenance of backflow prevention devices. Three to six months experience in program administration is desirable.

Training:

Equivalent to completion of twelfth grade supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an AWWA Backflow Prevention Assembly Tester's Certificate.

Possession of an AWWA Cross Connection Control Specialist Grade I Certification.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-206

A RESOLUTION AMENDING EXHIBIT "A" 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 "A"
entitled "City of Modesto Class Range Table General Non-Sworn Classes
Effective July 3, 1990", attached to Resolution No. 90-607, is hereby amended
as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range
Table General Non-Sworn Classes Effective April 9, 1991", which is attached
hereto and made a part hereof as though set forth in full herein. Said
amended Exhibit "A" establishes the salary for a newly created position; Cross
Connection Specialist at Range 122.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after April 9, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: Norrine Coyle, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective April 9, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 103   | Administrative Clerk I  
       | Printing Services Operator I |
| 104   | |
| 105   | |
| 106   | |
| 107   | Printing Services Operator II  
       | Administrative Clerk II  
       | Animal Control Officer I  
       | Custodian |
| 108   | |
| 109   | Police Clerk  
       | Data Processing Technician |
| 110   | Maintenance Worker I  
       | Equipment Service Worker I |
| 111   | Account Clerk  
       | Sr. Printing Service Operator  
       | Animal Control Officer II  
       | Evidence & Property Specialist |
| 112   | Code Enforcement Officer I |
| 113   | Computer Operator  
       | Administrative Technician  
       | Drafting & Graphics Technician |
| 114   | Electrical Technician I  
       | Storeskeeper  
       | Maintenance Worker II  
       | Fire Supply Specialist  
<pre><code>   | Equipment Service Worker II |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
       | Planning Technician I  
       | Wastewater Treatment Plant Attendant  
       | Community Service Officer  
       | Assistant to the Events Coordinator |
| 116   | Code Enforcement Officer II  
       | Equipment Operator  
       | Fire Prevention Technician I  
       | Meter Reader/Repair Worker  
       | Motor Sweeper Operator  
       | Parking Meter Worker  
       | Traffic Painter  
       | Traffic Sign Worker  
       | Water Line Worker |
| 117   | Electrical Technician II |
| 118   | Tree Trimmer  
       | Senior Storeskeeper  
       | Street Trees Crewleader  
       | Parking Lot Maintenance Crewleader  
       | Parks Crewleader |
| 119   | Maintenance Mechanic - Parks  
       | Planning Technician II  
       | Maintenance Mechanic - Pumps  
       | Wastewater Treatment Plant Operator  
       | Civil Engineering Technician I  
       | Building Maintenance Mechanic  
       | Police Administrative Assistant |
| 120   | Welder/Fabricator  
       | Senior Equipment Operator  
       | Fire Prevention Technician II  
       | Equipment Mechanic  
       | Assistant Electrician  
       | Traffic Painter Crewleader  
       | Accountant I  
<pre><code>   | Assistant Lab Technician |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>121</td>
<td></td>
</tr>
</tbody>
</table>
| 122   | Coach Mechanic  
|       | Fire Equipment Mechanic  
|       | Nursery Propagator  
|       | Tree Trimmer Crewleader  
|       | Programmer Analyst I  
|       | Industrial Waste Inspector I  
|       | Cross Connection Specialist |
| 123   | Sr. Wastewater Treatment Plant Operator  
|       | Maint. Mech. Crewleader - Pumps  
|       | Civil Engineering Technician II  
|       | Maint. Mech. Crewleader - Parks |
| 124   | Plant Mechanic  
|       | Laboratory Technician  
|       | Equipment Mechanic Crewleader  
|       | Planning Assistant  
|       | Equipment Crewleader  
|       | Community Development Program Specialist |
| 125   | Crime Analyst |
| 126   | Coach Mechanic Crewleader  
|       | Building Inspector I  
|       | Electrician  
|       | Housing Rehab. Specialist I  
|       | Housing Financial Specialist  
|       | Industrial Waste Inspector II  
|       | Senior Fire Equipment Mechanic |
| 127   | Civil Engineering Assistant  
|       | Landscape Technician |
| 128   | Instrument Repair Technician  
|       | Programmer Analyst II |
| 129   |       |
| 30    | Building Inspector II  
|       | Construction Inspector  
|       | Housing Rehabilitation Spec. II  
|       | Hazardous Materials Inspector |

040991
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>131</td>
<td>Sr. Civil Engineering Asst.</td>
</tr>
<tr>
<td>132</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td></td>
</tr>
<tr>
<td>134</td>
<td>Senior Building Inspector</td>
</tr>
<tr>
<td></td>
<td>Senior Construction Inspector</td>
</tr>
<tr>
<td></td>
<td>Fire Plan Checker</td>
</tr>
<tr>
<td></td>
<td>Plan Review Engineer</td>
</tr>
</tbody>
</table>

Effective April 9, 1991
A RESOLUTION APPROVING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE CITY OF
MODESTO AND THE STATE OF CALIFORNIA FOR AN ADDITIONAL $606,000 FOR THE TRANS-
PORTATION CENTER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
amended grant agreement between the City of Modesto and the State of California
for an additional $606,000 for the Transportation Center project under the
State Transit Capital Improvement Program 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 9th day of April, 1991, by Council-
member 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, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-208
AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO-STANISLAUS DIAL-A-RISE TO PROVIDE FOR USE OF ADDITIONAL VANS TO MEET PASSENGER DEMAND

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto-Stanislaus Dial-A-Ride to provide for use of additional vans to meet passenger demand

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 April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________________

MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-209

A RESOLUTION ADOPTING AMENDMENTS TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO.

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of "Standard Specifications of the City of Modesto" said Standard Specifications to be prepared by the Public Works and Transportation Department and recommended by the Planning Commission, and

WHEREAS, the Engineering Division of the Public Works and Transportation Department has recommended extensive amendments, which include several additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled "CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS ENGINEERING STANDARD SPECIFICATIONS Annual Revisions 1991 Edition", and

WHEREAS, the proposed amendments are to accomplish correcting grammatical errors, clarifying existing text and drawings, updating to include the current editions of standards, tests and materials already required by the Standards, adding policies and procedures which have already been established by the Public Works Department, and

WHEREAS, the proposed amendments were considered by the Construction Industry Liaison Committee and notices of an informal public hearing by the Planning Commission to consider the proposed amendments were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed amendments was held by the Planning Commission on March 18, 1991, and
WHEREAS, the Planning Commission, by Resolution No. 91-15, adopted on March 18, 1991, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS ENGINEERING STANDARD SPECIFICATIONS Annual Revisions 1991 Edition", copies of which are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed amendments to the Standard Specifications of the City of Modesto, as prepared by the Public Works and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on April 9, 1991, at which time the Council determined that the proposed amendments to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain amendments to the "Standard Specifications of the City of Modesto, 1991", copies of which amendments are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as amendments to the Standard Specifications of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 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, 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

WHEREAS, the severe freezing weather of December, 1990, caused extensive damage to public facilities owned and operated by the City of Modesto; and

WHEREAS, this event has been declared a disaster by both the state and federal governments; and

WHEREAS, these declarations create the possibility of financial assistance from the state and federal governments to offset the cost of repairing damage to Modesto facilities; and

WHEREAS, state and federal regulations require the agents for the City of Modesto be designated by resolution authorizing them to execute financial assistance applications.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. J. Edward Tewes, City Manager, or Paul Baxter, Deputy City Manager, or Adriana Garza, Assistant to the City Manager, for the City of Modesto, are hereby authorized to execute for and in behalf of the City of Modesto, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, or state financial assistance under the Natural Disaster Assistance Act.

2. The City of Modesto, a public entity established under the laws of the State of California, hereby authorizes its agent to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARY ANN GREENWOOD FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JUNE 1, 1991

WHEREAS, Mary Ann Greenwood was appointed a member of the Affirmative Action Commission on September 8, 1987; and

WHEREAS, Mary Ann Greenwood has tendered her resignation from the Affirmative Action Commission, effective June 1, 1991; and

WHEREAS, Mary Ann Greenwood 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 Mary Ann Greenwood 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 Mary Ann Greenwood 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 April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
RESOLUTION NO. 91-212

MODESTO CITY COUNCIL

A RESOLUTION EXPRESSING CITY COUNCIL SUPPORT FOR FESTIVAL '91.

WHEREAS, the idea for an International Festival was first proposed by the Cultural Opportunities/Parks and Recreation Task Force of the Forward Modesto IV project, which proposal stated that the community organize and sponsor such a festival to celebrate the culture diversity of Modesto, and

WHEREAS, during the past few months an initial Steering Committee of community volunteers has been established, committee members have been designated, and various organizations and clubs representing the cultural diversity of Modesto have been contacted and an enthusiastic response has been received, and

WHEREAS, by letter dated April 2, 1991, from Bill Seavy, Festival '91 President, request was made that the Council designate the Festival '91 Committee as an official Committee of the City of Modesto and support the plans for this first year Festival which will commence on October 5, 1991, with an opening parade highlighting the various ethnic delegations in the community, and following the parade a street fair will be held which will be comprised of various international food and craft booths and which will run through Sunday, October 6, 1991, and

WHEREAS, at the Council meeting held on April 9, 1991, the Council considered said requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request that the Council designate the Festival '91 Committee as an official Committee of the City of Modesto and support the plans for the Festival '91 event as outlined in the letter dated April 2, 1991, from Bill Seavy, Festival '91 President, a copy of which letter is attached hereto, marked Exhibit "A", and incorporated herein by reference, are hereby approved.

041991
5089CA
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1991, by Councilmember Irizarry, 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, 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

Dear Council Members:

The idea for Festival '91 was born several years ago during the Forward Modesto IV project. It was an idea suggested by several task forces and highlighted as a goal in the final 1987 Forward Modesto IV report.

This idea was carried forward by Carol Whiteside and John Sutton, but with Councilmember Sutton's untimely death, it was put on hold until May of 1990. At that time Mayor Whiteside requested staff to gather preliminary data for a Fall 1990 event. City Council was asked for additional information or suggestions in gathering names of various ethnic groups in the community. It was quickly realized that this type of festival would need a longer time to plan.

Planning for the Festival began in earnest last fall. A Steering Committee was appointed by Mayor Whiteside and committee members designated. The list of members is attached.

A public informational meeting was held on January 16, 1991 and about 40 delegates representing various ethnic groups attended. Great enthusiasm was expressed by these attenders for such a festival.

Financial support to the Festival has already been given by Ogden Martin with a donation of $15,000; the Modesto Bee has promised free advertising space to the same extent it supported "A La Carte" and PG&E will also contribute financial support. Modesto City schools are planning to take part in the Festival and support from other public and private school districts is being sought. Members of the Steering Committee represent a good cross section of interested groups in the Community. Each participating ethnic delegation will seek their own private sponsors.

Festival activities will commence Saturday, October 5, with an opening parade highlighting the various ethnic delegations in our community. The disbanding of the parade will also mark the beginning of the street fair, located across from the Civic Center Plaza, which will run through Sunday, October 6.

The Street Fair will be comprised of various international food and craft booths. A main stage area will be provided promoting local ethnic talent in conjunction with the festival's theme. The "Yes You Can" Children's Museum will

Exhibit "A"
also be highlighting the ongoing schedule of events for youth throughout the day. Saturday night entertainment includes a dance whose theme is "World Beat '91" and includes four different professional band groups with Brazilian, Wazobia, Samba and Caribbean beats.

Insurance coverage for the event days of October 5 and 6 will be purchased by the Festival '91 Committee.

The Steering Committee feels that this event will be a success in Modesto due to the many ethnic groups living here. It will be a chance for the entire community to work together for a common goal - that of taking pride in our heritage and pride in our city. Modesto has many ethnic groups who already have their own festivals and celebrations. Festival '91 will bring these groups together for a common celebration of ethnic diversity.

The Festival '91 committee is currently filing for 501(c)(3) non-profit status. This designation will take some time. Until that designation comes through, the Committee is asking to be appointed an official, City of Modesto, Council appointed Committee, for the remainder of this current year only (1991). By having this designation, it will give the entire project the status that it will need for more widespread support. It will make the festival more meaningful for our ethnic groups if it has City Council approval and support. The Festival Committee feels that Council support is critical for this first year.

In summary, the Festival '91 Steering Committee requests:

1. City Council appoint the Festival '91 Steering committee as an official City of Modesto Committee for the current year 1991;
2. City Council appoint a staff liaison to the Committee;
3. City Council authorize existing secretarial support for the Committee.

Thank you in advance for your consideration.

Sincerely,

Bill Seavy
Festival '91 President

WLS: jm

cc: Festival '91 Steering Committee Members
FESTIVAL '91 STEERING COMMITTEE

Bill Seavy  Chair
Tom Wright  Vice Chair
Bette Belle Smith  Treasurer
Nancy Young  Secretary

Other Members:
Juan Alvarez, Modesto Junior College
Sam Gonzalez, Modesto Bee
Louis Levin, Modesto Realtors
Odessa Johnson, Modesto Junior College
Bev Kilpatrick, Boyle/Kilpatrick
Ron Toy, Model Pharmacy
Amy Wolfe, Ogden-Martin Systems
Peter Pen, Cambodian Community of Modesto
Susan Gnesa, Stanislaus Arts Commission
Robin C. Martin, Physical Therapy
Raul Garcia, paid coordinator
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 City adopted Resolution No. 91-112, A Resolution of Intention to Make Acquisitions and Improvements;

WHEREAS, the changes and modifications hereinafter ordered will not increase the total amount of the assessment or the amount of any individual assessment nor eliminate or add any acquisitions or work which will substantially and adversely alter or affect the benefits to be derived from the work and acquisitions;

WHEREAS, the public interest, convenience and necessity require the changes and modifications hereinafter ordered;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That the total assessment in said proceedings be decreased from $1,119,593 to $1,066,902.

