MODESTO CITY COUNCIL
RESOLUTION NO. 90-851

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW LOADER/BACKHOE

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 new loader/backhoe 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 November 5, 1990, 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 October, 1990, 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. 90-852

A RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR THE AWARD OF A BUS BENCH FRANCHISE
AND AUTHORIZING A NEW CALL FOR PROPOSALS TO BE HELD OCTOBER 22, 1990

WHEREAS, as a result of a call for proposals for a bus bench franchise, authorized by City Council Resolution No. 90-475, two proposals were received in the City Clerk's Office and reviewed by the Transportation Division of Public Works and Transportation; and

WHEREAS, one proposal was submitted with flawed financial information, and the commission offered by the other proposal was considered too low; and

WHEREAS, staff feels it is in the City's best interest to reject all proposals, review and rewrite the evaluation process and issue a new call for proposals for bus bench franchise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all proposals received for the award of a bus bench franchise and opened in the office of the City Clerk on July 2, 1990, at 4:30 p.m., are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for proposals for awarding a bus bench franchise, to be opened October 22, 1990, at 10:00 a.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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 REJECTING ALL BIDS RECEIVED FOR FURNISHING A CARBON WATER ADSORPTION SYSTEM AND OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 24, 1990, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 90-712, adopted by the Council of the City of Modesto on August 28, 1990, approved the plans and specifications for furnishing two water adsorption-filter systems for Wells #2 and #30, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of carbon water adsorption systems were opened at 10:00 a.m. on September 24, 1990; and

WHEREAS, all three bidders furnishing bids, failed to initial all of the specification requirements for compliance as required by the request for proposals and staff recommends rejecting all proposals received and issuing new call for bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing carbon water adsorption systems, and opened in the office of the City Clerk on September 24, 1990, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing carbon water adsorption systems to be opened October 29, 1990, at 10:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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
A RESOLUTION REJECTING ALL BIDS FOR ROCKWELL STORM DRAIN REPLACEMENT 1990,
DECLARING A STATE OF URGENCY, AND AUTHORIZING NEGOTIATION OF AGREEMENT WITH
DEKTA EXCAVATING, INC. TO PERFORM A REDUCED SCOPE PROJECT

WHEREAS, Resolution No. 90-730, adopted by the Council of the City of
Modesto on September 4, 1990, approved the plans and specifications for rockwell
storm drain replacement 1990, and authorized the call for bids; and

WHEREAS, the bids received for the rockwell storm drain replacement 1990
were opened at 11:05 a.m. on September 27, 1990; and

WHEREAS, of the four bids received, the low bid was approximately 45% above
the Engineer's estimate, and staff feels the only way to bring the project into
line with the funds budgeted would be to reduce the project scope; and

WHEREAS, since rebidding the project would result in a lengthy delay,
pushing the project completion into the rainy season, staff recommends declaring
a state of urgency and authorizing the execution of a negotiated contract with
Delta Excavating Inc., based on their unit prices submitted during the competi-
tive bidding process.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that all bids received for the rockwell storm drain replacement 1990, and opened
in the office of the City Clerk on September 27, 1990, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto does hereby
declare a state or urgency and authorizes the designated city officials to
execute a negotiated agreement with Delta Excavating Inc., for rockwell storm
drain replacement 1990.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 16th day of October, 1990, by Councilmember
Lang, who moved its adoption, which motion being duly seconded by Council-
member 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 APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR COLLECTION OF FEES FOR SPECIAL ASSESSMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, for collection of fees for special assessments 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 October, 1990, 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. 90-856

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CARMEN HURTADO AND CANDELERIA CABRERA FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1317 GARDEN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Carmen Hurtado and Candelaria Cabrera for sewer service to property outside City limits at 1317 Garden Avenue, located on the north side of Garden between Sutter and Colorado Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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. 90-857

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE AN AIRPORT MASTER PLAN ENVIRONMENTAL IMPACT REPORT AND A COMMERCIAL AIR SERVICE EFFECT INITIAL STUDY

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 complete an Airport Master Plan Environmental Impact Report and a Commercial Air Service Effect Initial Study in the amount of $62,370 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 16th day of October, 1990, 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: NARRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE A FEDERAL AVIATION REGULATIONS (FAR) PART 150 STUDY AND AN AIRPORT APPROACH PROTECTION STUDY

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 complete a Federal Aviation Regulations (FAR) Part 150 Study and an Airport Approach Protection Study in the amount of $81,180 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 16th day of October, 1990, 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. 90-859

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR THE TURLOCK IRRIGATION DISTRICT DRINKING WATER SUPPLY PROJECT.

WHEREAS, in 1988 the Turlock Irrigation District, Del Este Water Company, and the cities of Modesto and Ceres agreed on the need for review of water supply conditions and future demands, and

WHEREAS, the other water agencies in the Turlock Irrigation District service area joined in a study which identified water quality and quantity problems and recommended a project to supply surface water from the Tuolumne River, and

WHEREAS, Phase 1 of the project was completed in November 1988 and consisted of the development of the study work scope, gathering of data from all participants on their water systems, and identification of preliminary environmental considerations, and

WHEREAS, Phase 2 of the project consists of a review of existing water supply conditions and an evaluation of water supply options, and

WHEREAS, approval of a Memorandum of Understanding for the Turlock Irrigation District Drinking Water Supply Project would allow Phase 3 of the surface water supply project to proceed, and

WHEREAS, Phase 3 of the project would allow selection of a preferred alternative, development of a facilities plan, preparation an Environmental Impact Report, development of a financing plan, and drafting of a participation agreement for design, construction and operation of the project, and

WHEREAS, the Turlock Irrigation District is the lead agency and has 50% voting rights in Phase 3, the other participating agencies are Del Este Water Company, Delhi County Water District, Denair Community Services.
District, Hilmar County Water District, Keyes Community Services District, and
the Cities of Ceres, Hughson, Modesto and Turlock, and

WHEREAS, the City of Turlock has approximately 55% of the planned
water supply capacity and a 27.65% voting share, and its participation is
essential for the project to proceed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that subject to the City of Turlock approving the Memorandum of Understanding
for the Turlock Irrigation District Drinking Water Supply Project, the Council
of the City of Modesto approves the Memorandum of Understanding and the City
Manager or his authorized designee is hereby authorized to execute the
Memorandum of Understanding, a copy of which Memorandum of Understanding is
attached hereto marked Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 16th day of October, 1990, 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, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MEMORANDUM OF UNDERSTANDING
for the
Turlock Irrigation District
DRINKING WATER SUPPLY PROJECT

Preamble

This Memorandum of Understanding is entered into as of
November 1, 1990, among Turlock Irrigation District, City of
Ceres, Del Este Water Company, Delhi County Water District,
Denair Community Services District, Hilmar County Water District,
City of Hughson, Keyes Community Services District, City of
Modesto, and City of Turlock.

In consideration of the mutual covenants and conditions set
forth in this Agreement, the parties agree as follows:

1. DEFINITIONS

Whenever used in this Agreement, the following terms shall
have the following meanings. The singular of any term shall
include the plural and the plural shall include the singular.

1.1 "Agreement" means this Memorandum of Understanding for
the Turlock Irrigation District Drinking Water Supply Project.

1.2 "Elected Capacity Share" means the entitlement share
in the treatment capacity of the Project drinking water treatment
facilities, as measured in millions of gallons per day, which a
Participant has elected under this Agreement as set forth in
Appendix A.

Exhibit "A"
1.3 "Phase 3 Work" means the work necessary (a) for the selection of preferred facilities alternatives and the development of a facilities plan for the preferred alternatives to meet Project needs; (b) to develop and present information in a complete and adequate environmental impact report pursuant to the California Environmental Quality Act; (c) to develop a financing plan for the Project; and (d) to draft a Participation Agreement.

1.4 "Phase 3 Work Costs" means those costs described in Section 5.4 of this Agreement.

1.5 "Participants" means those entities which have interests in the Project through execution of this Agreement.

1.6 "Participation Agreement" means that agreement to be executed by those Participants electing to proceed with Phases 4, 5, and 6 of the Project.

1.7 "Participation Percentage" means the amount of each Participant's percentage share of the Project and the rights and obligations related thereto.

1.7.1 For purposes of Phases 4, 5, and 6, each Participant's Percentage share of the Project will be calculated as follows: each Participant's Elected Capacity Share is divided by the total Elected Capacity Shares of all Participants in the applicable Phase. The result is expressed as a percentage.

1.7.2 For purposes of Phase 3 and this Agreement, as shown in Appendix A, Turlock Irrigation District's Participation Percentage shall be 50% and the percentage share for all other Participants shall be calculated as follows: each Participant's
Elected Capacity Share is divided by the total Elected Capacity Shares of all Participants in Phase 3. The result is divided by 2 and is expressed as a percentage.

1.8 "Phases" means those stages of the Project described in Section 2.1 of this Agreement.

1.9 "Project" means the Turlock Irrigation District Drinking Water Supply Project, which will include, but not be limited to, drinking water treatment facilities, raw water diversion facilities, and water transmission pipelines and facilities. "Project" does not include any water rights but does include contractual rights to water as will be set forth in the Participation Agreement.

1.10 "Water Rights Work" means the legal, engineering, and administrative work necessary to determine, confirm, or secure adequate water rights for the Project. All water rights for the Project shall be held by the Turlock Irrigation District.

2. PROJECT PHASES AND ELECTION OF PARTICIPATION PERCENTAGES

2.1 The Participants contemplate that the Project will generally proceed in the following sequence:

2.1.1 Phase 1 was completed in November 1988 and consisted of the development of the study work scope, gathering of data from all Participants on their water systems, and identification of preliminary environmental considerations.
2.1.2 Phase 2 consists of a review of existing water supply conditions and an evaluation of water supply options. Phase 2 ends with the signing of this Agreement.

2.1.3 Phase 3 shall commence with the signing of this Agreement by the Participants. Phase 3 shall consist of Phase 3 Work and Water Rights Work. Although Water Rights Work will be performed during Phase 3, Water Rights Work costs will not be treated as Phase 3 Work Costs, but will be included as Phase 4 costs.

2.1.4 Phase 4 shall commence with the signing of the Participation Agreement by the Phase 4 participants. Phase 4 is intended to consist of the securing of non-water rights permits, the design and the financing of the Project. Project financing will include the financing of Phase 1, 2, 3, 4, and 5 costs and Water Rights Work costs. Reimbursement of costs advanced for Phases 1, 2, and 3 by Phase 4 Participants shall be addressed in the Participation Agreement.

2.1.5 Phase 5 is intended to consist of construction and start-up of the Project.

2.1.6 Phase 6 is intended to consist of operation and maintenance of the Project and any additions to or expansions of Phase 5 Project facilities.

2.2 The Participants by signing this Agreement have each elected to participate in Phase 3 in the amount of Elected Capacity Share and in the Participation Percentages set forth in Appendix A.
3. COORDINATING COMMITTEE

3.1 A Coordinating Committee shall be formed and shall conduct its business in accordance with the following:

3.1.1 Each Participant shall appoint one regular member to the Coordinating Committee, and shall designate its regular member in the resolution approving this Agreement and shall give notice to the other Participants of such designation. Each Participant shall, by giving notice to the other Participants, also designate one or more alternate members to act in the absence of the regular member.

3.1.2 No later than the first meeting of the Coordinating Committee, the Chairperson and Vice-Chairperson of the Coordinating Committee shall be elected by the Coordinating Committee members. The Chairperson shall be responsible for calling and presiding over meetings of the Coordinating Committee and shall notify the Committee members and the Project Manager of scheduled meetings of the Coordinating Committee.