2. That changes and modifications be made in the Engineer's Report in regard to the Engineer's Cost Estimate, the Assessment Spread Calculation, and in the individual assessments all as set forth in Exhibit "A", Exhibit "B" and Exhibit "C", respectively, attached hereto and made a part hereof.

* * * * * * * * *
THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, 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, 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
CITY OF MODESTO
Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)

ENGINEER'S COST ESTIMATE

(1)

Preliminarily

Approved

(2)

Confirmed and

Recorded

1. CONSTRUCTION
ROADWAY EXCAVATION
30,200
24,915
REMOVE CURB, GUTTER SIDE WALK
9,328
15,158
CURB & GUTTERS
31,660
31,660
SIDEWALK
17,490
17,490
ASPHALT CONCRETE
82,250
61,339
AGGREGATE BASE
27,100
20,576
LIQUID ASPHALT PRIME COAT
2,500
750
CATCH BASINS & ROCKWELLS
17,500
9,750
ROCKWELL W/ 8 IN DIP
9,000
4,800
SD MANHOLE ON LS IN ACP
4,000
1,920
DRIVE WAY APPROACH
2,000
1,900
WHEEL CHAIR RAMPS
3,000
5,500
TRAFFIC SIGNAL MODIFICATION
75,000
88,500
STRIPING
10,000
20,000
MIDN CURBING
15,480
19,800
CONCRETE WALK FOR MEDIAN LIGHTING
6,420
5,330
RELOCATE STREET LIGHTS
3,000
2,600
REPLACE MANHOLE W/ ECCENTRIC CLEARING & GRUBBING
3,600
1,500
6 IN CHAIN LINK FENCE
10,000
10,650
10 IN WATER LINE
24,000
15,200
REMOVAL SURFACING
92,600
78,362
ADJUST UTILITY COVERS
1,265
1,518
ABANDON 2 ROCKWELLS & BASINS
2,100
910
TOTAL CONSTRUCTION
497,493
464,091

2. ACQUISITIONS, IMPROVEMENTS
T/S DALE/SISK/STANDIFORD
94,347
94,347
T/S STANDIFORD/PRESCOTT
81,251
81,251
T/S SISK/RUMBLE
110,000
110,000
WIDEN STANDIFORD, DALE TO PRESCOTT
1,241,246
1,241,246
RELOCATE FLAGPOLE
25,000
25,000
TOTAL ACQUISITIONS, IMPROVEMENTS
1,551,224
1,551,224

3. ACQUISITIONS, RIGHT OF WAY
1 FARMER PARCEL
70,000
70,000
5 MID PARCELS
32,000
32,000
3 SANDERS PARCELS
44,000
44,000
2 VINTAGE FAIRE PARCELS
63,500
63,500
TOTAL ACQUISITIONS, RIGHT OF WAY
209,500
209,500

EXHIBIT A PAGE 1
### 4. INCIDENTALS

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### 5. CONTINGENCIES

- **TOTAL PROJECT COST**: 2,734,771
- **ESTIMATED CONTRIBUTIONS**: (1,615,178)
- **TOTAL TO ASSESSMENT**: 1,119,593

---

**EXHIBIT A PAGE 2**
CITY OF MCGREGOR
Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)

ASSESSMENT SPREAD CALCULATION

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EXHIBIT B PAGE 1
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WATERLINE
WORK ATTRIBUTABLE TO EA ZONE 1,562,321 311,543 193,189 2,147,032
SUB-TOTAL, ALL ABOVE CLASSES LESS WATERLINE

IN RATIO TO ABOVE SUB-TOTAL:
CREDIT FOR CLASSES 1A, 2, 33 -1,033,696 -231,061 -127,622 -1,420,378
CFF CREDIT, CLASS 6A -12,370 -3,100 -1,550 -17,020
CFF CREDIT, CLASS 6B -64,396 -15,139 -7,963 -88,500
TRAFFIC MITIGATION, 6E 277 -1,874 -900 -10,000
==========================================================================
SUB-TOTAL, ALL CLASSES LESS CREDITS 444,580 111,419 54,975 610,974
CONTIGENCIES, 20% 88,916 32,284 10,995 122,195
TOTAL CONSTRUCTION COST 533,497 143,703 65,969 733,169

CLASS 5
LEGAL AND ADMINISTRATION
BOND COUNSEL 14,353 3,647 1,800 20,000
DESIGN ENGINEERING 20,262 5,078 2,505 27,845
ASSESSMENT ENGINEER 10,915 2,735 1,350 15,000
CONSTRUCTION ADMINISTRATION 20,262 5,078 2,505 27,845
FINANCIAL ADVISOR 18,191 4,559 2,249 25,000
COUNTY ADMINISTRATION 364 91 45 500
BOND PRINT AND PUBLISH 1,819 456 223 2,500
PAYING AGENT 11,279 2,827 1,395 15,500
PRINT OFFICIAL STATEMENT 5,437 1,368 675 7,500
BOND DISCOUNT, 3% 23,290 5,837 2,880 32,007
BOND RESERVE, 7% 54,344 12,619 6,720 74,683
CAPITALIZED BOND INTEREST, 8% 62,107 -13,565 7,680 85,352
==========================================================================
TOTAL, CLASS 5 242,844 60,861 30,029 333,733

GRAND TOTAL, TO ASSESSMENT 776,340 194,563 95,998 1,066,902

EXHIBIT B PAGE 3
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**EXHIBIT 2**
CITY OF MODESTO
IMPROVEMENT DISTRICT No. 29
(Standiford-Sisk-Dale-Prescott)

ASSessment Roll

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<th>Assessor's Parcel No.</th>
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CITY OF MODESTO
RESOLUTION NO. 91-214

A RESOLUTION OVERRULING PROTESTS

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, on February 26, 1991, this City adopted Resolution No. 91-112, A Resolution of Intention to Make Acquisitions and Improvements;

WHEREAS, notice of the time and place of hearing protests in relation to said proposed acquisitions and improvements was duly given and all written protests and other written communications were publicly read at said hearing and all persons desiring to be heard were fully heard;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That protests against said acquisitions and improvements, and/or matters related thereto, were not signed and duly filed by the owners of a majority or more of the area of the lands within the assessment district, or of the area of the lands within the assessment district assessed for the costs and expenses of said acquisitions and improvements.

2. That said protests, and each of them, are overruled.

* * * * * * * *
THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, 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, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:

[SEAL]

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO, City Attorney

NORRINE COYLE, City Clerk
RESOLUTION NO. 91-215

A RESOLUTION ADOPTING ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT AND ORDERING THE WORK AND ACQUISITIONS, AND DIRECTING ACTIONS WITH RESPECT THERETO

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, on February 26, 1991, this Council adopted Resolution No. 91-112, A Resolution of Intention to Make Acquisitions and Improvements (the "Resolution of Intention"), and therein directed the Engineer of Work to make and file a report in writing (the "Report") in accordance with and pursuant to the Municipal Improvement Act of 1913 (the "Act");

WHEREAS, the Report was duly made and filed, and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the Resolution of Intention, and on Tuesday, April 16, 1991, at the hour of 7:30 o'clock p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, were appointed as the time and place for hearing protests in relation to said proposed acquisitions and improvements, notices of which hearing were duly and regularly posted, mailed and published; and

WHEREAS, said hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said acquisitions and improvements were fully heard and considered by this Council, and all protests, both written and oral, were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order said acquisitions and improvements and the confirmation of said diagram and assessment to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. That the owners of one-half of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearing, file written protests against the said proposed acquisitions and improvements or the grades at which said work is proposed to be done, as a whole or as to any part thereof, or against the City or the extent thereof to be assessed for the costs and expenses of said acquisitions and improvements, as a whole or as to any part thereof, or against the engineer's estimate of costs and expenses, in whole or in part, or against the maps and
descriptions, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part.

2. That the public interest, convenience and necessity require that the acquisitions and improvements be made. Based upon evidence presented to this Council, it is hereby found that the total principal sum of outstanding unpaid special assessments levied against the parcels proposed to be assessed, plus the principal amount of the special assessments proposed to be levied in the instant proceedings do not exceed one half of the total value of the parcels proposed to be assessed, as such value is estimated as the full cash value of said parcels as shown on the last equalized assessment roll of the County of Stanislaus. Accordingly, this Council finds that there has been compliance with Part 7.5 of Division 4 of the California Streets and Highways Code and that all other requirements of said Division 4 are satisfied.

3. That the district benefited by said acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

4. That the Report as a whole and each part thereof, are hereby approved and confirmed to wit:

(a) the plans and specifications for the proposed improvements;
(b) the maps and descriptions of the lands and easements to be acquired, if any;
(c) the engineer's estimate of the itemized and total costs and expenses of said acquisitions and improvements, and of the incidental expenses in connection therewith;
(d) the diagram showing the assessment district and the boundaries and dimensions of the respective subdivisions of land within the City; and
(e) the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in the City in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto.

5. That final adoption and approval of the Report as a whole, and of the plans and specifications, maps and descriptions of the lands and easements to be acquired, estimate of the costs and expenses, the diagram and the assessment, as contained in the Report, as hereinabove determined and ordered, is intended to and shall refer and apply to the Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. That said acquisitions and improvements be made, and that said assessment to pay the costs and expenses thereof is hereby levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution of Intention.

7. That based on the oral and documentary evidence, including the Report, offered and
received at said protest hearing, this Council expressly finds and determines (a) that each of said
several subdivisions of land will be specially benefited by said acquisitions and improvements at
least in the amount, if not more than the amount, of the assessment apportioned against said
subdivisions of land, respectively, and (b) that there is substantial evidence to support, and the
weight of said evidence preponderates in favor of, the aforesaid finding and determination as to
special benefits.

8. That the City Clerk shall forthwith:
   (a) deliver said assessment to the Superintendent of Streets, together with said
diagram, as approved and confirmed by this Council, with a certificate of such
confirmation and of the date thereof, executed by the Clerk, attached thereto. Said
Superintendent of Streets shall record said assessment and diagram in his office in a
suitable book to be kept for that purpose, and append thereto his certificate of the date of
such recording, and such recordation shall be and constitute the assessment roll herein.
   (b) cause a copy of said assessment diagram and a notice of assessment, executed
by the Clerk, to be filed and recorded, respectively, in the office of the County Recorder of
the County of Stanislaus, such notice to be in substantially the form provided in Section
3114 of the Streets and Highways Code.

From the date of recording of said notice of assessment, all persons shall be deemed to
have notice of the contents of such assessment, and each of such assessments shall thereupon be a
lien upon the property against which it is made, and unless sooner discharged such liens shall so
continue for the period of ten (10) years from the date of said recordation, or in the event bonds are
issued to represent said assessments, then such liens shall continue until the expiration of four (4)
years after the due date of the last installment upon said bonds or of the last installment of principal
of said bonds.

The appropriate officer or officers are hereby authorized to pay any and all fees required by
law in connection with the above.

9. That the Finance Director is appointed Collection Officer for said assessments and the
person to whom payment of said assessments shall be made, and that the office of the Finance
Director at City of Modesto, P.O. Box 642, Modesto, California 95353, is designated as the place
at which said payments will be made. Said Collection Officer, upon said recording of the
assessment and diagram, shall cause Notice to Pay Assessments to be mailed and published. Said
notice shall state that the assessment has been recorded as provided in Section 10402 of the Streets
and Highways Code, and the date thereof, that all sums assessed therein are due and payable
immediately and payment thereof is to be made to the Collection Officer at said office within 30
days after said date of recording the assessment, and the effect of failure to pay within such time,
including the fact that bonds will be issued pursuant to the Improvement Bond Act of 1915 to
represent and upon the security of said assessments which are not paid within said 30-day period; and, in addition, said notice to be mailed shall contain a designation by street number or other description of the property assessed sufficient to identify same and the amount of the assessment thereon.

Said mailed notice shall be mailed to each owner of real property within the assessment district at his last known address as the same appears on the tax rolls of the County of Stanislaus, or on file in the office of or as known to the Clerk, or to both addresses if said address is not the same, or to the general delivery when no address so appears; and said published notice shall be published once a week for two successive weeks (with at least five days intervening between the respective publication dates, not counting such dates) in the Modesto Bee, newspaper published and circulated in the City.

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, 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, 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 DENYING THE APPEAL FILED BY ERIK JOHNSON TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING A C-3 CONDITIONAL USE PERMIT TO SCOTT JOHNSON FOR CONVERSION OF THE CALIFORNIA HIGHWAY PATROL OFFICE AND FACILITIES TO A NIGHTCLUB INCLUDING EXPANSION OF THE PARKING AREA AT 2067 WEST ORANGEBURG AVENUE.