3.1.2.1 Regular meetings of the Coordinating Committee shall be held, without call, once each calendar month, at a time, day, and place approved by the Coordinating Committee. Should any such day fall on a legal holiday, the meeting scheduled for that day shall be held at the same hour and place on the next succeeding day which is not a legal holiday.
3.1.2.2 All meetings of the Coordinating Committee shall be called, noticed, and held in accordance with the provisions of the Ralph M. Brown Act.

3.1.2.3 The Coordinating Committee shall prescribe such other procedures for the conduct of its business as it deems appropriate.

3.1.3 A quorum of the Committee members, for purposes of this Agreement, shall be the number which represents the presence of members representing 66.67% or more of the Participation Percentages in effect at the time of the vote, except that less than a quorum may adjourn meetings of the Coordinating Committee from time to time. If all members are absent from any regular or adjourned regular meeting, the Project Manager may declare the meeting adjourned to a stated time and place, which adjourned meeting shall be a regular meeting for all purposes.

3.1.4 Except as provided in Section 3.1.4.1, each Participant shall have one vote on the Coordinating Committee regardless of the Participation Percentage held by that Participant and in order to be valid, any action, determination or finding of the Coordinating Committee shall require a majority vote.

3.1.4.1 Voting by Participation Percentages.

Upon demand of any Coordinating Committee member at any meeting of the Coordinating Committee, the vote on any issue relating to the Project shall be by Participation Percentages at such time and, in order to be valid, any action, determination or finding of the Coordinating Committee shall require an affirmative vote.
of the members representing 66.67% or more of the Participation Percentages.

3.1.5 Each Participant shall promptly give notice to the other Participants of any change in the designation of its member on the Coordinating Committee. Any such notice shall be effective if given no later than the first meeting of the Coordinating Committee which the new member will attend.

3.2 The Coordinating Committee shall have the following duties and responsibilities:

3.2.1 Approve a Phase 3 Work plan submitted by the Project Manager and approve all major amendments thereto.

3.2.2 Monitor the Phase 3 Work.

3.2.3 Provide liaison among the Participants and with the Project Manager with respect to the Phase 3 Work.

3.2.4 Review and approve proposed revisions to the Phase 3 Work budget when approval of the governing bodies of the Participants is not required under Section 5.3. Review and recommend to the governing bodies proposed revisions to the budget when approval of the governing bodies is required under Section 5.3.

3.2.5 Subject to Section 7, review and approve proposed major revisions in the scope of the Project.

3.2.6 Review and approve the award of contracts having a contract price in excess of $10,000.
3.2.7 Determine the amount of funds to be advanced to the Project Manager for initial deposit into the Phase 3 Work Account.

3.2.8 After review of the completed draft environmental impact report, the Coordinating Committee shall recommend to the Turlock Irrigation District, as the lead agency, the Coordinating Committee's preferred alternative. The Turlock Irrigation District Board of Directors shall give full consideration to such recommendation.

3.2.9 Advise, discuss with, and make recommendations to the Project Manager on any major issue concerning the Project.

4. PROJECT MANAGER

4.1 The Turlock Irrigation District shall serve as the Project Manager and the lead agency for California Environmental Quality Act purposes.

4.2 The Project Manager shall have the following powers, duties, and responsibilities:

4.2.1 Submit at each regular meeting of the Coordinating Committee a progress report and cost report. The progress report shall be an oral or written report on the status and progress of the Phase 3 Work and the Water Rights Work (but excluding any confidential or privileged information) since the last progress report. The cost report shall be an oral or written report on costs accrued since the last cost report, a comparison of actual to budgeted costs, and a forecast of upcoming...
ing costs. Copies of invoices or bills for any Phase 3 Work Costs or Water Rights Work costs will be available for inspection by the Participants.

4.2.2 Submit Phase 3 Work budget revisions to the Coordinating Committee for its review and approval.

4.2.3 In the name of the Turlock Irrigation District, contract for or otherwise obtain services, studies, equipment, and supplies necessary for the performance and completion of Phase 3 Work.

4.2.4 Award (subject to any required Coordinating Committee approval) and administer contracts entered into for Phase 3 Work.

4.2.5 Maintain proper records and accounts of the Phase 3 Work.

4.2.6 Receive and disburse Project funds.

4.2.7 Serve as public information officer for the Project.

4.2.8 Act as secretary to the Coordinating Committee, and record and distribute the minutes of all Coordinating Committee meetings.

4.2.9 Within the scope of the approved Phase 3 Work plan, take all other actions necessary to bring the Phase 3 Work to completion.
5. PHASE 3 WORK BUDGET AND COSTS

5.1 The Participants adopt, by the signing of this Agreement, the initial Phase 3 Work Budget as set forth in Appendix B.

5.2 The Coordinating Committee shall have the authority to shift the allocation of funds from one budget category under the Phase 3 Work Budget to another budget category or categories so long as the total amount of the Budget is not increased.

5.3 Increases in the total amount of the Phase 3 Work Budget must be approved by the governing bodies of Participants representing 66.67% or more of the Participation Percentages.

5.4 Phase 3 Work Costs shall include:

5.4.1 Costs of labor, services (including, but not limited to, engineering, legal, governmental and public relations, accounting and auditing costs, if any), and studies incurred in the performance of the Phase 3 Work.

5.4.2 Costs, including rental charges, of materials, supplies, tools, machinery, equipment, and apparatus used in the performance of the Phase 3 Work.

5.4.3 Costs incurred by the Project Manager, subject to the approval of the Coordinating Committee, in the performance of the duties and responsibilities of the Project Manager under this Agreement.

5.4.4 Costs incurred by a Participant, subject to the approval of the Coordinating Committee, in the performance of Phase 3 Work requested by the Project Manager and approved by the Participant.
5.4.5 All other costs properly incurred in the performance of the Phase 3 Work, subject to the approval of the Coordinating Committee.

5.5 The following shall not be considered to be Phase 3 Work Costs and shall not be shared by the Participants under this Agreement:

5.5.1 Costs of studies conducted by any Participant for its own purposes that are not determined by the Coordinating Committee to be Phase 3 Work Costs.

5.5.2 Except as provided for in the approved Phase 3 Work Budget, costs associated with the preparation and negotiation of any agreement among the Participants regarding the Phase 3 Work, the Participation Agreement, the Project or Project related facilities.

5.5.3 Costs incurred by any Participant in financing its share of the Phase 3 Work Costs.

5.5.4 Costs incurred by any Participant in connection with the functions of the Coordinating Committee, or any other committee established by the Coordinating Committee, and expenses of its personnel while performing such functions, including, without limitation, the regular and alternate members appointed by a Participant to the Coordinating Committee.

5.6 Default by a Participant. Upon the failure of any Participant to meet any obligation under this Agreement, the Project Manager shall give written notice of the failure to such Participant and, if such failure has not been cured within
fifteen (15) calendar days after the date of such notice, it
shall constitute a default at the expiration of such fifteen-day
period. The effective date of the default shall relate back to
the date of the notice. Sections 8.3.1 and 8.3.2 shall apply to
every defaulting Participant.

5.7 Withdrawal of a Participant.

5.7.1 During Phase 3, any Participant may withdraw
from participation in the Project by giving at least ten (10)
calendar days' prior written notice to all other Participants.
The effective date of withdrawal shall be the withdrawal date
specified in the notice which date shall not be less than ten
(10) calendar days after the date of the notice. Sections 8.3.1
and 8.3.2 shall apply to such withdrawing Participant.

5.7.2 If any Participant fails to pay its respective
share of any approved Budget increase under Section 5.3 when due,
whether or not the Participant's governing body voted for or
against the Budget increase, such failure, unless excused by the
Coordinating Committee, shall constitute a withdrawal and an
automatic election by the Participant not to participate in Phase
4 and Sections 8.3.1 and 8.3.2 shall apply to such Participant.
The effective date of withdrawal shall be the date established by
the Project Manager for payment of the approved Budget increase.

5.7.3 Any withdrawing Participant shall be liable for
all Phase 3 Work Costs which accrued prior to the effective date
of withdrawal.
5.8 Non-defaulting/Non-withdrawing Participant's Participation Percentage. Upon any default under Section 5.6 or withdrawal under Sections 5.7, the defaulting or withdrawing Participant shall no longer be entitled to any rights granted to the Participants with respect to the Project, except as provided under Section 8.3.2 for a withdrawing Participant, and each Participant severally agrees that the Participation Percentage of each non-defaulting/non-withdrawing Participant shall be automatically increased as follows:

5.8.1 Each Participant severally agrees that the Participation Percentage of each non-defaulting/non-withdrawing Participant shall be automatically increased to the ratio between such Participant's Participation Percentage and the aggregate of the Participation Percentages of the non-defaulting/non-withdrawing Participants, expressed as a percentage.

5.8.2 Notwithstanding the provisions of Section 5.8.1, the cumulative increase for any non-defaulting/non-withdrawing Participant pursuant to this Section 5.8 shall not exceed ten percent (10%) of its Participation Percentage as originally set forth in Appendix A of this Agreement without the consent of the Participant.

5.8.3 The non-defaulting/non-withdrawing Participants shall be entitled to the rights which the defaulting or withdrawing Participant loses upon the default or the withdrawal and shall assume all of the obligations of the defaulting or withdrawing Participant with respect to such rights under this Memorandum of Understanding - TID Drinking Water Supply Project - Page 13
Agreement. Increases in the Participation Percentages of the non-defaulting/non-withdrawing Participant shall be applicable to any payments due and not paid by the defaulting or withdrawing Participant and all subsequent payments due and not paid by the defaulting or withdrawing Participant.

5.9 If the cumulative increase for any non-defaulting/non-withdrawing Participant shall exceed ten percent (10%) of its Participation Percentage as originally set forth in Appendix A to this Agreement without the consent of the Participant, then this Agreement shall terminate. This Section 5.9 shall be triggered on the effective date of default or withdrawal of the Participant whose default or withdrawal causes the non-defaulting/non-withdrawing Participant's Participation Percentage to exceed ten percent without its consent ("trigger date"). The effective termination date of this Agreement shall be the date on which all Phase 3 Work Costs have been paid, including, but not limited to, winding up and termination costs approved by the Coordinating Committee. Those Participants not in default or withdrawn on the trigger date shall use their best efforts to negotiate a new agreement.

6. PAYMENT OF PHASE 3 WORK COSTS AND ADVANCEMENT OF FUNDS

6.1 Each Participant severally agrees to pay the Participant's Participation Percentage of Phase 3 Work Costs incurred under this Agreement. Funds received by the Project Manager for the Project shall be deposited into an interest bearing account.
Interest earned shall be credited to the Participants, not in default, based upon Participation Percentage shares.

6.2 The Participants shall advance funds to the Project Manager in the amounts determined by the Coordinating Committee for initial deposit into the Phase 3 Work Account.

6.3 The Project Manager shall notify each Participant, at least fifteen (15) calendar days prior to the beginning of each month, of its share of the sums of money estimated by the Project Manager to be required for disbursement for Phase 3 Work Costs during that month and shall adjust the sums of money requested each month to reflect variations between the recorded costs and prior advances.

6.4 Each Participant shall advance its share of the Phase 3 Work Costs to the Project Manager not later than the fifteenth (15th) day of each month in which the funds are required. The Turlock Irrigation District in its capacity as Project Manager shall not be required to advance any funds on behalf of another Participant.

6.5 Each Participant agrees that the Participant's obligation to make payments hereunder shall not be subject to any reduction, whether by offset, counterclaim, recoupment or otherwise.
7. WATER RIGHTS

7.1 Water for the Project shall be supplied by the Turlock Irrigation District. All water rights for the Project shall be held solely in the name of the Turlock Irrigation District.

7.2 The Turlock Irrigation District shall have full authority and control over all matters relating to the water rights for the Project. In the selection of a diversion point, water rights shall be considered so that the Turlock Irrigation District's water rights are not adversely affected by the location of the diversion point for the Project's water treatment facilities; however, all Participants shall have the right to advise the Turlock Irrigation District on their preferred diversion point. All decisions and actions relating to Water Rights Work shall be within the sole discretion and control of the Turlock Irrigation District. Water Rights Work may extend into Phase 4 of the Project.

7.3 The Participants understand and agree that the Turlock Irrigation District shall have the right, within the District's sole discretion, to cancel the Project before the commencement of Phase 4 if the Turlock Irrigation District determines that conditions or limitations proposed to be placed upon its existing water rights in order to supply water for the Project are not in the best interest of the Turlock Irrigation District. If the Turlock Irrigation District cancels the Project before the commencement of Phase 4, the Turlock Irrigation District shall refund to each Participant all funds that the Participant
advanced for Phase 3 costs, without interest on the amount refunded, except that each Participant shall be entitled to its prorata share of accrued interest under Section 6.1. The terms and conditions applicable in the event of cancellation of the Project after commencement of Phase 4 shall be addressed in the Participation Agreement.

8. PHASES 4, 5 AND 6 ELECTION RIGHTS

8.1 In the Participation Agreement, each Participant not then in default or withdrawn from the Project shall be entitled to elect to take up to and including its Elected Capacity Share in the Project during Phases 4, 5, and 6 as set forth in Appendix A and as may be adjusted by Section 5.8. It is anticipated that the Turlock Irrigation District will not have a Participation Percentage share in the Project when Phase 4 commences. Turlock Irrigation District's rights, responsibilities, and duties under the Project and as Project Manager shall be addressed in the Participation Agreement.

8.2 Any Participant may elect not to participate in Phases 4, 5, and 6 of the Project.

8.3 A Participant who elects not to participate in Phase 4 shall give written notice of such election to the Project Manager and to each Participant on or before the date established by the Project Manager for the approval of the Participation Agreement by the Participants. A Participant shall be deemed to have automatically elected not to participate in Phase 4, without the
necessity of written notice, if it fails for any reason to approve the Participation Agreement by the date established by the Project Manager for the approval of that Agreement by the Participants.

8.3.1 By electing not to participate in Phase 4, a Participant shall relinquish and waive any right or entitlement to further participate in Phases 4, 5, and 6 of the Project.

8.3.2 By electing not to participate in Phase 4, a Participant not then in default shall be entitled to receive a refund of all advances such Participant may have paid to the Project Manager for Phase 3 Work Costs if the Project becomes commercially operable; provided that any additional costs incurred by the Project in reconfiguring the Project because of the Participant's non-participation in Phase 4 may be deducted from the refund. Such Participant shall be paid the refund less any additional cost deductions, without interest on the amount refunded, within thirty (30) days after the commercial operation date of the Project.

9. RELATIONSHIP OF PARTICIPANTS

9.1 The obligation of each Participant to make payments under this Agreement is a several obligation and not a joint obligation with those of the other Participants. Each Participant shall be individually responsible for its own covenants, obligations and liabilities under this Agreement. No Participant shall be under the control of or shall be deemed to control any
other Participant or the Participants collectively. No Participant shall be the agent of or have the right or power to bind any other Participant without its express written consent, except as expressly provided in this Agreement.

9.2 The Participants agree that by this Agreement they do not intend to provide for the creation of an agency or entity which is separate from the Participants pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, relating to the joint exercise of powers. The Coordinating Committee shall not have the power, in its own name or in the name of the Project, to do any of the following: to make and enter contracts; to manage, maintain or operate any building, works or improvements; to acquire, hold or dispose of property; to incur debts, liabilities or obligations; or to sue or be sued in its own name or in the name of the Project.

9.3 Except for contracts entered into by the Project Manager for the Project, all actions taken by the Coordinating Committee or by the Project Manager pursuant to this Agreement shall be in the name of the Participants to this Agreement.

10. ASSIGNMENT

10.1 No Participant shall assign or transfer any right or interest in this Agreement, in whole or in part, nor shall any Participant delegate its duties or responsibilities hereunder, without the prior written consent of all other Participants. Any
such assignment or transfer by a Participant without such consent shall be void.

10.2 Notwithstanding Section 10.1, each Participant shall have the right, without the prior written consent of the other Participants, to assign or transfer its rights and interests in the Project and its duties and responsibilities thereunder to an assignee or transferee of all, or substantially all, of its municipal and industrial water supply assets or of all, or substantially all, of its municipal and industrial water supply assets located within the boundaries of the Turlock Irrigation District, provided that concurrently with any such assignment or transfer, such assignee or transferee shall assume all such duties and responsibilities and, further, shall assume the obligation to continue to operate the municipal and industrial water supply assets so transferred and the retail or wholesale water business attached thereto.

11. PREPARATION OF PARTICIPATION AGREEMENT

Upon execution of this Agreement, the Participants shall proceed expeditiously and diligently with the negotiation and preparation of a suitable Participation Agreement with the objective of having a fully negotiated final draft of such agreement ready for execution on or before the completion of Phase 3. Except for Sections 1, 2, 7, and 8 which shall apply to the Participation Agreement, nothing in this Agreement is intended to
12. GENERAL PROVISIONS GOVERNING AGREEMENT

12.1 In the event that any of the terms, covenants or conditions of this Agreement or the application of any such term, covenant or condition shall be held invalid as to any Participant, person or circumstance by any court of competent jurisdiction, all other terms, covenants or conditions of this Agreement and their application shall not be affected thereby, but shall remain in full force and effect unless any such court holds that those provisions are not separable from all other provisions of this Agreement.

12.2 This Agreement is for the sole benefit of the Participants and shall not be construed as granting rights to any person other than the Participants or imposing obligations on a Participant to any person other than another Participant.

12.3 Each Participant shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the Phase 3 Work.

12.4 Whenever any act is required to be performed under this Agreement, and the manner in which such act is to be performed is not otherwise specifically detailed, such act shall be performed in a diligent and timely manner.

12.5 "Time is of the essence" with reference to all provisions of this Agreement.
12.6 This Agreement may be amended only by a written instrument duly executed by all of the Participants.

12.7 This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

12.8 Except as otherwise required by law, this Agreement is made under and shall be deemed to be governed by the laws of the State of California.

12.9 Each Participant agrees upon request by the Project Manager or by the Coordinating Committee, to make, execute and deliver any and all documents reasonably required to implement this Agreement.

12.10 Each term, covenant and condition of this Agreement is deemed to be an independent term, covenant and condition, and the obligation of each Participant to perform all of the terms, covenants and conditions to be kept and performed by it is not dependent on the performance by any other Participant of any or all of the terms, covenants and conditions to be kept and performed by such other Participant.

IN WITNESS WHEREOF, the Participants have caused this Agreement to be executed. Each signatory hereto represents that he/she has been appropriately authorized to enter into this Agreement on behalf of the Participant for whom he/she signed.
CITY OF CERES

Under the authority of Resolution No. _____, adopted by the City Council on _________________.

__________________________________________
Mayor

__________________________________________
City Clerk

Approved as to form:

__________________________________________
City Attorney

DEL ESTE WATER COMPANY

Under the authority of Resolution No. _____, adopted by the Company's Board of Directors on _________________.

__________________________________________
President

__________________________________________
Secretary

Approved as to form:

__________________________________________
Attorney

DELHI COUNTY WATER DISTRICT

Under the authority of Resolution No. _____, adopted by the District's Board of Directors on _________________.

__________________________________________
President

__________________________________________
Secretary

Approved as to form:

__________________________________________
Attorney
DENAIR COMMUNITY SERVICES DISTRICT

Under the authority of Resolution No. _____, adopted by the District's Board of Directors on ______________.

__________________________
President

__________________________
Secretary

Approved as to form:

__________________________
Attorney

HILMAR COUNTY WATER DISTRICT

Under the authority of Resolution No. _____, adopted by the District's Board of Directors on ______________.

__________________________
President

__________________________
Secretary

Approved as to form:

__________________________
Attorney

CITY OF HUGHSON

Under the authority of Resolution No. _____, adopted by the City Council on ______________.

__________________________
Mayor

__________________________
City Clerk

Approved as to form:

__________________________
City Attorney
KEYES COMMUNITY SERVICES DISTRICT

Under the authority of Resolution No. ____, adopted by the District's Board of Directors on _____________.

________________________________________
President

________________________________________
Secretary

Approved as to form:

________________________________________
Attorney

CITY OF MODESTO

Under the authority of Resolution No. ____, adopted by the City Council on _____________.

________________________________________
Mayor

________________________________________
City Clerk

Approved as to form:

________________________________________
City Attorney

CITY OF TURLOCK

Under the authority of Resolution No. ____, adopted by the City Council on _____________.

________________________________________
Mayor

________________________________________
City Clerk

Approved as to form:

________________________________________
City Attorney
TURLOCK IRRIGATION DISTRICT

Under the authority of Resolution No. _____, adopted by the District's Board of Directors on ________________.

______________________________
President

______________________________
Deputy Secretary

Approved as to form:

______________________________
General Counsel
## APPENDIX A

### PARTICIPATION PERCENTAGES

<table>
<thead>
<tr>
<th>Elected Capacity Share (mgd)</th>
<th>Participation Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Ceres</td>
<td>11.39</td>
</tr>
<tr>
<td>Del Este Water Company</td>
<td>3.61</td>
</tr>
<tr>
<td>Delhi County Water District</td>
<td>1.68</td>
</tr>
<tr>
<td>Denair Community Services District</td>
<td>1.76</td>
</tr>
<tr>
<td>Hilmar County Water District</td>
<td>2.13</td>
</tr>
<tr>
<td>City of Hughson</td>
<td>1.81</td>
</tr>
<tr>
<td>Keyes Community Services District</td>
<td>1.33</td>
</tr>
<tr>
<td>City of Modesto</td>
<td>12.00</td>
</tr>
<tr>
<td>City of Turlock</td>
<td>44.16</td>
</tr>
<tr>
<td>Subtotal</td>
<td>79.87</td>
</tr>
<tr>
<td>Turlock Irrigation District</td>
<td>-0-</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX B

INITIAL

PHASE 3 WORK

BUDGET

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering Work (Brown &amp; Caldwell)</td>
<td>$ 426,000</td>
</tr>
<tr>
<td>Pilot Plant (Brown &amp; Caldwell)</td>
<td>400,000</td>
</tr>
<tr>
<td>Environmental Work (EIP)</td>
<td>180,000</td>
</tr>
<tr>
<td>Special Consultant (B. J. Miller)</td>
<td>20,000</td>
</tr>
<tr>
<td>Participation Agreement (Best, Best &amp; Kreiger)</td>
<td>25,000</td>
</tr>
<tr>
<td>Project Financing Plan (Public Financial Management)</td>
<td>25,000</td>
</tr>
<tr>
<td>Water Quality Monitoring and Testing (contract lab)</td>
<td>100,000</td>
</tr>
<tr>
<td>Project Manager Costs*</td>
<td>$2,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$1,178,000</td>
</tr>
<tr>
<td>Contingency (10%)</td>
<td>117,800</td>
</tr>
<tr>
<td>TOTAL PHASE 3 WORK BUDGET</td>
<td>$1,285,800</td>
</tr>
</tbody>
</table>

*Costs for mapping, reproductions, etc.; does not include Leroy Kennedy's time.
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BOYLE ENGINEERING COMPANY TO PROVIDE AN ENGINEERING EVALUATION REPORT FOR THE ACQUISITION OF THE DEL ESTE WATER COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Boyle Engineering Company to provide an engineering evaluation report for the acquisition of the Del Este Water Company 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 October, 1990, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-861

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $180,000 TO COVER
CONTRACT WITH A CONSULTANT TO PROVIDE AN ENGINEERING EVALUATION REPORT FOR THE
ACQUISITION OF THE DEL ESTE WATER COMPANY

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

FROM: Water Fund Reserves $(610 800 8000 8003) $180,000
TO: Del Este Water Co. Feasibility Study (610 480 P840 6000) $180,000

Funds are needed to cover a contract with a consultant, Boyle Engineering
Company, to provide an engineering evaluation report for the acquisition
of the Del Este Water Company.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the __16th__ day of
October __________, 1990__, 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, Lang, Muratore, Patterson,
        Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: __________
         NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-862

A RESOLUTION AUTHORIZING A SUPPLEMENTAL PAYMENT TO ACCEL (EXCESS LIABILITY INSURANCE POOL) FOR PLAN YEAR #4 (1989-1990)

WHEREAS, each year, the Finance Department estimates payroll prior to the beginning of a fiscal year, which information is forwarded to the Authority for California Cities Excess Liability (ACCEL), a joint powers authority, and premiums are calculated on the basis of that estimate; and

WHEREAS, after the close of a fiscal year, a payroll audit is conducted, and premiums are then adjusted based on the audited plan year payroll.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that a supplemental payment to ACCEL (Excess Liability Insurance Pool) for Plan Year #4 (1989-1990) in the amount of $100,627 be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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. 90-863

A RESOLUTION RECOMMENDING THE DESIGNATION OF STANISLAUS AREA ASSOCIATION OF GOVERNMENTS AS THE AGENCY RESPONSIBLE FOR THE PREPARATION, ADOPTION, AND MONITORING OF THE CONGESTION MANAGEMENT PROGRAM.