WHEREAS, an application for a C-3 conditional use permit for conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue was filed by Scott Johnson on January 7, 1991, and

WHEREAS, Sections 10.1.202(a) and 10-2.2503 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on February 28, 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, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 1445 on February 28, 1991, which denied a C-3 conditional use permit to Scott Johnson for conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's denial of the request for a C-3 conditional use permit to allow conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, was filed by Erik Johnson by letter dated March 13, 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 April 16, 1991, at 7:30 p.m., at which time said hearing was held and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment which denied the C-3 conditional use permit to Scott Johnson to allow conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reason set forth in the Board of Zoning Adjustment Resolution No. 1445 and quoted below:

1. The proposed nightclub operation will impact both adjacent commercial and residential uses in terms of compatibility, noise generation, parking, and neighborhood safety.

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 proposed project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Erik Johnson for a C-3 conditional use permit to allow conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, is hereby denied for the reason set forth above, and the decision of the Board of Zoning Adjustment is hereby affirmed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, 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, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-217

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PUMP STATION NO. 20 EMERGENCY GENERATOR SET ADDITION

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

SECTION 1. The plans and specifications for Pump Station No. 20 emergency generator set addition 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 May 9, 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 16th day of April, 1991, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-218

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR EIGHT INCH SANITARY SEWER REHABILITATION, LALOMA AT DRY CREEK

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

SECTION 1. The plans and specifications for eight inch sanitary sewer rehabilitation, Laloma at Dry Creek 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 May 9, 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 16th day of April, 1991, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-219

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE BRUSH FIRE FIGHTING TRUCK

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

SECTION 1. The plans and specifications for furnishing one brush fire fighting truck 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 May 6, 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 16th day of April, 1991, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-220

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE VACTOR TRUCK

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

SECTION 1. The plans and specifications for furnishing one vactor
truck 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 May 13, 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 16th day of April 1991,
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, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-221

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 20 TRAFFIC SIGNAL CONTROLLERS

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

SECTION 1. The plans and specifications for purchase of 20 traffic signal controllers 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 May 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 16th day of April, 1991, 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, 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 HAMILTON/ MERIDIAN INSURANCE FOR RENEWAL OF ALL-RISK PROPERTY INSURANCE ON LEVEES AT THE WATER QUALITY TREATMENT PLANT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Hamilton/Meridian Insurance for renewal of all-risk property insurance on levees at the Water Quality Treatment Plant

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-223

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH
THE CALIFORNIA ENERGY COMMISSION TO PARTICIPATE IN ITS
ENERGY CONSERVATION STUDY PARTNERSHIP PROGRAM.

WHEREAS, SB 880 has provided funds to the California Energy
Commission (CEC) for energy support to local governments through the Energy
Partnership Program, and

WHEREAS, the City of Modesto qualifies to participate in the CEC's
Energy Partnership Program, and

WHEREAS, the City of Modesto recognizes that assistance will allow
better use of limited staff resources and expertise to deal with energy
matters,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby authorizes and directs the City Manager or his authorized
designee to file an application with the California Energy Commission for
participation in its Energy Partnership Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember ____, 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, 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 DKS ASSOCIATES TO HELP CITY STAFF IN RETIMING TRAFFIC SIGNALS AT 17 INTERSECTIONS UNDER THE 1991 FETSIM PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and DKS Associates to help City staff in retiming traffic signals at 17 intersections under the 1991 FETSIM 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 16th day of April, 1991, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-225

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DANIEL M. AND ANGELICA M. JUAREZ FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1206 GARDEN AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Daniel M. and Angelica M. Juarez for sewer service to property outside City limits at 1206 Garden 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 16th day of April, 1991, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-226

A RESOLUTION PROVIDING PRELIMINARY APPROVAL OF THE
ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FINANCING
FOR CERTAIN HEALTH CARE FACILITIES APPOINTING A FINANCIAL
ADVISOR, BOND COUNSEL AND AN UNDERWRITER AND APPROVING,
AUTHORIZING AND DIRECTING EXECUTION OF AN AGREEMENT FOR
FINANCIAL ADVISORY SERVICES AND AN AGREEMENT FOR LEGAL
SERVICES.

RESOLVED, by the City Council of the City of Modesto, California
(the "City"), as follows:

WHEREAS, the City is authorized pursuant to its Charter and
Ordinance No. 2138-C.S. (the "Law") to issue and sell its bonds for the
purpose of providing financing for the acquisition and construction of health
care facilities located within the City, and

WHEREAS, Memorial Hospitals Association (the "Corporation"), an
organization qualified under Section 501(c)(3) of the Internal Revenue Code of
1986, has applied to the city to issue and sell its bonds for the purpose of
financing and refinancing the acquisition and construction of certain health
care facilities to be located within the City, which facilities are described
in Exhibit "A" attached hereto and by this reference incorporated herein (the
"Project"), and the City wishes to induce the Corporation to acquire and
construct the Project within the City, and

WHEREAS, it is in the public interest, for public benefit and in
furtherance of the public purposes of the City that the City Council provide
preliminary approval of the issuance of bonds for the aforesaid purposes, and

WHEREAS, it is desirable to appoint a financial advisor, bond
counsel and an underwriter in connection therewith,
NOW, THEREFORE, it is hereby FOUND, DETERMINED and ORDERED as follows:

1. The City hereby preliminarily approves the issuance and sale of bonds of the City pursuant to the Law in a principal amount of not to exceed $25,750,000, for the purpose of providing financing to the Corporation for the financing of the Project.

2. The City hereby determines that it will take all action necessary or advisable in connection with the issuance and sale of the bonds and the execution of the financing agreements for the Project.

3. The bonds shall be special obligations of the City payable solely from the trust estate to be defined in the indenture authorizing the bonds, and shall not constitute an indebtedness of the City or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

4. The issuance and sale of the bonds shall be upon such terms and conditions as may be mutually agreed upon by the City, the Corporation, the underwriter and the purchasers of the bonds and shall be subject to completion of proceedings for issuance, sale and delivery of the bonds by the City.

5. The proceeds of the bonds shall include such related and necessary issuance costs, administrative expenses, debt service reserves and interest payments as may be required to accomplish the financing successfully.

6. The City Council hereby finds that the issuance of the bonds as described herein is a substantial inducement to the Corporation to acquire and construct the Project within the City and that the Project will further the public purposes of the City.
7. The financial advisory firm of Seidler-Fitzgerald Public Finance, Los Angeles, California ("Seidler-Fitzgerald"), is hereby appointed to act as financial advisor in connection with issuance of the bonds.

8. The law firm of Jones Hall, A Professional Law Corporation, San Francisco, California ("Jones Hall"), is hereby appointed to act as bond counsel in connection with issuance of the bonds.

9. The investment banking firm of A. G. Edwards & Sons, Inc., Sacramento, California, is hereby appointed to act as underwriter in connection with issuance of the bonds.

10. That certain Agreement for Financial Advisory Services by and between the City and Seidler-Fitzgerald for financial advisory services in connection with issuance of the Bonds, a copy of which is on file with the City Clerk, is hereby approved. The City Manager or the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute said Agreement and the City Clerk is hereby authorized and directed to attest to such official's signature.

11. That certain Agreement for Legal Services by and between the City and Jones Hall for legal services in connection with issuance of the Bonds, a copy of which is on file with the City Clerk, is hereby approved. The City Manager or the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute said Agreement and the City Clerk is hereby authorized and directed to attest to such official's signature.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April 1991, 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, 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. 91-227

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 PRELIMINARY APPROVAL OF
THE ISSUANCE OF REVENUE BONDS RELATING TO EXPANSION OF
HEALTH CARE SERVICES PROVIDED BY MEMORIAL HOSPITAL.

WHEREAS, on April 16, 1991 the City Council approved City
Council Resolution No. 91-226 giving preliminary approval to a proposal
relating to the issuance of bonds to facilitate the ongoing expansion and
improvement of health care services available to the community at Memorial
Hospital in the City of Modesto, and

WHEREAS, the City Council certifies that at its meeting of
April 16, 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 of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact relating to
the preliminary approval of the issuance of bonds to facilitate the ongoing
expansion and improvement of health care services available to the community
at Memorial Hospital 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 16th day of April, 1991, 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, 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 ESTABLISHING DISCOUNTS FOR SENIOR CITIZENS AND DISABLED PERSONS FOR WATER AND SEWER SERVICE CHARGES.

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, the Council has previously established water and sewer service charges, and

WHEREAS, City staff has recommended approving the establishment of discounts on water and sewer utility rates for senior citizens and disabled persons, and

WHEREAS, on April 16, 1991, the Council considered the establishment of discounts for water and sewer service charges for senior citizens and disabled persons,

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:
### SCHEDULE OF FEES AND CHARGES
#### FOR WATER SERVICES

<table>
<thead>
<tr>
<th>Modesto Municipal Code 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>COST</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>Size</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each 1&quot; meter</td>
<td>265.00</td>
</tr>
<tr>
<td>Each 1&quot; meter with traffic lid</td>
<td>325.00</td>
</tr>
<tr>
<td>Each 1-1/2&quot; meter</td>
<td>375.00</td>
</tr>
<tr>
<td>Each 1-1/2&quot; meter with traffic lid</td>
<td>490.00</td>
</tr>
<tr>
<td>Each 2&quot; meter</td>
<td>545.00</td>
</tr>
<tr>
<td>Each 2&quot; meter with traffic lid</td>
<td>600.00</td>
</tr>
<tr>
<td>Each 4&quot; meter</td>
<td>2,700.00</td>
</tr>
<tr>
<td>Each 6&quot; meter</td>
<td>3,830.00</td>
</tr>
<tr>
<td>Each 8&quot; meter</td>
<td>7,100.00</td>
</tr>
<tr>
<td>Each 10&quot; or larger meter</td>
<td>COST</td>
</tr>
</tbody>
</table>

11-1.09 Fire hydrant charge for construction water used.
<table>
<thead>
<tr>
<th>Code</th>
<th>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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(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. 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. WATER AND SEWER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water and sewer 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 4. EFFECTIVE DATE. This resolution shall become effective and apply on and after June 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 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, 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. 91-229

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITY SERVICE PROGRAM OF STANISLAUS COUNTY TO ADMINISTER A DISCOUNT WATER AND SEWER UTILITY RATE PROGRAM FOR QUALIFYING SENIOR CITIZENS AND DISABLED PERSONS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program of Stanislaus County to administer a discount water and sewer utility rate program for qualifying senior citizens and disabled persons 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 April, 1991, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEND: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-230

A RESOLUTION DESIGNATING THE TURNER HITCHING POST LOCATED AT 1104 14TH STREET AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on July 16, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 15, that the Turner Hitching Post is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on April 25, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Turner Hitching Post is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Turner Hitching Post is located on property at 1104 14th Street, and more particularly described as follows:
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the South half of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Blocks 11, 12 and Y of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

BE IT FURTHER RESOLVED that the Turner Hitching Post has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. It historically reflects the era of the horse-drawn vehicle.
2. It is an architectural relic.
3. It is economically feasible in that no maintenance or very little is required.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April 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: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-231

A RESOLUTION DESIGNATING THE BIENVENU LAW OFFICES BUILDING LOCATED AT 726 10TH STREET AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on March 16, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 10, that the Bienvenu Law Offices Building located at 726 10th Street is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on April 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Bienvenu Law Offices Building located at 726 10th Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Bienvenu Law Offices Building located at 726 10th Street is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Southwesterly 50 feet of Lot 29 in Block 70 of the CITY OF MODESTO, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 21, 1942 in Volume 15 of Maps, more particularly described as follows:

Beginning at the corner of Lots 29 and 30 on the Northeasterly line of 10th Street; thence Northeasterly between Lots 29 and 39, a distance of 50 feet; thence at right angles Southeasterly 25 feet to the Line between Lots 29 and 28; thence Southwesterly between Lots 29 and 28, a distance of 50 feet to the Northeasterly line of 10th Street; thence Northwesterly along the Northeasterly line of 10th Street, a distance of 25 feet to the point of beginning.

BE IT FURTHER RESOLVED that the Bienvenu Law Offices Building located at 726 10th Street has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The Bienvenu Law Offices building was built in 1886, it is architecturally significant as a fine example of the Italiante style of architecture.

2. Historically, it is the oldest business building in the downtown area.

3. It is economically viable. Presently the building is used as attorney's offices.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April 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: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-232

A RESOLUTION DESIGNATING THE HAWKE CASTLE LOCATED AT 115 MAGNOLIA AVENUE AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on March 16, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 13, that the Hawke Castle is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on April 23, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Hawke Castle is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Hawke Castle is located on property at 115 Magnolia Avenue, and more particularly described as follows:
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lots 21, 22, 23, 24, 25, 26 and 27 in Block 534 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

BE IT FURTHER RESOLVED that the Hawke Castle has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Hawke Castle, built in 1929, is architecturally significant as a replica of a Norman Castle and is therefore unique among Modesto's residential architecture. It was originally built by Mr. and Mrs. Edwin R. Hawke.