WHEREAS, the Government Code Chapter 2.6 (commencing with Section 65088), added by AB 471, requires that with the passage of Proposition 111, Congestion Management Programs be developed and annually updated, and

WHEREAS, a Congestion Management Program must be developed in every county that includes an urbanized area, and shall include every city and the county, and

WHEREAS, Congestion Management Programs must be prepared by an agency designated by the Board of Supervisors and a majority of the cities representing a majority of the incorporated population, and

WHEREAS, the Stanislaus Area Association of Governments (SAAG) is the Metropolitan Planning Organization and the Regional Transportation Planning Agency (RTPA) for Stanislaus County, and

WHEREAS, SAAG is responsible for preparing the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), and the regional transportation model, and has a working knowledge of the interrelationships among transportation planning, land use planning, and air quality planning necessary for the preparation of the Congestion Management Program, and

WHEREAS, SAAG has the ability to finance and provide resources for the development of a Congestion Management Plan, and the ability to provide a forum for all local government agencies that will be affected by this program, and
WHEREAS, Congestion Management Programs must contain level of service (LOS) standards for a designated system of highways and roadways; standards for frequency, routing, and coordination of public transit services; a trip reduction and travel demand element; a program to analyze impacts of local land use decisions on a regional transportation system; a seven-year capital improvement program to maintain or improve LOS and transit performance; and a uniform computer model and data base shall be used, and shall be the same one used for preparation of the RTP, and

WHEREAS, when completed, the Congestion Management Program is to be reviewed by the regional agency for consistency with the RTP. If the program is consistent with the RTP, it will be incorporated into the RTIP starting in 1991, and

WHEREAS, the regional agency is then annually required to determine if the county and cities are conforming to the program. If the regional agency determines that a city or county is not conforming to the program, the governing body shall make such a finding and submit it to the California Transportation Commission and the Controller. Upon receiving notice from the California Transportation Commission and affirming a finding of nonconformance, the Controller shall withhold apportionments of subvented funds from new transportation revenues to the nonconforming city or county, until the RTPA notifies the Controller that the city or county is conforming,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the criteria for preparing the Congestion management Program, the Stanislaus Area Association of Governments is recommended for designation as the regional agency to prepare, adopt, and monitor the Congestion Management Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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. 90-864

A RESOLUTION APPROVING A REQUEST NOT TO EXCEED $300,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR OFF-SITE IMPROVEMENTS FOR A REVITALIZED AND EXPANDED MODESTO CENTER AT THE NORTHWEST CORNER OF PARADISE ROAD AND NORTH MARTIN LUTHER KING DRIVE, BY MAKING A LOAN TO MODESTO REDEVELOPMENT AGENCY, TO BE REPAID WITH TAX INCREMENT FUNDS.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has made Community Development Block Grant funds available for community and economic development, and

WHEREAS, public improvements to stimulate economic development in a deteriorated area is an eligible activity for the use of Community Development Block Grant funds, and

WHEREAS, the City Council, on the recommendation made by the Citizens Housing and Community Development Committee at its meeting on October 12, 1990, wishes to reverse the slum and blighted conditions to stimulate economic development at the northwest corner of Paradise Road and North Martin Luther King Drive, Modesto, and

WHEREAS, this area is currently in a survey to be declared a redevelopment area for Modesto Redevelopment Agency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that up to $300,000 of Modesto's Fiscal Year 1991 Community Development Block Grant funds be made available as a loan to Modesto Redevelopment Agency to install public improvements in the public right-of-way at the northwest corner of Paradise Road and North Martin Luther King Drive, Modesto, to be repaid from tax increment funds after said area becomes eligible for redevelopment, subject to the following conditions:
1. The developer of the project known as Modesto Center obtain secure financing for the project, and

2. The developer of the project known as Modesto Center obtain all necessary environmental clearances with all mitigation measures identified and corrected, and

3. The developer of the project known as Modesto Center pay for all water and sewer connection fees, and all fees for fire service, and

4. The developer of the project known as Modesto Center make a reasonable effort to employ low income residents of the area around the project site on all construction at the site, and

5. The City of Modesto shall have obtained at least $1,100,000 in Community Development Block Grant funding from the U.S. Department of Housing and Urban Development for Fiscal Year 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ________________
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-865

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF $600.48 FOR OVERPAYMENT OF BUSINESS LICENSE TAX BY ACOSTA & SONS

BE IT RESOLVED by the Council of the City of Modesto that the request of Acosta & Sons for refund of $600.48 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 16th day of October, 1990, 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. 90-866

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF $1,387.65 FOR OVERPAYMENT OF BUSINESS LICENSE TAX PENALTIES BY STANDIFORD PLACE

BE IT RESOLVED by the Council of the City of Modesto that the request of Standiford Place for refund of $1,387.65 for overpayment of business license tax penalties is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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. 90-867

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF $1,453.69 FOR OVERPAYMENT OF BUSINESS LICENSE TAX BY NATIONAL SANITARY SUPPLY

BE IT RESOLVED by the Council of the City of Modesto that the request of National Sanitary Supply for refund of $1,453.69 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 16th day of October, 1990, 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. 90-868

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 90-496.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course and Dryden Park Municipal Golf Course need to be revised,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course and the Dryden Park Municipal Golf Course are hereby established as follows:

<table>
<thead>
<tr>
<th>Monthly Tickets (Muni/Dryden):</th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Unlimited Husband and Wife Ticket</td>
<td>$96.00</td>
</tr>
<tr>
<td>Monthly Unlimited Individual Ticket</td>
<td>$61.00</td>
</tr>
<tr>
<td>Monthly Junior Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Retired Disabled Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Senior Citizen Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Senior Citizen 70/01der Ticket</td>
<td>$23.50</td>
</tr>
<tr>
<td>School Golf Team Monthly Ticket</td>
<td>$41.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Regular Tickets (Muni):</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays - 9 Holes</td>
<td>$8.00</td>
</tr>
<tr>
<td>Weekdays - 18 Holes</td>
<td>$12.00</td>
</tr>
<tr>
<td>Weekends and Holidays/9 Holes</td>
<td>$10.00</td>
</tr>
<tr>
<td>Weekends and Holidays/18 Holes</td>
<td>$14.00</td>
</tr>
</tbody>
</table>
**Regular Tickets (Muni) continued:**

<table>
<thead>
<tr>
<th>Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays - Late Afternoon Play</td>
<td>$6.00</td>
</tr>
<tr>
<td>Weekends - Late Afternoon Play</td>
<td>$8.00</td>
</tr>
<tr>
<td>Wednesdays, 65/Older</td>
<td>$4.00</td>
</tr>
</tbody>
</table>

**Regular Tickets (Dryden):**

<table>
<thead>
<tr>
<th>Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays - 18 Holes</td>
<td>$12.00</td>
</tr>
<tr>
<td>Weekends and Holidays/18 Holes</td>
<td>$14.00</td>
</tr>
<tr>
<td>Weekdays - Late Afternoon Play</td>
<td>$10.00</td>
</tr>
<tr>
<td>Weekends - Late Afternoon Play</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

**SECTION 2. TICKETS.**

(a) **Monthly Tickets.** Each monthly ticket issued will become invalid on the last day of the month issued and will not be validated for play on the golf courses until the appropriate monthly rate has been paid.

(b) **Complimentary Tickets.** Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks and Recreation Director or designee.

(c) **School Golf Team Tickets.** Student tickets are to be issued only upon presentation by holder of a current high school or college student body card, said high school or college being located within the City of Modesto, and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. School team golf tickets will not be valid on Saturdays, Sundays, or holidays. Team members wishing to play during these
periods shall be subject to the regular green fees. Team members with team member tickets shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools schedules of matches from each school coach.

(d) Senior Citizen Tickets. Senior Citizen tickets are to be issued only to persons sixty-five (65) years of age or older. A Medicare card or other proof of age and proof of residency must be displayed to obtain a Senior Citizen ticket. Senior Citizen's tickets will not be valid on Saturdays, Sundays, or holidays. Senior Citizens wishing to play on those days shall be subject to the regular green fees.

(e) Senior Citizen – 65 or Older (Wednesdays). Residents of the County of Stanislaus, sixty-five (65) years of age or older, may play golf at the Nine-Hole Municipal Golf Course for a fee of Four and 00/100ths ($4.00) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf Course on Wednesdays, between the hours of 9:00 a.m. and 3:00 p.m., except on holidays.

(f) Senior Citizen – 70 or Older. Senior Citizens, seventy (70) years of age or older, may play golf at the Nine-Hole Municipal Golf Course with a special monthly ticket at a fee of Twenty-three and 50/100ths ($23.50) Dollars if they display their Medicare card or other proof of age to the starters at the Nine-Hole Municipal Golf Course on Mondays through Thursdays before the hour of 2:00 p.m., except on holidays.

(g) Retired/Disabled Ticket. Retired/Disabled tickets are to be issued only to those who are on disability retirement and who display proof
of such disability retirement and proof of residency. These tickets will not be valid on Saturdays, Sundays or holidays. Those on disability retirement wishing to play on weekends and holidays shall be subject to the regular green fees.

(h) Junior Tickets. Junior tickets are to be issued only to persons who are under 19 years of age and who possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. These tickets will not be valid on Saturdays, Sundays, holidays or during school hours. Juniors wishing to play on weekends and holidays shall be subject to the regular green fees.

SECTION 3. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.


SECTION 5. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established green fees.

SECTION 6. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after October 17, 1990.

SECTION 7. REPEALS. Resolution No. 90-496 adopted on May 1, 1990 is hereby rescinded October 16, 1990.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, 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. 90-869

A RESOLUTION APPROVING THE FINAL MAP OF THE CHRISTINE HEIGHTS UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Susan L. Schwartz and David A. Schwartz, wife and husband, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.613 acres, known as the Christine Heights Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 21st day of August, 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 Christine Heights Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, 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 16th day of October, 1990, 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. 90-870

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSE A. AND ELVA A. LEMUS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1602 PORTLAND AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jose A. and Elva A. Lemus for sewer service to property outside City limits at 1602 Portland 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 October 1990, 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. 90-871

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SCENIC BEND LIFT STATION ODOR CONTROL

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

SECTION 1. The plans and specifications for the Scenic Bend lift station odor control copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1990, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November __________, 1990, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND TRUCKS COMPANY FOR FURNISHING A POLICE PRISONER TRANSPORT VAN

WHEREAS, Resolution No. 90-711, adopted by the Council of the City of Modesto on August 28, 1990, approved the plans and specifications for the purchase of a Police prisoner transport van and authorized the calling for bids; and

WHEREAS, the bids received for the Police prisoner transport van were opened at 11:00 a.m. on October 1, 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 Dow Hammond Trucks Company in the amount of $18,694.40 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 Company in the amount of $18,694.40 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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, Patters, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF CIMARRON CONSTRUCTION FOR ADDITIONAL RIPRAP REPAIR TO STORAGE PONDS ON JENNINGS ROAD

WHEREAS, Resolution No. 90-763, adopted by the Council of the City of Modesto on September 18, 1990, approved the plans and specifications for additional riprap repair to storage ponds on Jennings Road and authorized the calling for bids; and

WHEREAS, the bids received for additional riprap repair to storage ponds on Jennings Road were opened at 11:00 a.m. on October 11, 1990, and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Cimarron Construction in the amount of $29,250 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cimarron Construction in the amount of $29,250 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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. 90-874

A RESOLUTION DECLARING INTENTION TO ISSUE BONDS FOR THE PURPOSE OF PROVIDING FINANCING FOR CERTAIN PUBLIC FACILITIES

WHEREAS, the City is authorized pursuant to the Improvement Bond Act of 1915, Section 8500, et seq., of the California Streets and Highways Code, the Mello-Roos Community Facilities Act of 1982, Section 53311, et seq., of the California Government Code, and other financing authorities (collectively, the "Acts") to issue and sell its bonds for the purpose of providing financing for certain public improvements, and

WHEREAS, the City intends to issue bonds under the Acts (the "Bonds") for the purpose of providing financing for public street improvements including, but not limited to, the widening of roadways, and the installation of curbs, gutters, sidewalks, streetlights and traffic signal facilities together with all required landscaping and appurtenant improvements and right of way acquisition, all in the area of Standiford Avenue between Sisk Road and Prescott Avenue, Sisk Road from Brenner Way to Conant Avenue, and the insections of Sisk Road and Rumble Road, and Prescott Avenue and Standiford Avenue (the "Project") and wishes to assure that amounts expended for the Project may be reimbursed from the proceeds of the Bonds, 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 the Bonds for the aforesaid purposes,

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

Section 1. The City hereby declares its intent to issue and sell the Bonds in such principal amount or amounts, from time to time, all as may be necessary to provide financing for the Project.

Section 2. The City hereby declares its intent to use proceeds of the Bonds to pay for all costs of the Project which are incurred after the date of issuance of the Bonds as well as to reimburse the City or others for all amounts paid or incurred in connection with the Project or the Bonds prior to bond issuance, including, but not limited to, the following: i) the cost of planning and designing the public improvements, including the cost of environmental evaluation; ii) the expenses of making any analyses and tests in connection with the public improvements, including those to determine that the work, and any materials or appliances incorporated into it, comply with the specifications of the City; iii) all compensation for work done by the engineers, attorneys, appraisers, and other consultants; iv) all costs incidental to
the construction, completion and inspection of the public improvements; v) the costs of any acquisitions required by, or related to, the Project; (vi) the costs of filing and recording documents, of title searching, description writing, and of preparing all documents and reports in connection with the Project; vii) the cost of relocating or altering any public utility facilities; viii) all costs related to the issuance of the Bonds, including, but not limited to, printing and advertising, costs of obtaining credit ratings, bond insurance premiums, fees for letters of credit and other credit enhancement costs, initial fees for registration of the Bonds; and ix) all administrative costs of the City in connection with the Project or the Bonds.

Section 3. The City hereby determines that it intends to take all action necessary or advisable in connection with the issuance and sale of the Bonds.

Section 4. The Bonds shall be special obligations of the City payable solely from the sources described in the authorization of 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.

Section 5. The issuance and sale of the Bonds shall be upon such terms and conditions as may be subsequently determined by the City and shall be subject to completion of proceedings for issuance, sale and delivery of the Bonds by the City.

Section 6. 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.

Section 7. The City Council hereby finds that the adoption of this resolution is a substantial inducement to the City and others to expend amounts for the Project and the Bonds in advance of issuance of the Bonds and that the Project will further the public purposes of the City.

Section 8. This Resolution is adopted solely for the purpose of assuring that the exclusion of interest on the Bonds for federal income tax purposes will not be adversely affected by reason of the use of proceeds of the Bonds for the reimbursement of costs paid or incurred in advance of issuance of the Bonds, and the action of the City Council in adopting this Resolution shall not vest in the City or in others a right to require that the Bonds be issued or to require reimbursement in the event that the City Council, in its sole discretion determines, in the course of proceedings for issuance and sale of the Bonds, not to reimburse for costs paid or incurred in contemplation of issuance of the Bonds.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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:

[SEAL]

APPROVED AS TO FORM:

By: [Signature]

STAN YAMAMOTO, City Attorney

NORRINE COYLE, City Clerk
RESOLUTION NO. 90-875

A RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES AND AUTHORIZING EXECUTION THEREOF

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, California, that that certain Agreement for Legal Services between the City of Modesto and Jones Hall Hill & White, A Professional Law Corporation, this date presented to this Council, is hereby approved, and the City Manager of the City of Modesto is hereby authorized to execute said Agreement on behalf of the City of Modesto and the City Clerk of the City of Modesto is hereby directed to attest the signature of the City Manager and affix thereto the official seal 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 6th day of November, 1990, 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

APPROVED AS TO FORM:

By: Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-876

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SEIDLER-FITZGERALD PUBLIC FINANCE FOR FINANCIAL ADVISOR SERVICES IN CONNECTION WITH IMPROVEMENT DISTRICT NO. 29

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 for financial advisor services in connection with Improvement District No. 29 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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. 90-877

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $107,500 FROM GAS TAX RESERVES TO COVER THE START OF IMPROVEMENT DISTRICT NO. 29 PROJECT

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

FROM: Gas Tax Reserves (070 800 8000 8003) $107,500.00

TO: Improvement District No. 29 (070 430 P941 6000) $107,500.00

Funds are needed to cover the start of this project until the preliminary work is done and the bonds are sold.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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 APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERIC'S INC. TO PLACE MONITORING EQUIPMENT AT THE AIRPORT FOR A CLOUD SEEDING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Atmospheric's Inc. to place monitoring equipment at the Airport for a cloud seeding 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 6th day of November, 1990, 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
AMENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EMPIRE UNION SCHOOL DISTRICT TO REFLECT THE ACQUISITION OF FIVE-TO-SEVEN ACRE PARK SITES INSTEAD OF FIVE-ACRE PARK SITES IN THIS NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Empire Union School District to reflect the acquisition of five-to-seven acre park sites instead of five-acre park sites in this neighborhood be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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. 90-880

A RESOLUTION APPROVING THE REQUEST OF AIR CONDITIONING COMPANY FOR REFUND OF $2,464.83 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Air Conditioning Company for refund of $2,464.83 for overpayment of business license tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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 WILLIAM D. LEMMONS FOR REIMBURSEMENT OF COSTS TO RELOCATE A SEPTIC SYSTEM AT 3015 COFFEE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William D. Lemmons for reimbursement of costs to relocate a septic system at 3015 Coffee Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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 ACCEPTING IMPROVEMENTS IN MARIPOSA SQUARE UNIT NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Horn Construction, subdividers of Mariposa Square Unit No. 1 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $195,300.00 and $97,650.00 respectively to guarantee improvements in Mariposa Square Unit No. 1 and;

WHEREAS, the Director of Public Works in a memorandum dated October 25, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Mariposa Square Unit No. 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $195,300.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $97,650.00 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 6th day of November, 1990, 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. 90-883

A RESOLUTION APPROVING THE FINAL MAP OF THE RIVER TERRACE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Nineveh Incorporated, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 30.5328 acres, known as the River Terrace Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of October, 1988, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said River Terrace 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

-1-
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 6th day of November, 1990, 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 APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WAT CAMBODIAN BUDDHIST SOCIETY, INC. FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 649 PARADISE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Wat Cambodian Buddhist Society, Inc. for sewer service to property outside City limits at 649 Paradise Road, located on the west side of Paradise between Chicago and Florette Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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 APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE FOR $57,130 IN PUBLIC RESOURCES ACCOUNT GRANT FUNDING FOR A YOUTH SERVICES COORDINATOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State for $57,130 in Public Resources Account grant funding for a Youth Services Coordinator be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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. 90-886

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1990-91 TO PROVIDE REVENUE AND APPROPRIATIONS FOR THE GRANT FUNDED POSITION OF YOUTH PROGRAM SUPERVISOR.

WHEREAS, on September 25, 1990, the City Council allocated the position of Youth Program Supervisor and the City Manager was authorized to sign a grant application for funding, and

WHEREAS, the City has since been notified that funding was approved in the amount of $57,130 for 12 months salary and related expenses for this position,

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:

GENERAL FUND (FUND NO. 010)

Appropriations:

<table>
<thead>
<tr>
<th>Fund/Agency/Org/Obj/ct</th>
<th>Description</th>
<th>Inc/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>010/300/3001/0110</td>
<td>Salary &amp; Wages</td>
<td>$ 39,914</td>
</tr>
<tr>
<td>010/300/3001/0188</td>
<td>Fringe Benefits</td>
<td>12,278</td>
</tr>
<tr>
<td>010/300/3001/0201</td>
<td>Postage</td>
<td>500</td>
</tr>
<tr>
<td>010/300/3001/0205</td>
<td>Printing &amp; Binding</td>
<td>1,200</td>
</tr>
<tr>
<td>010/300/3001/0207</td>
<td>Conference Expense</td>
<td>1,000</td>
</tr>
<tr>
<td>010/300/3001/0208</td>
<td>Auto Allowance</td>
<td>840</td>
</tr>
<tr>
<td>010/300/3001/0208</td>
<td>Business Expense</td>
<td>500</td>
</tr>
<tr>
<td>010/300/3001/0210</td>
<td>Utility Expense (Telephone)</td>
<td>398</td>
</tr>
<tr>
<td>010/300/3001/0301</td>
<td>Office Supplies</td>
<td>500</td>
</tr>
</tbody>
</table>

Revenue:

<table>
<thead>
<tr>
<th>Fund/Agency/Org/Rev</th>
<th>Description</th>
<th>Inc/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>010/310/0000/3131</td>
<td>State Grant Revenue</td>
<td>$ 57,130</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Director of Finance 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 6th day of November, 1990, 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
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR CONSENT TO COMMON USE TO ALLOW THE CITY TO WIDEN THE EXISTING BRIDGE FACILITY ON CARPENTER ROAD OVER MID LATERAL NO. 4

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for consent to common use to allow the City to widen the existing bridge facility on Carpenter Road over MID Lateral No. 4 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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 ACCEPTING WITH REGRET THE RESIGNATION OF MICHAEL ROYER FROM THE CULTURE COMMISSION, EFFECTIVE NOVEMBER 6, 1990

WHEREAS, Michael Royer was appointed a member of the Culture Commission on March 13, 1990; and

WHEREAS, Michael Royer has tendered his resignation from the Culture Commission effective November 6, 1990.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Michael Royer 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 Michael Royer 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 6th day of November, 1990, 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
RESOLUTION NO. 90-889

A RESOLUTION APPOINTING MEMBERS OF THE MODESTO YOUTH COMMISSION TO SERVE A TWO YEAR TERM TO EXPIRE JUNE 1992

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

SECTION 1. The following persons are hereby appointed to the Modesto Youth Commission to serve a two year term to expire June 1992:

Beyer High School
Annette Gammon

Central Catholic High School
Treb Padula

Davis High School
Karen Rai

Downey High School
Adam Rhynes

Modesto Christian High School
Kevin Hearne

Modesto High School
Amanda Walters

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, 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
A RESOLUTION THANKING THE GROUPS AND INDIVIDUALS FORMING THE CITIZENS FOR A PLANNED FUTURE COMMITTEE AND TO ALL OTHERS WHO SUPPORTED AND WORKED ON THE SUCCESSFUL EFFORT TO PASS MEASURE F CONCERNING EXTENSION OF THE CITY OF MODESTO SANITARY SEWER TRUNK TO THE VILLAGE I AREA.