2. It is economically viable as a residence.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO EXPAND THE MODESTO URBAN AREA BOUNDARY TO INCLUDE RESIDENTIAL DESIGNATION AT THE NORTHWEST CORNER OF DALE ROAD AND PELANDALE AVENUE (FLEUR DE VILLE SUBDIVISION), AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, a General Plan for the City of Modesto entitled "Modesto-Ceres-Empire Area General Plan," as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and

WHEREAS, thereafter, as recommended by the Planning Commission, said General Plan has been amended by Modesto City Council Resolutions:

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)
No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)
No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)
No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)
No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)
No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)
No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)
No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)
No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)
No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)
No. 78-854, adopted on August 14, 1978 (Conservation Element)
No. 78-855, adopted on August 14, 1978 (Noise Element)
No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)
No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)
No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)
No. 81-419, adopted on May 25, 1981 (Amendment to Land Use and Circulation Elements Map)
No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)
No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)
No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)
No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)
No. 84-462, adopted on July 10, 1984 (Amendment to Housing Element)
No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)
No. 86-1297, adopted on November 26, 1986 (Circulation Element)
No. 86-1298, adopted on November 26, 1986 (Circulation Element)
No. 86-1299, adopted on November 26, 1986 (Circulation Element)
No. 86-1300, adopted on November 26, 1986 (Circulation Element)
No. 86-1301, adopted on November 26, 1986 (Circulation Element)
No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)
No. 89-579, adopted on May 23, 1989 (Amendment to the Modesto Urban Area General Plan Map - Orchard Neighborhood)
No. 89-632, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Bret Harte)
No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)
No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map - Chrysler-99 Neighborhood)
No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)
No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire-General Plan)
No. 90-758, adopted on September 11, 1990 (Amendment to Modesto Urban Area General Plan - Village One)

WHEREAS, pursuant to the provisions of the Government Code Section 65402 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, on March 18, 1991, the Planning Commission held a public hearing on a proposal by Rule Development to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 91-19 on March 18, 1991, recommending to the City Council an amendment to the
General Plan Map to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), and

WHEREAS, the Council held a duly noticed public hearing on April 23, 1991, at 4:00 p.m. in the Council Chambers, 801 11th Street, Modesto, California, for the purpose of receiving public comment on the proposed amendment to the General Plan Map to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), at which time evidence both oral and documentary was received and considered by the Council, 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 mitigated negative declaration in regard to the environmental impact of the subject project, and

WHEREAS, after this General Plan amendment is in effect, the City Council will consider an application to prezone the project to P-D for single-family residential and commercial development, a request to support the Fleur de Ville reorganization, and to initiate the expansion of the Sphere of Influence,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), in the City of Modesto is required for the public health, safety and welfare for the following reasons:

1. That this General Plan amendment is a logical extension of the Modesto Urban Area.
2. That the proposed expansion of the Modesto Urban Area will provide efficient use of urban services for a development project already approved by Stanislaus County.

3. That the proposed residential and commercial uses at this location are consistent with the Modesto Urban Area General Plan, which provides for back-up single-family lots on major streets and commercial use at intersections of major/major streets.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), as shown on the map which is attached hereto marked as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination including mitigation measures in regard to the environmental impact of the subject project relating to expanding the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision).

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan Map to the Board of Supervisors of the County of Stanislaus.

BE IF FURTHER RESOLVED that this resolution shall become effective thirty (30) days after adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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, 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. 91-234

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

WHEREAS, on April 23, 1991, the City Council introduced
Ordinance No. 2760—C.S. giving approval to a project relating to an
amendment to Section Map 9-3-9 of the Zoning Map of the City of Modesto to
reclassify from Low Density Residential Zone, R-1, to Professional Office
Zone, P-O, property located on the west side of Coffee Road north of East
Rumble Road, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 9-3-9 of the Zoning Map of the
City of Modesto to reclassify from Low Density Residential Zone, R-1, to
Professional Office Zone, P-O, property located on the west side of Coffee
Road north of East Rumble Road.
The foregoing resolution was introduced at a regular meeting of the 
Council of the City of Modesto held on the 23rd day of April, 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, Muratore, Patterson, 
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION NO. 91-235

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(147). (ST. PAUL'S CHURCH)

WHEREAS, a verified application for an amendment to Sections 14-3-9 and 23-3-9 of the Zoning Map was filed by Duane Russell on behalf of St. Paul's Episcopal Church on May 22, 1990, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), as an addition to P-D(147), to allow a Wells Fargo Bank and an elderly housing project, property located on the southeast corner of Brigsmore Avenue and Oakdale Road, described as follows:

R-1 to P-D(147)

ALL that portion of the Northwest one-quarter of the Northwest one-quarter of Sections 14, 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

ALL that portion of Parcel 1 as shown on the map filed in Book 14 of Parcel Maps, at Page 20, in the Stanislaus County Records, described as follows:

COMMENCING at the Southeast corner of said Parcel 1, said point being on the North right-of-way line of St. Paul's Way, thence Northerly along the Easterly line of said Parcel 1, North 0 degrees 25'40" East, 305.00 feet to the point of beginning of this description; thence leaving said Easterly line of Parcel 1 and running along the following three (3) courses and distances: North 89 degrees 34'34" West, 329.48 feet; thence North 0 degrees 19'00" West, 44.97 feet; thence North 89 degrees 34'20" West, 250.00 feet to a point on the Easterly right-of-way line of Oakdale Road; thence Northerly along said Easterly right-of-way line North 0 degrees 19'00" West, 153.16 feet to the beginning of a curve concave to the Southeast having a radius of 20.00 feet; thence 31.68 feet along the arc of said curve to the right through a central angle of 90 degrees 44'54" to a point on the Southerly right-of-way line of Brigsmore Avenue; thence Easterly along said Southerly right-of-way line South 89 degrees 34'06" East, 178.86 feet to the point of beginning of a curve concave to the Northwest having a radius of 1,260.00 feet; thence 329.87 feet along the arc of said curve to the left through a central angle of 15 degrees 00'00" to the end of said curve; thence North 75 degrees 25'54" East, 59.09 feet to the Northeast corner of
said Parcel 1; thence leaving said Southerly right-of-way line of Briggsmore Avenue and running in a Southerly direction along the East line of said Parcel 1, South 0 degrees 25' 40" West, 276.57 feet to the Point of Beginning and containing 2.83 acres of land, more or less.

Including also the Southerly 60 feet East of Briggsmore Avenue, the Easterly 50 feet of Oakdale Road, and all being immediately adjacent to the above described property.

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. 91-17, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed rezoning to and amendment of P-D(147) is in accordance with community objectives as set forth in the General Plan which provides for non-residential concentration and higher density residential developments near the major circulation systems.

2. Environmental Impacts including those of traffic are mitigated by virtue of revised site design and imposition of conditions of approval including specific mitigation measures.

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 April 23, 1991, at 4:00 p.m., and

WHEREAS, after a public hearing held on April 23, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,
the Council found and determined that the application of Duane Russell on behalf of St. Paul's Episcopal Church 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. 91-17 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. _2761_-C.S. on the 23rd day of April________, 1991, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(147), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan St. Paul's Church" as amended in red, stamped approved by the Planning Commission on March 18, 1991.

2. That the developer shall provide traffic mitigation as follows:
   a. The developer shall dedicate right-of-way, widen, and restripe the east side of Oakdale Road south of Briggsmore as shown in concept in Figure 7 of the Traffic Impact Study by DKS, dated August 1990. The final design is to be approved by the Public Works and Transportation Director.
   b. The developer shall widen and restripe the east side of Oakdale Road north of Briggsmore, as shown in concept in Figure 7 of the Traffic Impact Study by DKS, dated August 1990. The final design is to be approved by the Public Works and Transportation Director.
   c. As an alternative to the above-described widening of Oakdale on the north side of Briggsmore, the developer shall widen Briggsmore Avenue on both sides of Oakdale to
provide dual left-turn lanes and three through lanes on the eastbound approach.

d. The developer shall relocate and modify existing utilities and traffic signal control equipment as required at the Oakdale/Briggsmore intersection, including, but not limited to, utility poles, fire hydrants, drainage facilities, signal mast arms, signal poles, detector loops, signal heads, signs, electrical conduits, and wiring. To the extent that the required signal modifications are determined by the Director of Public Works and Transportation to be included in those planned as part of the CFF signal modification projects list, the developer will be given credit up to, but not exceeding, the amount of his CFF payments for Streets.

e. Prior to issuance of a building permit, the developer shall submit engineering plans to the Public Works and Transportation Director and obtain his approval. All street, intersection, and traffic signal improvements and modifications are to be done in accordance with these approved plans.

f. All street, intersection, and traffic signal improvements and modifications shall be funded and completed by the developer prior to issuance of any occupancy permits.

g. The developer shall dedicate all necessary right-of-way to accommodate any approved Briggsmore access. The developer shall pay all costs associated with constructing any approved access, including relocation of utilities and structures. Relocation of proposed buildings may be necessary to accommodate the approved access design.

h. The developer shall widen and restripe the south side of Briggsmore Avenue along the project's frontage to the ultimate six-lane width within the existing right-of-way. The final design is to be approved by the Public Works and Transportation Director.

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

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

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit, except for
the relocated church building, or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures, except for the relocated church building, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

7. Prior to issuance of a building permit for any but the relocated church building, 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. Said improvement plans shall include specific plans for the ingress/egress right-turn channelization on Briggsmore Avenue.

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

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

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east and all affected parcels, substantially as shown in red on the plot plan.

12. Prior to issuance of a 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.

13. All signs shall comply with the sign requirements of the R-1 Zone, except that the originally-allowed 35 square foot church sign may be retained and signs for the bank shall conform to C-3 Zone sign limitations.
14. Prior to the issuance of a building permit for any structure, except the relocated church building, a final parcel map shall be recorded.

15. The housing portion of the development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

16. 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.

17. Prior to issuance of a building permit for the elderly housing facilities, to the extent that the elderly housing portion of the development falls within the limitations of Chapter 3 of Title X of the Modesto Municipal Code, the developer shall enter into an agreement with the City of Modesto pursuant to construction and maintenance of certain dwelling units for low-income households and/or very-low-income households and other incentives as required by said Code.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(147):

The entire construction program be accomplished in one phase, construction to begin on or before March 18, 1993, and completion to be not later than March 18, 1994.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.
SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(147), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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, 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 Planning and Community Development

041191 -7- 5066CA
MODESTO CITY COUNCIL
RESOLUTION NO. 91-236

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTIONS
14-3-9 AND 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
PREZONING CERTAIN PROPERTY LOCATED THEREON TO P-D(147).
(ST. PAUL'S CHURCH)

WHEREAS, on __April 23______, 1991, the City Council introduced
Ordinance No. 2761—C.S. giving approval to a project relating to an
amendment to Sections 14-3-9 and 23-3-9 of the Zoning Map of the City of
Modesto to reclassify from Low Density Residential Zone, R-1, to Planned
Development Zone, P-D(147), property located on the southeast corner of
Briggsmore Avenue and Oakdale 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 mitigated negative declaration in
regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Sections 14-3-9 and 23-3-9 of the Zoning
Map of the City of Modesto to reclassify from Low Density Residential Zone,
R-1, to Planned Development Zone, P-D(147), property located on the southeast
corner of Briggsmore Avenue and Oakdale Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-237

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING DISCING SERVICES FOR UP TO THREE YEARS

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

SECTION 1. The plans and specifications for furnishing discing services for up to three years, 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 May 20, 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 23rd day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-238

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR CONSTRUCTION OF FLOYD NEIGHBORHOOD PARK

WHEREAS, Resolution No. 91-164, adopted by the Council of the City of Modesto on March 19, 1991, approved the plans and specifications for the construction of Floyd Neighborhood Park and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Floyd Neighborhood Park were opened at 11:00 a.m. on April 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 & Transportation has recommended that the bid of George Reed, Inc. in the amount of $408,022.69 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 $408,022.69 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 April, 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, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
WYD C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-239


WHEREAS, on June 26, 1990, the Council adopted Resolution No. 90-604, approving amendments to the Memorandum of Understanding Entitled "Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association Fiscal Years 1988-89 through 1990-91", commencing on July 1, 1988, and ending on June 30, 1991; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the amended Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JUDY C. HALL, Acting City Clerk

WHEREAS, on June 26, 1990, the Council adopted Resolution No. 90-605, approving amendment to the Memorandum of Understanding Entitled "Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association Fiscal Years 1989-90, through 1991-92," commending on July 4, 1989, and ending on June 30, 1992; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the amended Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-241

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
GRANT REAPPLICATION FOR FIFTH-YEAR FUNDING IN THE AMOUNT
OF $97,683 TO THE STATE OF CALIFORNIA, OFFICE OF CRIMINAL
JUSTICE PLANNING, FOR THE MODESTO GANG VIOLENCE
SUPPRESSION PROGRAM.

WHEREAS, the City of Modesto desires to undertake a certain project
designated the Modesto Gang Violence Suppression Program to be funded in part
from funds made available through the California Gang Violence Suppression
Program administered by the Office of Criminal Justice Planning (hereafter
referred to as OCJP),

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of
Modesto is authorized, on its behalf to submit the attached proposal to OCJP
and is authorized to execute on behalf of the City Council the attached Grant
Award Agreement including any extensions or amendments thereof.

BE IT FURTHER RESOLVED that the applicant agrees to provide all
matching funds required for said project (including any amendment thereof)
under the Program and the funding terms and conditions of OCJP and that the
cash match will be appropriated as required.