WHEREAS, in an effort to pass Measure F concerning the extension of the City of Modesto Sanitary Sewer to the Village I area, a promotional citizens committee was established calling itself Citizens for a Planned Future, and

WHEREAS, said committee was formed by groups and individuals supporting Village I for the purpose of seeking a favorable advisory measure vote, and

WHEREAS, on the ballot of the gubernatorial election which was held on November 6, 1990, Measure F was submitted to the Electors of said City concerning the extension of the City of Modesto Sanitary Sewer Trunk to the Village I area, and

WHEREAS, said Measure F received a majority of all the votes cast at the election in favor of said Measure and said Measure was approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby expresses its thanks to the groups and individuals forming the Citizens for a Planned Future Committee and to all others who supported and worked on the effort to successfully pass Measure F concerning the extension of the City of Modesto Sanitary Sewer Trunk to the Village I area.
The foregoing resolution was introduced at an adjourned session of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Nnorrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-891  
A RESOLUTION DESIGNATING CRESSEY MANOR LOCATED AT 915 17th  
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 January 22, 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. 8, that Cresssey Manor 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 November 13, 1990, in the  
City Council Chambers, City Hall, 801 11th Street, Modesto, California, the  
Council found and determined that Cresssey Manor is eligible for designation as  
a Landmark Preservation Site for the reasons set forth by the Landmark  
Preservation Commission, subject to the following conditions:  

1. Cresssey Manor shall be designated as a Landmark Preservation  
Site. Owner may apply to the City Council after a ten year  
period to reconsider the historical significance.
2. The Historical Landmark Preservation Site applies specifically to the Cressy Manor and excludes the outlying buildings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Cressy Manor located is on property at 915 17th 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 southwest quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lots 8, 9, 10, 11, and 12 in Block 125 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 Cressy Manor has historic and architectural significance and is hereby designated a Landmark Preservation Site, subject to the above conditions and for the following reasons:

1. Architecturally it is a fine example of the Neoclassical Revival style adapted to California.

2. Historically it was the home of George A. Cressey, a member of one of Modesto's most prominent families.

3. Financially it is viable having been converted to 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 13th day of November, 1990, 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, Lang, Muratore, Patterson,

NOES: Councilmembers: Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

100590

-3-
MODESTO CITY COUNCIL
RESOLUTION NO. 90-892

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. PAUL'S EPISCOPAL CHURCH)

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

AMENDED  

112690  By Resolution 91-89 -1-  
10408CA2
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 found and determined that all potential significant impacts of the proposed slip ramps will 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 is not 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, 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based 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, is hereby 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.

BE IT FURTHER RESOLVED that the matter is hereby 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby reserves any and all of its rights to alter, amend, modify or change the findings stated herein, if upon administrative appeal substantial evidence is presented which demonstrates that the project may have significant environmental impacts which are not mitigated.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION GRANTING THE APPEAL OF DEL MONTE CORPORATION TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR YOSEMITE MEADOWS SUBDIVISION. (THE WILLIAM LYONS COMPANY, SUBDIVIDER)

WHEREAS, the vesting tentative map of the Yosemite Meadows Subdivision was filed in the office of the Secretary of the Planning Commission on August 16, 1990, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been sent to the Empire Elementary School and Modesto High School Districts, and Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

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

WHEREAS, the area can be served by elementary schools in the Empire School District and by Fire Station #3 at El Vista Avenue and Edgebrook Drive, 3.0 miles distant, and

WHEREAS, a public hearing was held by the Planning Commission on October 1, 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 hearing the Planning Commission, by Resolution No. 90-83, found and determined that the vesting tentative map of Yosemite Meadows Subdivision accepted for filing in the office of the Secretary of the Planning Commission on August 16, 1990, should be approved as submitted and as shown in
red on the face of the map, subject to certain conditions as set forth in said
Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission
approving said vesting tentative map for Yosemite Meadows Subdivision was
filed with the City Clerk by Michael A. Rein, Esq., on behalf of Del Monte
Corporation by letter dated October 11, 1990, wherein Del Monte appealed the
Planning Commission's approval of the vesting tentative map of Yosemite
Meadows Subdivision on the basis that the Del Monte Corporation is requesting
that a written agreement be entered into between the William Lyons Company,
Del Monte Corporation, and the City of Modesto, prior to the construction of
Yosemite Meadows Subdivision setting forth the funding for the cost of
relocating the main entrance to the Del Monte Corporation Plant located on
Yosemite Avenue at the Claus Road intersection, and

WHEREAS, said matter was set for a public hearing on November 13,
1990, at 4:00 p.m., in the City Council Chambers in the City Hall, 801 11th
Street, Modesto, California, for consideration of said appeal, and

WHEREAS, at its meeting of November 13, 1990, at 4:00 p.m., after
hearing evidence both oral and documentary, the Council of the City of Modesto
found and determined that the appeal of Del Monte Corporation to the decision
of the Planning Commission approving the vesting tentative map of Yosemite
Meadows Subdivision should be granted, and a written agreement should be
entered into between the William Lyons Company, Del Monte Corporation, and the
City of Modesto, setting forth the funding for the cost of relocating the main
entrance to the Del Monte Corporation Plant as referred to above, for the
following reasons:
1. The relocation of the main entrance of the Del Monte Corporation Plant is to provide adequate access for the Del Monte Plant when the new Claus Road/Garner Road and Yosemite Boulevard intersection is opened.

Caltrans will restrict the existing Del Monte main entrance to right turns only when the new Claus Road/Garner Road and Yosemite Boulevard intersection opens. Caltrans will not allow this intersection to open unless Del Monte has the new entrance.

WHEREAS, the Council further found and determined that the decision of the Planning Commission approving the tentative subdivision map for Yosemite Meadows Subdivision should be upheld for the reasons set forth in Planning Commission Resolution No. 90-83 and quoted below:

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

2. That the discharge of waste from the proposed vesting subdivision into the existing sewer system will not result in a violation of existing requirements 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 Mitigated Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated August 8, 1990 should be certified as adopted.

WHEREAS, at said meeting, the Council 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 proposed vesting tentative map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mod that it hereby finds and determines that the appeal of Michael A. Rein, E
filed on behalf of Del Monte Corporation requesting that a written agreement be entered into between the William Lyons Company, Del Monte Corporation, and the City of Modesto prior to construction of Yosemite Meadows Subdivision setting forth the funding for the cost of relocating the main entrance to the Del Monte Plant located on Yosemite Avenue at the Claus Road intersection is hereby granted for the reasons set forth above.

BE IT FURTHER RESOLVED that the vesting tentative map of Yosemite Meadows Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on August 16, 1990, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the approved Vesting Tentative Subdivision Map is Map D in staff's report dated October 1, 1990.

2. That the noise mitigation measures required by the adopted Mitigated Negative Declaration shall apply. That only one-story houses shall be permitted on lots adjacent to Yosemite Boulevard. The maximum wall height permitted along "new" Claus Road shall be eight feet and second-story units are allowed subject to construction standards established in the Noise Study.

3. That direct vehicular and pedestrian access between "new" Claus Road, Yosemite Boulevard, and the south portion of "existing" Claus Road along those lots that back up to "existing" Claus Road, and the adjacent subdivision lots shall be denied by appropriate notes on the final map.

4. That a solid decorative masonry wall at least eight feet in height shall be constructed adjacent to subdivision lots along the east line of "new" Claus Road and the west line of "existing" Claus Road along those lots that back up to "existing" Claus Road subject to the clear vision requirements of Section 10-2.2314 of the Municipal Code.

5. That a solid decorative masonry wall at least t height shall be constructed adjacent to subdivision lots along the north line of Yosemite Boulevard subject to vision requirements of Section 10-2.1609 of the
6. That prior to recordation of the final map, abandonment of the west portion of "existing" Claus Road shall be approved.

7. That "existing" Claus Road shall be developed to a 50-foot part-width street consistent with collector street standards. Interim striping for two travel lanes and a left turn lane shall be provided as approved by the Public Works and Transportation Director. The striping shall be for two travel lanes consistent with City standards if "new" Claus Road is open at Yosemite Boulevard and "existing" Claus Road no longer has access to "new" Claus Road.

8. That the developer deposit with the City of Modesto an amount to install a median on Yosemite Boulevard to restrict left turns at the "existing" Claus Road, as approved by Caltrans and the Modesto Public Works and Transportation Director.

With regard to the foregoing condition, the Planning Commission finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing established:

a. That the purpose of the fee is to mitigate the impact of traffic generated by the project and the Dry Creek Meadows Subdivision. Yosemite Meadows is a phase of Dry Creek Meadows.

b. That the fee will be used to install a median on Yosemite Boulevard at "existing" Claus Road.

c. That Yosemite Meadows is a phase of the Dry Creek Meadows Subdivision. The combined traffic generated from both subdivisions to Yosemite Boulevard caused Caltrans to require the installation of the median. Therefore, there is a reasonable relationship between the fee and the project. Caltrans' decision was based on a traffic study prepared of Dry Creek Meadows.

d. That Caltrans has determined that the "existing" Claus Road/Yosemite Boulevard intersection is approximately 600 feet from the "new" Claus Road/Yosemite Boulevard intersection. Locating street intersections too close together on Yosemite Boulevard would result in traffic flows to unacceptable levels. Therefore, there is a reasonable relationship between the need for the improvements and this project.

9. The subdivider shall dedicate and improve street right-of-way for new Claus Road as required by the Public Works and Transportation Director to complete Claus Road realigned to expressway street standards, including a traffic signal.
10. The subdivider shall dedicate and improve street right-of-way for Yosemite Boulevard as required by the Public Works and Transportation Director and the State of California Department of Transportation.

11. That all subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to improvement plans.

12. If the subdivision is filed in multiple units, that street barricades shall be constructed at the end of all deadend streets as required by the Public Works and Transportation Director pursuant to improvement plans.

13. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.

14. A twenty-foot MID easement is required along "existing" Claus Road centered on existing overhead lines. When the abandonment of "existing" Claus Road and the abutting lots are created, the overhead lines shall be relocated at the developer's expense as approved by MID. Additional easements may be necessary for said relocation.

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

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

17. Storm drainage shall be by a positive storm drainage system.

18. That full sidewalk between the curb and the property line with street tree and landscaping blockouts at approximately 40-foot intervals, with landscaping, plant materials, and an automatic irrigation system, as approved by the Parks and Recreation Director, shall be constructed along the Yosemite Boulevard frontage of the subdivision.

19. That prior to recordation of a final map the subdivider shall add this subdivision to the "Special Assessment Benefit District for Landscaping" (SABDL) established for the Dry Creek Meadows Subdivision. Said SABDL shall be for the purpose of financing the construction and on-going maintenance of
Landscaping along the "new" Claus Road Expressway, the south portion of "existing" Claus Road and Yosemite Boulevard abutting the subdivision.