IT IS AGREED that any liability arising out of the performance of
this Grant Award Agreement, including civil court actions for damages, shall
be the responsibility of the grant recipient and the authorizing agency. The
State of California and OCJP disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that the grant funds received hereunder shall
not be used to supplant expenditures controlled by this body.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-242

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,089 FROM CONTINGENCY RESERVE TO REIMBURSE OVERHOLTZER CONSTRUCTION FOR DESIGN COSTS INCURRED IN COMPLYING WITH CONDITION 13 TO SHAKER ESTATES SUBDIVISION

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

FROM: Contingency Reserve (010 800 8000 8003) $10,089
TO: Other Special Charges (010 160 1601 0429) $10,089

Funds are needed in this account so that Overholtzer Construction, developer of Shaker Estates Subdivision, may be reimbursed for design costs incurred by the developer in complying with condition 13. In December 1990, the Council approved this reimbursement as part of the resolution of a dispute over condition 13.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-243

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, money is available from the Local Transportation Fund for use by the City of Modesto in carrying out various activities related to transportation, and

WHEREAS, annually these funds are allocated by the Stanislaus Area Association of Governments (SAAG) in accordance with established priorities, and

WHEREAS, the City of Modesto's claim has been prepared in accordance with established priorities and provides for the use of $4,228,389 from the Local Transportation Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that submission of the City of Modesto's Annual Transportation Claim by the City Manager to the Stanislaus Area Association of Governments (SAAG) in the amount of $4,228,389 for the fiscal year 1991-92 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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, 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. 91-244

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEOPOLD T. PRESCOTT FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 545 MAZE BOULEVARD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Leopold T. Prescott for sewer service to property outside City limits at 545 Maze Boulevard, located on the south side of Maze Boulevard between Spencer and N. Martin Luther King 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 23rd day of April, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
RESOLUTION OF SUPPORT FOR THE MODESTO CHAMBER OF COMMERCE'S DESIGNATION OF THE WEEK OF MAY 13, 1991, AS "MODESTO MEANS BUSINESS" WEEK.

WHEREAS, the Modesto Chamber of Commerce has inaugurated a "MODESTO MEANS BUSINESS" campaign designating the week of May 13, 1991, as "Modesto Means Business Week", and

WHEREAS, the focus of this campaign is to encourage the support of local professionals, vendors and businesses in our community, and

WHEREAS, the Modesto Chamber of Commerce has requested the support of the City of Modesto in this effort, and

WHEREAS, there are many local businesses qualified and capable in their professional fields to fill the needs of this community, and

WHEREAS, businesses within Modesto possess an understanding of local concerns and a sensitivity to the unique needs of our community, and

WHEREAS, dollars spent locally have a multiplier impact on our economy, and

WHEREAS, the Modesto area continues to suffer one of the higher unemployment rates in the nation, and

WHEREAS, local merchants need the support of their community, and

WHEREAS, Modesto firms should be encouraged to participate in the bidding process to provide goods and services to our local community, and

WHEREAS, the City Manager has directed all City departments to review plans, specifications and vendor selection procedures to ensure that local firms are given a full and fair opportunity to participate in City of Modesto contracts,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the efforts of the Modesto Chamber of Commerce in designating the week of May 13, 1991, as "Modesto Means Business Week".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May 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, 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. 91-246

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR MCHENRY MANSION RESTORATION, PHASE III

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

SECTION 1. The plans and specifications for the McHenry Mansion Restoration, Phase III 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 May 30, 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-247

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PRINTING OF THE MONTHLY UTILITY BILL INSERT AND THE QUARTERLY EMPLOYEES' NEWSLETTER ON RECYCLED PAPER, FOR UP TO THREE YEARS

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

SECTION 1. The plans and specifications for the printing of the monthly utility bill insert and the quarterly employees' newsletter on recycled paper, 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 3, 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 __th day of ________, 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, 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 FURNISHING ONE POLYMER MIX AND FEED UNITS

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

SECTION 1. The plans and specifications for furnishing one polymer mix and feed units, 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 May 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMACOYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-249

A RESOLUTION ACCEPTING THE KANSAS AVENUE AND LONE PALM AVENUE WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Kansas Avenue and Lone Palm Avenue waterline extension

has been completed by Joe Martin Pipeline, Inc. in accordance with the contract agreement dated January 15, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Kansas Avenue and Lone Palm waterline extension

be accepted from said contractor, Joe Martin Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $39,951.50 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-250

A RESOLUTION ACCEPTING THE CANAL CROSSING AT M.I.D. LATERAL NO. 4 AT CARPENTER ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the canal crossing at M.I.D. Lateral No. 4 at Carpenter Road has been completed by H. Max Lee, Inc. in accordance with the contract agreement dated October 2, 1990.

NOW, THEREFORE, BE IT RESOLVED that the canal crossing at M.I.D. Lateral No. 4 at Carpenter Road be accepted from said contractor, H. Max Lee, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $82,940.84 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMA COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-251

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON 1991-92 PROPOSED
BUDGET AND 1991-92 THROUGH 1994-95 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto

that June 11, 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 the 1991-92 proposed

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 7th day of
May, 1991, by Councilmember Irizarry, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-252

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 WIDENING OF STANDIFORD
AVENUE BETWEEN DALE ROAD AND WEST OF PRESCOTT ROAD.

WHEREAS, the City Council certifies that at its meeting of May 7,
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 widening of Standiford
Avenue Between Dale Road and west of Prescott Road,

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 widening of Standiford Avenue Between Dale Road and
west of Prescott Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-253

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO ACQUIRE REAL PROPERTY FOR IMPROVEMENT DISTRICT NO. 29

BE IT HEREBY RESOLVED by the Council of the City of Modesto

that May 28, 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 a Hearing of Necessity to acquire real property for Improvement District No. 29 - project located at Standiford-Sisk-Dale intersection and Sisk Road between Brenner Way and Conant Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND SUPERSEDING RESOLUTION NO. 91-139.

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

WHEREAS, the Council has previously established sewer service charges, and

WHEREAS, this resolution supersedes Resolution No. 91-139, and

WHEREAS, City staff has recommended adjustment in the various sewer service charges, and

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.

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 for the period commencing on and after April 1, 1991.

(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 for the period commencing on and after April 1, 1991:

(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:
Sewer Service Charges
Per 1000 Gals. of Water Used

<table>
<thead>
<tr>
<th>Group</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1.40</td>
</tr>
</tbody>
</table>

Group 1
Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less

Group 2
Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l

Group 3
Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l

Group 4
Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l

(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></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$17.54</td>
</tr>
<tr>
<td>Group 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$20.21</td>
</tr>
<tr>
<td>Group 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$24.77</td>
</tr>
<tr>
<td>Group 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$29.73</td>
</tr>
<tr>
<td>Group 4</td>
<td></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 for the period commencing on and after April 1, 1991:

(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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family or mobile home on a lot (1 dwelling unit only)</td>
<td>$3.59</td>
</tr>
<tr>
<td>Each dwelling unit in a duplex</td>
<td>2.49</td>
</tr>
<tr>
<td>One additional dwelling unit or mobile home on a lot</td>
<td>2.49</td>
</tr>
<tr>
<td>Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park</td>
<td>2.49</td>
</tr>
<tr>
<td>Billing Fee</td>
<td>0.39</td>
</tr>
</tbody>
</table>

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an
agreement entered into between the City of Modesto and the City of Ceres,
dated December 18, 1979, the City of Ceres will operate and the City of
Modesto will accept and treat sewage collected from a sewerage system in the
area bounded by South 9th Street on the west, and Tuolumne River on the north,
Mitchell Road on the east and Hatch Road on the south, which area is referred
to as the North Ceres Sewer Service Area. Said agreement further provides
that the City of Ceres shall pay bi-monthly sewer service charges to the City
of Modesto as authorized by the Modesto Municipal Code and established from
time to time by Modesto City Council resolution for industrial service outside
the Modesto Municipal Sewer District No. 1.

SECTION 8. EFFECTIVE DATE. This resolution shall become effective
and apply on and after June 1, 1991.
SECTION 9. 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-255

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND E & J GALLO WINERY FOR THE LEASE OF HANGAR NO. 6 AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and E & J Gallo Winery for the lease of Hangar No. 6 at the Modesto Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-256

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT OF WORK AND COST OF CONSTRUCTION OF RESIDENTIAL ALLEY RESURFACING IN THE CITY OF MODESTO (BLOCKS 6728, 6016, 6012)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 21, 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 the report by the Superintendent of Streets listing the names of property owners and individual costs of construction of alleys in Blocks 6728, 6016, 6012, in the City of Modesto (list attached).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMINE COYLE, City Clerk
<table>
<thead>
<tr>
<th>SITE ADDRESS</th>
<th>PROPERTY OWNER</th>
<th>OWNER'S COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 6728, Monte Verde Avenue-Monticello Avenue-Bowen Avenue Mt. Vernon Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2206 Monticello Avenue</td>
<td>Shaw, Winthrop, et ux</td>
<td>$922.44</td>
</tr>
<tr>
<td>2210 Monticello Avenue</td>
<td>Heyman, Edward S., et ux</td>
<td>$922.44</td>
</tr>
<tr>
<td>2214 Monticello Avenue</td>
<td>Wright, William L., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2218 Monticello Avenue</td>
<td>Barker, Kyle G., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2302 Monticello Avenue</td>
<td>Mc Dermott, Lester E., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2306 Monticello Avenue</td>
<td>Quilici, Mose G., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2310 Monticello Avenue</td>
<td>Young, William J., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2314 Monticello Avenue</td>
<td>Gray, James L., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2318 Monticello Avenue</td>
<td>Silva, John D.</td>
<td>$885.94</td>
</tr>
<tr>
<td>1201 Bowen Avenue</td>
<td>Amaral, Steven J., et ux</td>
<td>$1,012.14</td>
</tr>
<tr>
<td>2201 Monte Verde Avenue</td>
<td>Erickson, Ruby G. TR</td>
<td>$944.10</td>
</tr>
<tr>
<td>2203 Monte Verde Avenue</td>
<td>Bryant, Charles L., et ux</td>
<td>$922.44</td>
</tr>
<tr>
<td>2209 Monte Verde Avenue</td>
<td>Olmhelm, John A., et ux</td>
<td>$922.44</td>
</tr>
<tr>
<td>2213 Monte Verde Avenue</td>
<td>Elliott, David L., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2217 Monte Verde Avenue</td>
<td>Jarrett, Billy W., et ux</td>
<td>$909.07</td>
</tr>
<tr>
<td>2301 Monte Verde Avenue</td>
<td>Riddle, Jane</td>
<td>$909.07</td>
</tr>
<tr>
<td>2305 Monte Verde Avenue</td>
<td>Bingham, Z. L.</td>
<td>$909.07</td>
</tr>
<tr>
<td>2309 Monte Verde Avenue</td>
<td>Ambrose, Dorothy F., et al</td>
<td>$909.07</td>
</tr>
<tr>
<td>2313 Monte Verde Avenue</td>
<td>Rodrigues, Estella</td>
<td>$909.07</td>
</tr>
<tr>
<td>2317 Monte Verde Avenue</td>
<td>Blackmore, Forrest S., et ux</td>
<td>$953.99</td>
</tr>
<tr>
<td>Block 6016, Roseburg Avenue-Ashwood Drive-Greenwood Drive-Del Rey Avenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1239 W. Roseburg Avenue</td>
<td>Ennen, Curtis A.</td>
<td>$1,013.93</td>
</tr>
<tr>
<td>1206 Del Rey Avenue</td>
<td>Teas, Ruby I.</td>
<td>$1,013.93</td>
</tr>
<tr>
<td>1210 Del Rey Avenue</td>
<td>Tucker, Amy</td>
<td>$1,013.93</td>
</tr>
<tr>
<td>1214 Del Rey Avenue</td>
<td>Caylor, James H., et ux</td>
<td>$880.52</td>
</tr>
<tr>
<td>1218 Del Rey Avenue</td>
<td>Madden, Susan I.</td>
<td>$813.01</td>
</tr>
<tr>
<td>1222 Del Rey Avenue</td>
<td>Gagliari, Carl A., et ux</td>
<td>$533.65</td>
</tr>
<tr>
<td>1226 Del Rey Avenue</td>
<td>Reilly, Phillip J.</td>
<td>$565.53</td>
</tr>
<tr>
<td>1320 Ashwood Drive</td>
<td>Andritsisis, Helen, et al</td>
<td>$845.30</td>
</tr>
<tr>
<td>1201 Greenwood Drive</td>
<td>Graham, Kenneth W., et ux</td>
<td>$1,013.93</td>
</tr>
<tr>
<td>1205 Greenwood Drive</td>
<td>Hagen, Kathy G.</td>
<td>$1,013.93</td>
</tr>
<tr>
<td>1209 Greenwood Drive</td>
<td>Winke, Dorothy</td>
<td>$1,013.93</td>
</tr>
<tr>
<td>1213 Greenwood Drive</td>
<td>Miller, Clyde W., et ux</td>
<td>$1,063.56</td>
</tr>
<tr>
<td>1217 Greenwood Drive</td>
<td>Greener, Earl D., et ux</td>
<td>$1,189.50</td>
</tr>
<tr>
<td>1221 Greenwood Drive</td>
<td>Millerville, Paul L., et ux</td>
<td>$1,188.30</td>
</tr>
<tr>
<td>Block 6012, College Avenue-Como Park Way-Oberlin Circle-W. Roseburg</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1109 Oberlin Circle</td>
<td>Wright, George W., et ux</td>
<td>$1,997.92</td>
</tr>
<tr>
<td>1112 Oberlin Circle</td>
<td>Criles, Darrel W., et ux</td>
<td>$1,527.76</td>
</tr>
<tr>
<td>1116 Oberlin Circle</td>
<td>Reynolds, Roger W., et ux</td>
<td>$1,051.20</td>
</tr>
<tr>
<td>1120 Oberlin Circle</td>
<td>Coover, Clarke C., et ux</td>
<td>$931.93</td>
</tr>
<tr>
<td>1124 Oberlin Circle</td>
<td>Johnson, James L., et ux</td>
<td>$965.90</td>
</tr>
<tr>
<td>1117 West Roseburg Avenue</td>
<td>Simmons, James E., et ux</td>
<td>$1,795.43</td>
</tr>
<tr>
<td>1127 West Roseburg Avenue</td>
<td>Wiley, Alfred, et ux</td>
<td>$1,539.52</td>
</tr>
<tr>
<td>1133 West Roseburg Avenue</td>
<td>Lyon, Robert W., et ux</td>
<td>$1,292.88</td>
</tr>
<tr>
<td>1221 College Avenue</td>
<td>Verville, Russel J., et ux</td>
<td>$814.36</td>
</tr>
<tr>
<td>1225 College Avenue</td>
<td>Zwahlen, Kenneth D., et ux</td>
<td>$1,096.53</td>
</tr>
<tr>
<td>1231 College Avenue</td>
<td>McCourtie, Michael J., et ux</td>
<td>$1,096.53</td>
</tr>
<tr>
<td>1237 College Avenue</td>
<td>Boland, Violet G.</td>
<td>$1,096.53</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 91-257

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND VERNON HUSTON WELLS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2101 COX AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Vernon Huston Wells, for sewer service to property outside City limits at 2101 Cox Avenue, located on the north side of Cox Avenue between Rosemore Avenue and Maddox 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-258

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EDNA JUNE PEABODY FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2011 COX AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Edna June Peabody for sewer service to property outside City limits at 2011 Cox Avenue, located on the north side of Cox Avenue between Maddox Avenue and Prichard 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-259

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves contribute numerous hours each year to the City of Modesto assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-seven (47) officers in the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without any pay whatsoever, and

WHEREAS, the Modesto Police Reserves work constantly with the Modesto Police Department, performing whatever duties may be requested in the way of enforcing laws, searching for missing persons, apprehending escaped convicts, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1990 alone, the Police Reserves served a total of Nineteen Thousand One Hundred Forty (19,140) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves be commended for their untiring work in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that duly authenticated copies of this resolution be presented to each of those officers who devoted so many of their
personal hours to the Police Reserves during 1990, in recognition of performance of outstanding service to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-260

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1990-91 TO ACCOUNT FOR THE
JANET SIMIDIAN MEMORIAL.

WHEREAS, Harold Simidian has donated $2,242.00 to the City of
Modesto to be used specifically for a memorial at Graceada Park in the name of
Janet Simidian,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following changes be made to the Fiscal Year 1990-91 budget to
appropriate revenue and expenditures:

Revenue

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-510-8107.06</td>
<td>Donations</td>
<td>$2,242</td>
</tr>
</tbody>
</table>

Expenditures

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-310-3112-5339</td>
<td>Simidian Memorial</td>
<td>$2,242</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 7th day of May, 1991, by Councilmember Irizarry, 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:

STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE EAST LA LOMA NEIGHBORHOOD PARK GROUP PICNIC SHADE STRUCTURE PROJECT.

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the state, and

WHEREAS, the proposed East La Loma Neighborhood Park Group Picnic Shade Structure project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan - 1988, and

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance, and

2. Certifies that said agency has matching funds from the following source(s) Fund 140, Park Fund, and can finance 100 percent of the project, half of which will be reimbursed, and
3. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project, and

4. Appoints the City Manager as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May 1991, by Councilmember Irizarry, 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: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-262

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR PUBLIC RESOURCES ACCOUNT PROJECT SONOMA NEIGHBORHOOD PARK GAME COURTS.

WHEREAS, the Legislature and Governor of the State of California have approved a grant for the project shown above, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the grant project, setting up necessary procedures, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the state, and

WHEREAS, said application(s) contain assurances that the applicant must comply with, and

WHEREAS, the applicant will enter into an agreement with the State of California for subject project(s),

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

1. Approves the filing of an application for Public Resources Account assistance for the above project(s), and

2. Certifies that said agency understands the assurances and certification in the application form, and

3. Certifies that said agency has or will have sufficient funds to operate and maintain the project(s), and

4. Certifies that said agency has reviewed and understands the General Provision contained in the State/local agreement shown in the Procedural Guide, and

043091
5. Appoints the City Manager as agent 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(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-263

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO
CONDUCT A FEDERAL AVIATION ADMINISTRATION REGULATION (FAR)
PART 150 NOISE COMPATIBILITY STUDY AND AN AIRPORT APPROACH
PROTECTION STUDY AT THE MODESTO CITY-COUNTY/HARRY SHAM
FIELD AIRPORT/PLANNING AREA, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE GRANT AGREEMENT.

WHEREAS, the Modesto City-County Airport is in the process of
completing an update to the Airport Master Plan to include an Airport Approach
Protection Study to assure more compatible land uses for off-airport property
and continued protection of the City investment in the airport facilities, and

WHEREAS, on October 16, 1990, the City Council reviewed and approved
the submittal of an application for Federal funds for a project at or
associated with the Modesto City-County Airport, specifically, conducting a
FAR Part 150 Noise Compatibility Study, and

WHEREAS, acceptance of the Grant Offer of Federal funds in the
amount of $81,180 to complete the noise study will obligate the City of
Modesto to accomplish the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Grant Offer of Federal funds in the amount of $81,180 to complete the
FAR Part 150 Noise Compatibility Study and Airport Approach Protection Study
is hereby accepted.
BE IT FURTHER RESOLVED that the City Manager or his authorized
designee is hereby authorized to execute the Grant Agreement on behalf of the
City of Modesto.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-264

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET TO APPROPRIATE A NEW AIRPORT CAPITAL IMPROVEMENT PROJECT.

WHEREAS, a grant offer for federal fund in the amount of $81,180 to complete an FAR Part 150 and Airport Approach Protection study has been accepted, and

WHEREAS, the federal revenue was estimated in the 1990-91 Annual Budget in account 632-510-9510-3613 FAA Capital Grants. However, the project was not known at that time and therefore was not appropriated. The revenue estimate was appropriated to the Airport contingency reserve, and

WHEREAS, there is a required ten percent match of $9,020. This match will be fully provided for out of the Airport's Special Aviation Fund (623). This is possible because there is now a percentage of the gallonage revenue being allocated to this fund for capital improvements,

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.

SPECIAL AVIATION FUND (632)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>632-480-G621-6000</td>
<td>FAR Part 150/Approach Protection</td>
<td>$90,200</td>
</tr>
<tr>
<td>632-800-8000-8003</td>
<td>Contingency Reserve</td>
<td>(90,200)</td>
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</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 7th day of May, 1991, by Councilmember Irizarry, 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. 91-265

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO COMPLETE AN AIRPORT MASTER PLAN ENVIRONMENTAL IMPACT REPORT (EIR) AND COMMERCIAL AIR SERVICE INITIAL STUDY AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD AIRPORT/PLANNING AREA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT.

WHEREAS, the Modesto City-County Airport is in the process of completing an update to the Airport Master Plan and is attempting to improve the commuter air service, and

WHEREAS, on October 16, 1990, the City Council reviewed and approved the submittal of a Project Application for Federal funds for a project at or associated with the Modesto City-County Airport, specifically, Commercial Air Service Initial Study and Airport Master Plan Environmental Impact Report, and

WHEREAS, acceptance of the Grant Offer of Federal funds in the amount of $62,370 to complete the Airport Master Plan Environmental Impact Report (EIR) and Commercial Air Service Initial Study will obligate the City of Modesto to accomplish the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grant Offer of Federal funds in the amount of $62,370 to complete the Airport Master Plan Environmental Impact Report (EIR) and Commercial Air Service Initial Study is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the Grant Agreement on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-266

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET TO APPROPRIATE A NEW AIRPORT CAPITAL IMPROVEMENT PROJECT.

WHEREAS, a grant offer for federal fund in the amount of $62,370 to complete an Airport Master Plan EIR and Commercial Air Service Initial Study has been accepted, and

WHEREAS, the federal revenue was estimated in the 1990-91 Annual Budget in account 632-510-9510-3613 FAA Capital Grants. However, the project was not known at that time and therefore was not appropriated. The revenue estimate was appropriated to the Airport contingency reserve, and

WHEREAS, there is a required ten percent match of $6,930. This match will be fully provided for out of the Airport's Special Aviation Fund (623). This is possible because there is now a percentage of the gallonage revenue being allocated to this fund for capital improvements,

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.

SPECIAL AVIATION FUND (632)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>632-480-G620-6000</td>
<td>Airport Master Plan/Commercial Air Study</td>
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<tr>
<td>632-800-8000-8003</td>
<td>Contingency Reserve</td>
<td>(69,300)</td>
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</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 7th day of May, 1991, by Councilmember Irizarry, 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. 91-267

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND McClintock, Becker & Associates for professional services to complete an Airport Master Plan E.I.R. and an FAR Part 150 Noise Compatibility Study

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and McClintock, Becker & Associates for professional services to complete an Airport Master Plan E.I.R. and an FAR Part 150 Noise Compatibility Study 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: ________________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-268

A RESOLUTION AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (LOT 1 AT 701 AND 703 BRIGHTON AVENUE IN BLOCK 1033).

WHEREAS, the City of Modesto owns Lot 1 at 701 and 703 Brighton Avenue in Block 1033 of Downey Manor in the City of Modesto, and

WHEREAS, said property was acquired for the proposed Brighton Avenue realignment project, and

WHEREAS, said realignment project has been abandoned, therefore, said property has become surplus property to the City's needs, and

WHEREAS, said property is located within the Modesto Redevelopment Project area, and the Redevelopment Agency is obligated to replace housing lost as a result of the Redevelopment project and to assure that the replacement housing units are maintained at low and moderate income levels, therefore, a duplex has been built on the above described property to fulfill the obligation of the Redevelopment Agency in relation to the Agency's downtown project, and

WHEREAS, in order for the Redevelopment Agency to carry out the Modesto Redevelopment Project, title to said property should vest in the Redevelopment Agency of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the conveyance of title of Lot 1 at 701 and 703 Brighton Avenue in Block 1033 of Downey Manor in the City of Modesto to the Redevelopment Agency of the City of Modesto, in order for the Redevelopment Agency to sell the lot and duplex to the Housing Authority of Stanislaus County.
BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute a grant deed conveying the above described property from the City of Modesto to the Redevelopment Agency of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-269

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, STANISLAUS COUNTY AND NATIONAL INVESTMENT PROPERTIES, ALLOWING FOR PAYMENT OF TRAFFIC MITIGATION FEES ON A PROPORTIONATE BASIS FOR WOOD COLONY PLAZA, P-D(330)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto, Stanislaus County and National Investment Properties, allowing for payment of $472,995.05 in traffic mitigation fees on a proportionate basis for Wood Colony Plaza, P-D(330)

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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMA B. COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-270

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN APPLICATIONS TO THE FEDERAL COMMUNICATIONS COMMISSION FOR LICENSES TO OPERATE THREE FIXED MICROWAVE RADIO STATIONS IN CONNECTION WITH THE PROPOSED WATER/SEWER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

WHEREAS, in March of 1990, staff contracted with Westin Engineers to produce a Water Production and Sewer Collection SCADA System Feasibility Report, and their recommendation is to proceed with a basic SCADA system that is expandable; and

WHEREAS, submitting these applications for licenses is the first step in obtaining microwave radio stations to provide telemetry (communications) necessary to monitor and control the City's water well pumps and wastewater collection lift station.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the applications to the Federal Communications Commission for licenses to operate three fixed microwave radio stations in connection with the proposed water/sewer supervisory control and data acquisition (SCADA) system be, and they are hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-271

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD L. MARKS FOR CONTRACT SUBDIVISION INSPECTION SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richard L. Marks for contract subdivision inspection services 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-272

A RESOLUTION ACCEPTING IMPROVEMENTS IN BRIGGS GARDENS SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, P & R Enterprises, subdividers of Briggs Gardens Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of $127,500.00 and $63,750.00 respectively to guarantee improvements in Briggs Gardens Subdivision;

WHEREAS, the Director of Public Works in a memorandum dated April 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 Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Briggs Gardens Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Fund for faithful performance in the amount of $127,500.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Fund for labor and materials in the amount of $63,750.00 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 7th day of May 1991, by Councilmember Irizarry, 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: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE REQUEST OF THE MODESTO CHAMBER OF COMMERCE GRAFFITI USA COMMITTEE TO HANG TWO "GRAFFITI USA" BANNERS IN DOWNTOWN MODESTO FROM MAY 25 THROUGH JUNE 9, 1991.