20. Landscaping requirements shall be approved by the Parks and Recreation Director.

21. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.

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

23. That the developer shall disclose to all future homebuyers that "existing" Claus Road will be converted to a collector street without direct access to "new" Claus Road.

24. That prior to recordation of a final map, the William Lyons Company shall initiate and complete a three-way agreement with the William Lyons Company, Del Monte Corporation, and the City of Modesto. The agreement would have William Lyons Company deposit $268,000 with the City of Modesto. At the sole discretion of the City of Modesto, a portion of said fund would be expended for the relocation of Del Monte's main entrance. All remaining money would be expended for the new Claus Road and Yosemite Boulevard intersection.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-894

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 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 AND R-2 TO P-O. (DONALD T. KAN)

WHEREAS, on November 13, 1990, the City Council introduced Ordinance No. 2737-C.S. giving approval to a project relating to an amendment to Section Map 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Professional Office Zone, P-O, property located on the north side of Scenic Drive, east of 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 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 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Professional Office Zone, P-O, property located on the north side of Scenic Drive, east of Oakdale Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1989, 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, Muratore, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle

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(479). (STANISLAUS COUNTY HOUSING AUTHORITY)

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Stanislaus County Housing Authority on August 15, 1990, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow an elderly housing complex, property located on the west side of Conant Avenue south of the Hetch-Hetchy right-of-way, described as follows:

R-1 to P-D

Being a portion of Parcel 3 as shown in Volume 22 of Parcel Maps at Page 28, Stanislaus County Records, lying in Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the northwesterly corner of said Parcel 3, said point being on the southerly line of the Hetch Hetchy Right-of-Way; thence North 70°17'22" East along the northerly line of said Parcel 3 and the southerly line of said Hetch Hetchy Right-of-Way a distance of 814.02 feet, more or less, to the centerline of Conant Avenue; thence South 0°15'05" East along the centerline of said Conant Avenue a distance of 406.04 feet; thence South 89°21'21" West a distance of 767.55 feet, more or less, to the westerly line of said Parcel 3; thence North 00°14'46" West along the west line of said Parcel 3 a distance of 140.13 feet to the northwesterly corner of said Parcel 3 the POINT OF BEGINNING.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 15, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on October 15, 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. 90-90, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone conforms with the General Plan which calls for a variety of housing types in all neighborhoods.

2. Much of the desirable locational criteria for elderly housing developments are fulfilled in this proposal including City bus service, an adjoining park site, and relative nearness to the Vintage Faire Mall.

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 November 13, 1990, at 4:00 p.m., and

WHEREAS, after a public hearing held on November 13, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Stanislaus County Housing Authority 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. 90-90 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2738-C.S. on the 13th day of November, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(479).

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(479), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Elderly Housing Development Housing Authority, County of Stanislaus" as amended in red, stamped approved by the Planning Commission on October 15, 1990.

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 south property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-foot-high masonry pilaster and board fence along the south property line.
   b. Six-foot-high masonry pilaster and board fence along the north property line with the option of six-foot-high wrought-iron fencing opposite the view corridors.
   c. Six-foot-high solid decorative masonry wall along the west property line.

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

5. The Conant Avenue frontage shall be improved to collector street standards prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

7. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Conant Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.
8. The developer shall dedicate to the City of Modesto a street tree planting easement along the Conant Avenue frontage as required by the Parks and Recreation Director.

9. All curbcuts serving two-way driveways shall be 41 feet in width.

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. That the developer shall pay fees for rockwell maintenance as established by the Modesto Municipal Code and as directed by the Public Works and Transportation Director.

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

13. 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.

14. 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.

15. All signs shall comply with the sign requirements of the R-3 Zone.

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

17. This 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.

18. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(479):

The entire construction program be accomplished in one phase, construction to begin on or before October 15, 1992, and completion to be not later than October 15, 1993.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(479), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November 1990, 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, 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:

By Department of Planning and Community Development
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 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(479). (STANISLAUS COUNTY HOUSING AUTHORITY)

WHEREAS, on November 13, 1990, the City Council introduced Ordinance No. 2738-C.S. giving approval to a project relating to an amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(479), property located on the west side of Conant Avenue south of the Hetch-Hetchy right-of-way, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(479), property located on the west side of Conant Avenue south of the Hetch-Hetchy right-of-way.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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, 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 PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 18 INCH WATERLINE IN CROWS LANDING ROAD BETWEEN HATCH ROAD AND WHITMORE AVENUE

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

SECTION 1. The plans and specifications for an 18 inch waterline in Crows Landing Road between Hatch Road and Whitmore Avenue copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1990, 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 13th day of November, 1990, 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 PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO NEW TRUCK CABS AND CHASSIS WITH DUMP BODIES

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

SECTION 1. The plans and specifications for furnishing two new truck cabs and chassis with dump bodies copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 10, 1990, 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 13th day of November 1990, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-899

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

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

SECTION 1. The plans and specifications for furnishing annual pump repair for the City's ground water pumping stations, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 3, 1990, 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 13th day of November, 1990, 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: NURRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF SIMON LT, INC. FOR FURNISHING ONE 110 FOOT AERIAL APPARATUS (LADDER TRUCK) FOR THE FIRE DEPARTMENT

WHEREAS, Resolution No. 90-698, adopted by the Council of the City of Modesto on August 21, 1990, approved the plans and specifications for the purchase of one 110' aerial apparatus (ladder truck) for the Fire Department and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one 110' aerial apparatus (ladder truck) for the Fire Department were opened at 11:00 a.m. on September 24, 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 Simon LT, Inc. in the amount of $495,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Simon LT, Inc. in the amount of $495,000 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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
RESOLUTION NO. 90-901

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL LEASING ASSOCIATES FOR FINANCING OF AN AERIAL APPARATUS TRUCK FOR THE FIRE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease purchase agreement between the City of Modesto and Municipal Leasing Associates for financing of an aerial apparatus truck for the Fire Department 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 13th day of November, 1990, 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. 90-902

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE "OMNI II" ZONING CODE AMENDMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 27, 1990, 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 "Omni II" Zoning Code amendments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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. 90-903

A RESOLUTION APPROVING THE DISTRIBUTION OF $36,100 OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS TO THE CITY OF MODESTO DEPARTMENT OF PARKS AND RECREATION TO PROVIDE HANDICAPPED ACCESSIBILITY TO MORE CITY FACILITIES.

WHEREAS, at its meeting of November 13, 1990, the City Council considered the recommendations of the Citizens Housing and Community Development Committee relating to the distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation to make more city facilities accessible to the handicapped, and

WHEREAS, the U. S. Department of Housing and Urban Development has established the requirement that Community Development Block Grant funds provide a minimum of 60% benefit to low to moderate income persons, and

WHEREAS, the U. S. Department of Housing and Urban Development has established that benefit to handicapped persons is considered 100% benefit to low to moderate income persons, and

WHEREAS, this recommended grant of money is consistent with the established program and goals of the Handicapped Barrier Removal Program as previously approved by this Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation, in the amount of $36,100, from funds in the Fiscal Year 1990-91 budget, for the following city facilities:
Senior Center - Front and Rear Doors - $32,300
Susan Burris Pool - Pool Master Wheelchair - $2,500
Replacement of Public Address System for Special Populations Program - $400
Muni Golf Course - Handicapped Drinking Fountain - $900

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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 ADOPTING THE POLICY AND PROCEDURES MANUAL FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the Housing Program Office adopted a Policy and Procedures Manual in 1979 for the Housing Maintenance Program, and a manual for Emergency Home Repair Program in 1981; and

WHEREAS, since then, several new programs have been started, and many new changes have been made in HUD regulations that are not covered by these two older manuals; and

WHEREAS, the new Policy and Procedures Manual was distributed to all HCDA Committees in 1988, and has now been updated and revised and the Citizens Housing and Community Development Committee has reviewed and voted at its meeting on October 12, 1990, to recommend its adoption to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the Policy and Procedures Manual for the City's Community Development Block Grant (CDBG) Program, as recommended by the Citizens Housing and Community Development Committee, a copy of which is filed in the office of the City Clerk, City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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 COYLES, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-905

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND "YES YOU CAN" MUSEUM FOR A GRANT OF $15,000 FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO ENLARGE THEIR PROGRAMS AND ACTIVITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the "Yes You Can" Museum for a grant of $15,000 from Community Development Block Grant funds to enlarge their programs and activities by expanding into more of their building 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 13th day of November, 1990, 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
RESOLUTION NO. 90-906

UNUSED
A RESOLUTION AMENDING SUBPARAGRAPH C. OF PARAGRAPH 2 OF RESOLUTION NO. 89-874 ENTITLED "A RESOLUTION RESTATING TERMS OF OFFICE AND PROCEDURES FOR THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AND SUBCOMMITTEES, AND ESTABLISHING ALTERNATE VOTING MEMBERS OF REHABILITATION LOAN POOL SUBCOMMITTEE, AND SUPERSEDING RESOLUTION NO. 87-1206."

WHEREAS, by Resolution No. 89-874 adopted on August 22, 1989, the Council of the City of Modesto adopted a policy for restating terms of office and procedures for the Citizens Housing And Community Development Committee and Subcommittees, and establishing alternate voting members of the Rehabilitation Loan Pool Subcommittee, and

WHEREAS, the Council desires to amend the membership composition of the Rehabilitation Loan Pool Subcommittee by renaming Seat #4 to Citizen at Large,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Subparagraph c. of Paragraph 2 of Resolution No. 89-874 entitled "A Resolution Restating Terms Of Office And Procedures For the Citizens Housing And Community Development Committee And Subcommittees, And Establishing Alternate Voting Members Of Rehabilitation Loan Pool Subcommittee, And Superseding Resolution No. 87-1206" to read as follows:

"c. Rehabilitation Loan Pool Subcommittee

    Seat No. 1 - City Council Member
    Seat No. 2 - Human Rights Commissioner or Citizen at Large
    Seat No. 3 - Financial Institution or Provider of Services
    Seat No. 4 - Citizen at Large
    Seat No. 5 - Representative of Financial Institutions
    Seat No. 6 - Provider of Shelter or Services
    Seat No. 7 - Provider of Services or Program User
BE IT FURTHER RESOLVED that all other provisions adopted by Resolution No. 89-874 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 13th day of November, 1990, 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: [Signature]
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By [Signature]
STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 7 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 7 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $649,500.00 and $324,750.00 respectively to guarantee improvements in Dry Creek Meadows No. 7 and;

WHEREAS, the Director of Public Works in a memorandum dated November 7, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Dry Creek Meadows No. 7 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $649,500.00 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 $324,750.00 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 13th day of November, 1990, 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 ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 8 SUBDIVISION
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 8 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of $486,700.00 and $243,350.00 respectively to guarantee improvements in Dry Creek Meadows No. 8 and;

WHEREAS, the Director of Public Works in a memorandum dated November 7, 1990 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Dry Creek Meadows No. 8 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $486,700.00 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 $243,350.00 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 13th day of November 1990, 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. 90-910

A RESOLUTION SUPPORTING REPEAL OF SB 2557.