WHEREAS, the Modesto Chamber of Commerce Graffiti USA Committee has requested approval to hang two banners in downtown Modesto, specifically across J Street near the McHenry Avenue fivepoints intersection and on I Street near Ninth on the "Water Wealth Contentment Health" Arch, from May 25 through June 9, 1991, and

WHEREAS, the Graffiti USA Committee believes that banners in these two downtown locations will create an appropriate atmosphere for the upcoming Graffiti USA festival and will significantly enhance the public's awareness of the event, and

WHEREAS, City staff recommends that the Council declare the banners "informational signs authorized by the City Council" and therefore exempt from sign ordinance by Section 10-2.2101 (x) (2),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of the Modesto Chamber of Commerce Graffiti USA Committee to hang two "Graffiti USA" banners in downtown Modesto at the locations set forth above from May 25 through June 9, 1991, is hereby approved.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby declares that the banners are "informational signs authorized by the City Council" and as such are exempt from sign ordinance by Section 10-2.2101 (x) (2).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May 1991, by Councilmember Irizarry, 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: None

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-274

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON JUNE 1, 1991, AT 824 KIERNAN AVENUE, AND JUNE 3, 1991, AT 501 NORTH JEFFERSON.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on June 1, and June 3, 1991, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus/Unclaimed Property Listing," is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus/Unclaimed Property Listing," which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, June 1, 1991, at a large facility located at 824 Kiernan Avenue, and on Monday, June 3, 1991, at 501 North Jefferson, City Corporation Yard, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.
BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember __Irizarry__, 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: None

ATTEST: ___________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ___________________________
STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE RESIGNATION OF ARTHUR A. MARTIN FROM THE PLANNING COMMISSION, BOARD OF ZONING ADJUSTMENT, ECONOMIC DEVELOPMENT LOAN POOL SUB-COMMITTEE, AND THE CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, Arthur A. Martin was appointed a member of the Planning Commission on March 13, 1990, the Board of Zoning Adjustment on January 15, 1991, the Economic Development Loan Pool Subcommittee on September 22, 1987, and the Citizens' Housing and Community Development Committee on November 17, 1987; and

WHEREAS, Arthur A. Martin has tendered his resignation from these committees due to his appointment to the City Council, effective May 7, 1991.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Arthur A. Martin from the Planning Commission, Board of Zoning Adjustment, Economic Development Loan Pool Subcommittee, and the Citizens' Housing and Community Development Committee be, and hereby is accepted.

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 Arthur A. Martin for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: _______________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-276

A RESOLUTION ACCEPTING THE RESIGNATION OF PHILLIP G. MARTIN RESIGNING FROM THE CULTURE COMMISSION, EFFECTIVE MAY 7, 1991

WHEREAS, Phillip G. Martin was appointed a member of the Culture Commission on March 10, 1987; and

WHEREAS, Phillip G. Martin has tendered his resignation from this committee, effective May 7, 1991; and

WHEREAS, Phillip G. Martin 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 Phillip G. Martin from the Culture 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 Phillip G. Martin 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 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-277

A RESOLUTION APPOINTING MEMBERS OF THE AFFIRMATIVE ACTION COMMISSION

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

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

SECTION 1. The following persons / are hereby appointed to the Affirmative Action Commission:

James David Lynch
Darth Miller
Edward Gonzales
Johnna Bryant

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Affirmative Action 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 7th day of May, 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, Martin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-278  

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION (HELEN WHITE)

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 Culture Commission for the respective term as indicated:

Helen White
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 Culture Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Martin, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-279

A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(JESS DACUYCUY)

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

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

SECTION 1. The following person is hereby appointed to the Human Relations Commission for the respective term as indicated:

Jess Dacuycu
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 Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Martin, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE LANDMARK PRESERVATION COMMISSION (DIRK HOEK)

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 Landmark Preservation Commission for the respective term as indicated:

Dirk Hoek
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 Landmark Preservation Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Martin, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMA COYNE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-281

A RESOLUTION APPOINTING MEMBER OF THE LOCAL CABLE PROGRAMMING COMMITTEE
(SHARON LEICHAM)

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

SECTION 1. The following person is hereby appointed to the Local Cable Programming Committee for the respective term as indicated:

Sharon Leicham
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 Local Cable Programming Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Martin, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-282

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION (FRED CRUZ)

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:

Fred Cruz
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 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 7th day of May 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, Martin, Muratore, Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMA K. WATTS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-283

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING (STEVE BURKE)

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:

Steve Burke
Term expires: 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 7th day of May, 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, Martin, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-284

A RESOLUTION APPOINTING MEMBERS OF THE POLICY COMMITTEE OF THE MID SURFACE WATER PROJECT

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

SECTION 1. The following persons are hereby appointed to the Policy Committee of the MID Surface Water Project:

Regular Member - Councilmember Muratore
Regular Member - Councilmember Patterson
Alternate - Councilmember Dobbs

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Policy Committee of the MID Surface Water Project and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: Norrie Coyle, City Clerk
A RESOLUTION APPOINTING MEMBERS OF THE TECHNICAL COMMITTEE OF THE MID SURFACE WATER PROJECT

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

SECTION 1. The following persons are hereby appointed to the Technical Committee of the MID Surface Water Project:

Regular Member - Deputy Director Operations Holton
Alternate - Senior Civil Engineer Water Gilton

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Technical Committee of the MID Surface Water Project and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, 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: None

ATTEST: Norris Coyle
NORME COYLE, City Clerk

WHEREAS, on April 12, 1976, by Resolution No. 76-538 the City Council of the City of Modesto established a Housing Maintenance Program to work under the guidance and control of the Citizens Housing and Community Development Committee on community development activities, and to make appropriate recommendations to the City Council, and

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's Community Development Block Grant allocation for the Fiscal Year 1991-92 will be $1,259,000, with an additional FY 1990-91 grant of $11,000, and

WHEREAS, the City has also received Fiscal Year 1984, 1985, 1986, 1987, 1988, 1989, and 1990 Rental Rehabilitation funding in the amount of $540,000 with administrative expenses covered by the block grant resources, and

WHEREAS, the Housing Program Office of the City of Modesto has followed the Department of Housing and Urban Development regulations for the Citizen Participation Plan as part of the pre-submission process, and

WHEREAS, the Housing Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1991-92 Community Development Objectives and Budget, and
WHEREAS, a notice of a public meeting to be held on February 7, 1991, was published in The Modesto Bee, the official newspaper of the City of Modesto, to notify citizens interested in the Community Development Block Grant Application and the Statement of Community Development Objectives and Budget for Program Year 1991-92, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on February 14, 1991, and

WHEREAS, requests for funding were presented by organizations to the Citizen Advisory Committee on April 4, 1991, and

WHEREAS, a report was presented to the Council on all requests for funding, and all City proposed programs on April 16, 1991, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed the Final Statement of Objectives and Budget on April 26, 1991 and recommended to the Council their approval, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1991-92 Community Development Block Grant Program Application.
BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to file said application, including all understandings and assurances contained therein, with the U. S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the Council does hereby approve the Final Statement of Community Development Objectives and Budget for Program Year 1991-92.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 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, 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
RESOLVED, by the City Council of the City of Modesto, California (the "City"), as follows:

WHEREAS, the City, a municipal corporation and charter city, is authorized and empowered by the provisions of the City of Modesto Health Facilities Financing Law (constituting Chapter 4 of Title VIII of the Modesto Municipal Code) (the "Law") to issue revenue bonds to finance construction, expansion, remodeling, renovation, furnishing, equipping, and acquisition of health facilities operated by participating health institutions (including by reimbursing expenditures made or refinancing indebtedness incurred for such purpose);

WHEREAS, Memorial Hospitals Association (the "Corporation") has applied to the City for the issuance of its health facility revenue bonds on behalf of the Corporation in an aggregate principal amount not to exceed twenty-five million seven hundred fifty thousand dollars ($25,750,000) for the purpose of providing financing for (a) expansion of the emergency department, radiology department, clinical laboratory and endoscopy department, (b) addition/remodeling of kitchen/cafeteria areas, (c) build-out of two floors of the recent hospital addition, including new inpatient nursing units and associated support functions, (d) major equipment additions to the facility's radiology, cardiology and nuclear medicine departments, and (e) capitalized interest for the three-year construction period, all relating to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California; and

WHEREAS, section 147(f) of the Internal Revenue Code of 1986 requires the City Council, as the duly elected representative of the City, to approve the issuance of such revenue bonds after a public hearing following reasonable notice;

WHEREAS, the City Council has, on the date hereof, held a public hearing following duly published notice thereof, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the terms of the issuance and sale of such revenue bonds;

NOW, THEREFORE, it is hereby DETERMINED, as follows:

Section 1. Pursuant to the Law, revenue bonds of the City designated as the "City of Modesto Health Facility Revenue Bonds (Memorial Hospitals Association), 1991 Series A and 1991 Series B" (the "Bonds"), in an aggregate principal amount not to exceed twenty-five million seven hundred fifty thousand dollars ($25,750,000), for the purpose of providing financing for (a) expansion of the emergency department, radiology department, clinical laboratory and endoscopy department, (b) addition/remodeling of kitchen/cafeteria areas, (c) build-out of two floors of the recent hospital addition, including new inpatient nursing units and associated support functions, (d) major equipment additions to the facility's radiology,
cardiology and nuclear medicine departments, and (e) capitalized interest for the three-year construction period, all relating to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, are hereby approved and authorized to be issued.

Section 2. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to sell the Bonds, at any time within one year of the adoption of this Resolution, at public or private sale, in such aggregate amount and at such price and at such interest rate or rates as he, with consent of the Corporation, may determine, and upon such terms and conditions as he, with the consent of the Corporation, may determine.

Section 3. The proposed form of loan agreement relating to the Series A Bonds (the "Series A Loan Agreement") between the City and the Corporation, as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver to the Corporation a Series A Loan Agreement in substantially said form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by execution and delivery thereof.

Section 4. The proposed form of loan agreement relating to the Series B Bonds (the "Series B Loan Agreement") between the City and the Corporation, as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver to the Corporation a Series B Loan Agreement in substantially said form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by execution and delivery thereof.

Section 5. The proposed form of indenture of trust relating to the Series A Bonds (the "Series A Indenture") between the City and U.S. Trust Company of California, N.A., as trustee, as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver to said Trustee a Series A Indenture in substantially the form presented to this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof. The date, maturity dates, interest rate or rates, interest payment dates, denominations, forms, registration privileges, place or places of payment, terms of redemption and other terms of the Series A Bonds shall be as provided in said Indenture as finally executed.

Section 6. The proposed form of indenture of trust relating to the Series B Bonds (the "Series B Indenture") between the City and U.S. Trust Company of California, N.A., as trustee, as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver to said Trustee a Series B Indenture in substantially the form presented to this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof. The date, maturity dates, interest rate or rates, interest payment dates, denominations, forms, registration privileges, place or places of payment, terms of redemption and other terms of the Series B Bonds shall be as provided in said Indenture as finally executed.

Section 7. The proposed form of bond purchase contract, between A.G. Edwards & Sons, Inc., as representative of the underwriters (the "Underwriter"), and the City, approved by the Corporation, as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute a bond purchase contract (or separate bond purchase
contract for each series, collectively, the "Bond Purchase Contract") in substantially the form presented at this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 8. The City Council hereby approves the Preliminary Official Statement describing the financing, in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director. The City Council authorizes and directs the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director, on behalf of the City, to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Preliminary Official Statement prior to its distribution by the Underwriter.

Section 9. The Underwriter, on behalf of the City, is authorized and directed to cause the Preliminary Official Statement be distributed to such municipal bond broker-dealers, to such banking institutions and to such other persons as may be interested in purchasing the Bonds therein offered for sale.

Section 10. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the "Final Official Statement") and to execute said Final Official Statement, dated as of the date of the sale of the Bonds, and a statement that the facts relating to the City contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Bonds, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Bonds, and does not, as of the date of delivery of the Bonds, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the final Official Statement, which shall include such changes and additions thereto deemed advisable by the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Final Official Statement by the City.

Section 11. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Bonds.

Section 12. The Bonds in the aggregate principal amount of not to exceed twenty-five million seven hundred fifty thousand dollars ($25,750,000) shall be executed by the manual or facsimile signature of the Mayor, the seal of the City shall be affixed thereon (or a facsimile reproduced thereon) and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with said Indenture.

Section 13. The Bonds, when so executed, shall be delivered to the Trustee for authentication by the Trustee. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's Certificate of Authentication appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the purchaser thereof in accordance with written instructions executed on behalf of the City by the Finance Director or any person designated by the Finance Director, which instructions said officers are hereby
authorized and directed, for and on behalf of the City, to execute and deliver to the Trustee. Said instructions shall provide for the delivery of the Bonds to the purchaser thereof, upon payment of the purchase price thereof.

Section 14. The City Clerk is hereby authorized and directed to attest the signature of the Finance Director or any person designated by the Finance Director and to affix and attest the seal of the City as may be required in connection with the execution and delivery of the Series A Indenture, the Series B Indenture, the Series A Loan Agreement, the Series B Loan Agreement, the Bond Purchase Contract, the Official Statement and the Bonds in accordance with this Resolution.

Section 15. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated thereby.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-288

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR ANNUAL READY-MIX CONCRETE REQUIREMENTS FOR UP
TO THREE YEARS

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

SECTION 1. The plans and specifications for the purchase of annual
ready-mix concrete requirements for up to three years
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 3, 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 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. 91-289

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE 1991 COLD IN-PLACE RECYCLING

WHEREAS, Resolution No. 91-201, adopted by the Council of the City of Modesto on April 9, 1991, approved the plans and specifications for the 1991 cold in-place recycling and authorized the calling for bids; and

WHEREAS, the bids received for the 1991 cold in-place recycling were opened at 11:00 a.m. on May 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 George Reed, Inc. in the amount of $155,595.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of $155,595.50 be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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: ____________________________

MORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-290

A RESOLUTION ESTABLISHING LIMITATIONS ON THE USE OF WATER FROM MODESTO'S MUNICIPAL WATER SYSTEM, AND ADOPTING A DROUGHT CONTINGENCY PLAN.

WHEREAS, the City of Modesto obtains its entire supply of domestic water from deep well pumping stations, and

WHEREAS, the conservation of groundwater is a prudent and desirable goal and is necessary for the public health and safety, and

WHEREAS, it is timely for the City of Modesto to take those steps necessary to help insure an adequate local supply of water, and

WHEREAS, the State of California has directed all local water purveyors to prepare drought contingency plans, and

WHEREAS, Section 11-1.14, of the Modesto Municipal Code authorizes this Council to establish rules and regulations by resolution concerning the City's municipal water system, the use of water, and water conservation,

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

1. The City does hereby declare the need for a staged response to conditions of projected shortfall in the City water supply and adopts the Drought Contingency Plan as attached in Exhibit A.

2. This Plan will be implemented by the City Council from time to time by ordinance and regulation.

RESCINDED

THIS RESOLUTION WAS RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION NO.

051091

-1-

10698CA2
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th 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: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
## City of Modesto - Drought Contingency Plan

### Drought Stage I - Minor Shortage Potential

| Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff. |

### Drought Stage II - Moderate Shortage Potential

<table>
<thead>
<tr>
<th>Phasing Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff.</td>
</tr>
<tr>
<td>Production from wells is decreasing.</td>
</tr>
<tr>
<td>There is a possibility that customer demands and system pressure requirements cannot be met at all times.</td>
</tr>
</tbody>
</table>

### Drought Stage III - Critical Shortage Potential

<table>
<thead>
<tr>
<th>Reduction Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff.</td>
</tr>
<tr>
<td>Production from wells is decreasing.</td>
</tr>
<tr>
<td>Customer demands and system pressure requirements cannot be met.</td>
</tr>
</tbody>
</table>

### Requested Consumer Actions

<table>
<thead>
<tr>
<th>10%-20% reduction in total water production from baseline.</th>
</tr>
</thead>
<tbody>
<tr>
<td>20%-35% reduction in total water production from baseline.</td>
</tr>
<tr>
<td>35%-50% reduction in total water production from baseline.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outdoor water use prohibited daily from noon - 7 p.m.*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odd-numbered addresses water W, F, Su</td>
</tr>
<tr>
<td>Even-numbered addresses water T, Th, Sa</td>
</tr>
<tr>
<td>No outdoor water use on Mondays</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Car washing subject to above-cited limitations with use of a positive shutoff nozzle.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hosing concrete areas, building exteriors, etc., may only be done with a City-issued permit and only with use of a positive shutoff nozzle.</td>
</tr>
<tr>
<td>Water leaks, once identified, must be repaired within 24 hours.</td>
</tr>
<tr>
<td>Restaurants encouraged to serve water only on request.</td>
</tr>
<tr>
<td>New landscaping to comply with existing &amp; future landscape ordinances.</td>
</tr>
<tr>
<td>Water meter installation on all new single-family homes.</td>
</tr>
</tbody>
</table>

*Hours of restricted outdoor use may be extended to 9 a.m.-7 p.m. at Council discretion.

### Penalties* for Excessive Use

<table>
<thead>
<tr>
<th>$50 Administrative fee assessed upon 2nd violation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$250 Administrative fee assessed upon 3rd violation (includes meter installation).</td>
</tr>
<tr>
<td>$250 Administrative fee assessed for each subsequent violation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>$150 Administrative fee assessed upon 2nd violation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$250 Administrative fee assessed upon 3rd violation (includes meter installation).</td>
</tr>
<tr>
<td>$300 Administrative fee assessed for each subsequent violation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>$200 Administrative fee assessed upon 2nd violation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$300 Administrative fee assessed upon 3rd violation (includes meter installation).</td>
</tr>
<tr>
<td>$400 Administrative fee assessed for each subsequent violation.</td>
</tr>
</tbody>
</table>

*Penalties assessed for violations occurring within 12 months of first violation.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-291

A RESOLUTION ESTABLISHING GUIDELINES FOR WATER USE
IN THE STAGE ONE DROUGHT CONDITION.

WHEREAS, the Council approved the City of Modesto Drought
Contingency Plan on May 14, 1991, which plan provides for the staged responses
to conditions of projected shortfall in the City water supply system, and

WHEREAS, the Drought Contingency Plan of the City of Modesto
provides that when the City determines that a minor shortage potential exists
that a Stage One Drought Condition can and shall be declared, and

WHEREAS, the City finds that groundwater levels are dropping due to
the increased use associated with a warm, dry season, and due to lower than
average precipitation and runoff, and

WHEREAS, Section 11-1.14, of the Modesto Municipal Code authorizes
this Council to establish rules and regulations by resolution concerning the
City's municipal water system, the use of water, and water conservation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that there does now exist within the City of Modesto a Stage One Drought
Condition.

BE IT FURTHER RESOLVED that the Public Works and Transportation
Department shall implement the strategies and enforcement procedures
applicable during a Stage One Drought Condition as provided in the City's
Drought Contingency Plan.

BE IT FURTHER RESOLVED THAT in accordance with the Drought
Contingency Plan, the following rules and regulations are established for use
during a Stage One Drought Condition. Violations of these regulations will be considered water waste.

1. City residents shall not water lawns or gardens or allow others to water on their behalf so that excess water leaves property being watered.

2. City residents shall not wash cars without the use of a quick-acting positive shut-off nozzle or permit others to do so on their behalf. In addition, car washing must be done in compliance with the schedule for outdoor water use. There shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters, or other exterior surfaces unless a permit is issued by the Public Works and Transportation Director or his designee and the washing is done with the use of a quick-acting positive shut-off nozzle on the hose.

3. City residents shall not have leaky faucets or plumbing fixtures or premises for a reasonable period of time after which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such a condition or to make arrangements for the correction.

4. Eating establishments are encouraged to serve water only at the customer's request.

5. New landscaping installations must comply with all landscape ordinances.

6. Outdoor water use may occur only when permitted by the following schedule:
   a. There shall be no outdoor water use between the hours of 12:00 p.m and 7:00 p.m. on any day. In addition, outdoor water use will not be permitted at any hour on Mondays.
   b. Dwellings or establishments with odd-numbered street addresses shall water on Wednesdays, Fridays, and Sundays subject to the time restrictions set forth above.
   c. Dwellings or establishments with even-numbered street addresses shall water on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.
7. Exceptions to the regulations set forth herein may be given by the Public Works and Transportation Director or his designee upon a showing of good cause and necessity.

8. The following penalties may be added to the utility service customer's account upon violation of the above regulations:
   a. A penalty in the sum of $50 upon the second violation within one year after having received a Notice of Violation.
   b. A penalty of $200 upon the third violation within said one year period.
   c. A penalty of $250 for each additional violation within a one year period.

The customer shall be advised of these charges through a Notice of Intention to Impose a Penalty.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-292
AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. FOR THE CONSTRUCTION OF A HANGAR AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto Executive Air Charter, Inc. for the construction of a hangar at the Modesto Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-293

A RESOLUTION REVISING THE LOCATION AND NUMBER OF MID-BLOCK CROSSWALKS ACROSS SCENIC DRIVE BETWEEN BODEM STREET AND COFFEE ROAD IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 80-79.

WHEREAS, it is deemed desirable to establish mid-block crosswalks at certain locations in the City of Modesto to facilitate street crossing by pedestrians, and

WHEREAS, Section 21106(a) of the Vehicle Code of the State of California provides that local authorities, by ordinance or resolution, may establish crosswalks between intersections, and

WHEREAS, Council Resolution 80-79 adopted on January 22, 1980, established three mid-block crosswalks on Scenic Drive, and

WHEREAS, by letter dated December 11, 1990, the Director of Mental Health for Stanislaus County requested that the City consider means to implement additional safety measures to mitigate the traffic situation on Scenic Drive, and

WHEREAS, in response to said request from Stanislaus County's Director of Mental Health and in relation to updated State Traffic Manual guidelines for marked crosswalks, City staff has recommended that the three marked mid-block crosswalks currently existing across Scenic Drive between Bodem Street and Coffee Road in the City of Modesto be reduced to a single marked mid-block crosswalk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to enhance pedestrian safety, the Council hereby authorizes the reduction of the three marked mid-block crosswalks currently existing across Scenic Drive between Bodem Street and Coffee Road in the City of Modesto to a single
marked mid-block crosswalk, as shown on the drawing which is attached hereto, marked Exhibit "A" and incorporated herein by reference, and as set forth in the memorandum to the City Manager dated April 29, 1991, from the Acting Public Works and Transportation Director, a copy of which memorandum is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the Public Works and Transportation Director of the City of Modesto is hereby directed to take appropriate action to assure that said three marked mid-block crosswalks currently existing across Scenic Drive between Bodem Street and Coffee Road are reduced to a single marked mid-block crosswalk as set forth in the memorandum to the City Manager dated April 29, 1991, from the Acting Public Works and Transportation Director, a copy of which memorandum is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the Public Works and Transportation Director of the City of Modesto is further directed to establish, designate and maintain a mid-block crosswalk and to designate a single marked mid-block crosswalk by appropriate devices, marks or lines upon the surface of the roadway in a single location across Scenic Drive between Bodem Street and Coffee Road, as shown on the drawing which is attached hereto, marked Exhibit "A" and incorporated herein by reference, and as set forth in the memorandum to the City Manager dated April 29, 1991, from the Acting Public Works and Transportation Director, a copy of which memorandum is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that Resolution No. 80-79 adopted January 22, 1980, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-294

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT ROBERT PAUL VAN WINKLE, 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 Robert Paul Van Winkle, against the City of Modesto was received on May 6, 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, Robert Paul Van Winkle, against the City of Modesto, received on May 6, 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 14th 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

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 $922.44.

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 6728 of Bel Air Subdivision No. 1 as per map filed 2-24-56 in Volume 18 of Maps, Page 48, 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 $922.44.

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 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18 of Maps, Page 48, 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. 91-297

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 (WILLIAM L. WRIGHT, 2214 MONTICELLO 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 $909.07.

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 4 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18 of Maps, Page 48, 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. 91-298


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 $909.07.

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 5 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18 of Maps, Page 48, 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 $909.07.

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 6 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18 of Maps, Page 48, 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: NORMINE 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 $909.07.

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 7 of Block 6728 of Bel Air Subdivision 
No. 1 as per map filed 2-24-56 in Volume 18 
of Maps, Page 48, 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: Co 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. 91-301

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 (WILLIAM J. YOUNG, 2310 MONTICELLO 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 $909.07.

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 8 of Block 6728 of Bel Air Subdivision No. 1 as per map filed 2-24-56 in Volume 18 of Maps, Page 48, 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: NORMA COYLE
NORRINE COYLE, City Clerk

(JAMES L. GRAY, 2314 MONTICELLO 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 $909.07.

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 9 of Block 6728 of Bel Air Subdivision No. 1 as per map filed 2/24/56 in Volume 18 of Maps, Page 48, 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. 91-303


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 $885.94.

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 10 of Block 6728 of Bel Air Subdivision No. 1 as per map filed 2/24/56 in Volume 18 of Maps, Page 48, 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. 91-304


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 $1,012.14

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 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48, 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. 91-305


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 $944.10

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 23 of Bl. 6728 of Bel Air Subdivision No. 1 as per map filed 2-24-56 in Vol. 18 of Maps, Pg. 48, 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 $922.44

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 22 of Block 6728 of Bel Air Subdivision No. 1 as per map filed 2-24-56 in Vol. 18 of Maps, Pg. 48, 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 $922.44

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 21 of Bl. 6728 of Bel Air Subdivision No. 1 as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48, 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 $909.07.

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 20 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
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. 91-309

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 (BILLY W. JARRETT, 2217 MONTE VERDE 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 $909.07

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 19 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
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

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-310


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 $909.07.

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 18 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
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
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 (Z.L. BINGHAM, 2305 MONTE VERDE 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 $909.07

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 17 of Bl. 6728 of Bel Air Subdivision No. 1 as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48, 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 $909.07

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 16 of Bl. 6728 of Bel Air Subdivision No. 1 as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48, 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. 91-313


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 $909.07

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 15 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
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. 91-314


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 $ 953.99

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 Bl. 6728 of Bel Air Subdivision No. 1 as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48, 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. 91-315


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 $1,013.93

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 8 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. 91-316


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 $1,013.93

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 7 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. 91-317


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 $1,013.93

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 6 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. 91-318


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 $880.52

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:

Lot 5 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. 91-319


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 $813.01

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 4 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, Muratone, 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 $533.65

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 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

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 $565.53

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:

Lot 2 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

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 $845.30

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 1 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: NORMINE 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 $1,013.93

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 9 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. 91-324


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 $1,013.93

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 10 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: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-325


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 $1,013.93

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 11 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

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 $1,063.56

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 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. 91-327

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 (EARL D. GREENER, 1217 GREENWOOD DRIVE)

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 $1,189.50

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 13 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