WHEREAS, after the longest budget stalemate in California's history, the Governor and California Legislature finally enacted a 1990/91 budget package that shifts state and county costs to cities, and diverts city revenues to finance state/county responsibilities, and

WHEREAS, counties are an administrative arm of the state with responsibilities for carrying out state programs, while cities are in a different business of providing local municipal services which are determined locally and have no responsibility or authority for administering state or county programs, and

WHEREAS, the Governor and California Legislature have shifted state and county financial responsibilities to cities, and

WHEREAS, all 457 cities in California balanced their budgets only to find their budgets were subsequently thrown out of balance by cost shifts and revenue losses designed to balance the budget of the state, and

WHEREAS, the actions in the State budget package were enacted by passage of SB 2557, which (1) directed counties to charge cities, school districts and special districts for the county function of administering the property tax; (2) authorized counties to charge cities for booking prisoners arrested by city employees; and (3) allowed counties to retain property tax revenues that should otherwise go to 90 "No and Low Tax Cities", and

WHEREAS, these shifts of city revenues to counties were specifically enacted to replace cuts in state revenue for counties that should have funded state responsibilities carried out by counties, and
WHEREAS, the Governor and California Legislature have avoided their financial responsibilities by enacting measures that are poor public policy, which rob from one local government to finance another, and result in no real solution to the continuing financial problems facing all levels of government in California,

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Modesto supports the repeal of SB 2557 and the protection of cities from the state budget process; and support alternatives that will provide adequate long-term funding for cities and counties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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 granting the appeal of Darleen M. Lewis to a Board of Zoning Adjustment technical denial concerning a variance for a reduced side-street side-yard setback to allow an eight-foot-high masonry fence on property located at 2410 College Avenue.

WHEREAS, an application for a variance from the provisions of Section 10-2.510 of the Modesto Municipal Code to permit a reduced side-street side-yard setback to allow a fence on property located at 2410 College Avenue, was filed by Darleen M. Lewis on August 6, 1990, and

WHEREAS, Sections 10.1-202(a) and 10-2.2501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on September 27, 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, after holding said public hearing, the Board of Zoning Adjustment deadlocked by a three-to-three vote on the variance request, thereby resulting in a technical denial for failure to obtain the four votes needed to take action, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's technical denial of the request to permit a variance from the side-street side-yard setback requirement on property located at 2410 College Avenue, to allow an eight-foot-high masonry wall two feet from the College Avenue property line of said property, was filed with the Office of the City Clerk by Darleen M. Lewis on September 27, 1990, 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 16, 1990, at 7:30 p.m., at which time said hearing was continued to November 20, 1990, at 7:30 p.m., 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 concerning the variance to Darleen M. Lewis to permit a reduced side-street side-yard setback to allow an eight-foot-high masonry wall on property located at 2410 College Avenue, should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds and determines that the appeal of Darleen M. Lewis requesting a variance from the side-street side-yard setback requirement on property located at 2410 College Avenue to allow an eight-foot-high masonry wall two feet from the College Avenue property line is hereby granted based upon the following findings:

1. There are special circumstances or conditions applicable to the property or buildings in question which do not exist for other property or buildings in the same zone and immediate vicinity because the applicant's property is located at the northeast corner of two intersecting collector streets, College Avenue and Mount Vernon Drive. From a traffic safety and noise perspective, this situation tends to impact the applicant's adjacent yard area and dwelling rooms along the College Avenue frontage of the residence.

2. The special circumstances are such that strict application of the provisions of Chapter 2 of Title X of the Modesto Municipal Code would deprive the applicant of practical use of the property or buildings because a required 15-foot setback from property line for an eight-foot-high solid masonry wall along a portion of the College Avenue frontage of the applicant's property would preclude provision of a wall buffer from vehicle traffic and noise.
3. Granting the variance would be consistent with the intent and purpose of Chapter 2 of Title X of the Modesto Municipal Code and would not be detrimental to the neighborhood or public welfare because the applicant's revised curvilinear wall proposal and a required landscaping and irrigation plan of the area located between the sidewalk and wall would soften the wall mass and tend to reduce the "canyon" effect resulting from the wall being a minimum three feet from the property line.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the appeal of Darleen M. Lewis requesting a variance from the side-street side-yard setback requirement on property located at 2410 College Avenue to allow an eight-foot-high masonry wall a minimum of three feet from the College Avenue property line is hereby granted subject to the following conditions of approval:

1. All development shall conform to the plot plan and floor plans titled "Plot Plan and Elevations, Mr. and Mrs. Donald M. Lewis" as amended in red, stamped approved by the Modesto City Council on November 20, 1990.

2. Prior to the issuance of a building permit, a landscape and irrigation plan shall be approved by the Parks and Recreation Director for that area between the eight-foot-high wall and adjacent sidewalk along the College Avenue frontage of the property. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. 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.

4. That the applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a variance, 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 applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-912

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(478). (METROPOLITAN REAL ESTATE GROUP
AND THRIFTY CORPORATION)

WHEREAS, a verified application for an amendment to Section 31-3-9
of the Zoning Map was filed by Metropolitan Real Estate Group and Thrifty
Corporation on August 30, 1990, to reclassify from Medium High Density
Residential Zone, R-3, and General Commercial Zone, C-2, to Planned
Development Zone, P-D, to allow a commercial shopping center, property located
on the northwest side of Paradise Road and west of North Martin Luther King
Drive, described as follows:

R-3 to P-D

All that certain real property situate in a portion of Lot 3 of the
"Re-Survey of Brichman's Addition to the City of Modesto", according
to the Official Map thereof, filed for record in Volume 2 of Maps,
Page 1, Stanislaus County Records, located in Section 31, Township 3
South, Range 9 East, Mount Diablo Base and Meridian, in the City of
Modesto, County of Stanislaus, State of California, described as
follows:

BEGINNING at the northeast corner of said Lot 3; thence South
0°25'50" East along the east line of said Lot 3 a distance of 466.13
feet to the southeast corner of said Lot 3; thence North 89°48'40"
West along the south line of said Lot 3 a distance of 262.80 feet to
a point 204.00 feet east of the southwest corner of said Lot 3;
thence North 0°25'50" West 147.42 feet; thence North 42°25'50" West
93.34 feet; thence North 0°25'50" West parallel with and 138.00 feet
east of the west line of said Lot 3, a distance of 105.25 feet;
thence North 44°34'10" East 131.95 feet; thence North 0°25'50" West
54.00 feet to the north line of said Lot 3; thence South 89°46'40"
East along said north line of Lot 3, being also the south line of a
60.00 foot wide Briggs Avenue, a distance of 235.50 feet to the
point of beginning. Including also all of the south one-half of
60.00 foot wide Briggs Avenue located immediately adjacent to the
above described project.
C-2 to P-D

Being all of Parcels "A" and "B" as shown on map filed for record in Book 30 of Parcel Maps, Page 172, Stanislaus County Records, located in the Southeast Quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the northwest corner of said Parcel "B"; thence South 0°25'50" East along the west lines of said Parcels "B" and "A" a distance of 665.67 feet to the most southerly corner of said Parcel "A"; thence North 50°07'00" East along the southeasterly lines of said Parcels "A" and "B" a distance of 597.29 feet; thence Northeasterly 13.24 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 50°34'05"; thence North 0°27'05" West along the east line of said Parcel "B", a distance of 269.22 feet to the northeast corner of said Parcel "B"; thence North 89°46'40" West along the north line of said Parcel "B" a distance of 466.60 feet to the point of beginning.

Including also all of the north one-half of 83.00 foot wide Paradise Road, the west one-half of 60.00 foot wide North Martin Luther King Drive, and the south one-half of 60.00 foot wide Briggs Avenue, all immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 1, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on October 1, 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. 90-85, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the rezone from R-3 and C-2 to P-D is consistent with the Modesto Urban Area General Plan which allows for a commercial center in the vicinity of Paradise Road and Tuolumne Boulevard.

5. That the Mitigated Negative Declaration dated August 29, 1990, as recommended by the Modesto Environmental Committee be certified.
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 November 20, 1990, at 4:00 p.m., and

WHEREAS, after a public hearing held on November 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Metropolitan Real Estate Group and Thrifty Corporation 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. 90-85 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2739-C.S. on the 20th day of November, 1990, reclassifying the above-described property from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(478).

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(478), is hereby approved subject to the following conditions:

1. That all development shall conform to the plot plan titled "Modesto Center" as amended in red, stamped approved by the Planning Commission on October 1, 1990.

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 north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Existing street trees along Paradise Road shall
be saved where possible. Any tree removal shall be replaced with a minimum 24-inch box tree.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Eight-foot-high decorative masonry wall along the north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. There shall be a five foot offset where the wall abuts a public street.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris. The landscaping maintenance shall include the landscaping in the street right-of-way along Ellen Avenue, Briggs Avenue, and Metro Court adjacent to the project site.

5. The developer shall dedicate street right-of-way required by the Public Works and Transportation Director to complete Paradise Road to major street standards and N. Martin Luther King Drive to collector street standards consistent with adopted mitigation measures. Said dedication 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. That all street frontages shall be improved to City street standards 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. Prior to occupancy, the developer shall construct full sidewalk on the Paradise Road and N. Martin Luther King Drive frontage as required by the Public Works and Transportation Director.

9. All curbcuts serving two-way driveways shall be a minimum 41 feet in width. Prior to occupancy, all traffic mitigation measures shall be completed as approved by the Public Works and Transportation Director.

10. 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.
11. 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.

12. That on-site drainage be stored and disposed on on-site.

13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.

14. 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.

15. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.

16. 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.

17. That each property shall be served by separate water service with meter and a from the main to the property line, as approved by the Public Works and Transportation Director. No water or sewer service shall be placed in an easement to serve any property.

18. The supermarket shall be the first use to open for business in the center.

19. One freestanding shopping center identification sign shall be permitted on the Paradise Road frontage. This sign shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.

20. No signs shall be permitted above eight feet in height on the north face of the building along Briggs Avenue, on the west face of buildings A, B, and Save Mart, and the southwest face of building A along Ellen Avenue.

21. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
22. 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.

23. 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.

24. That prior to the issuance of a building permit, the traffic mitigation measures shall be completed as required by the adopted Mitigated Negative Declaration.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(478):

The entire construction program be accomplished in one phase, construction to begin on or before October 1, 1991, and completion to be not later than October 1, 1993.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(478), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMA COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By: Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 90-913

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3
AND C-2 TO P-D(478). (METROPOLITAN REAL ESTATE GROUP AND
THRIFTY CORPORATION)

WHEREAS, on __________, 1990, the City Council introduced
Ordinance No. __2739__ giving approval to a project relating to an
amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to
reclassify from Medium High Density Residential Zone, R-3, and General
Commercial Zone, C-2, to Planned Development Zone, P-D(478), property located
on the northwest side of Paradise Road and west of North Martin Luther King
Drive, and

WHEREAS, the City Council certifies that at said Council meeting it
reviewed and considered the findings of the City of Modesto Environmental
Assessment Committee which resulted in a 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 31-3-9 of the Zoning Map of
the City of Modesto to reclassify from Medium High Density Residential Zone,
R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(478),
property located on the northwest side of Paradise Road and west of North
Martin Luther King Drive.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORMINE COYLE, City Clerk
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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON TO C-3. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2740-C.S. giving approval to a project relating to an amendment to Section 31-3-9 of the Zoning Map of the City of Modesto to prezone to Highway Commercial Zone, C-3, property located on the northwest side of Paradise Road and north of Chicago 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 31-3-9 of the Zoning Map of the City of Modesto to prezone to Highway Commercial Zone, C-3, property located on the northwest side of Paradise Road and north of Chicago Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-915

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO
R-1. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY
CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced
Ordinance No. 2741-C.S. giving approval to a project relating to an
amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to
reclassify from Medium High Density Residential Zone, R-3, to Low Density
Residential Zone, R-1, property located on the south side of Briggs Avenue and
west of North Martin Luther King Drive, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a 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 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located on the south side of Briggs Avenue and west of North Martin Luther King Drive.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-916

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(478). (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Metropolitan Real Estate Group and Thrifty Corporation on August 30, 1990, to prezone to Planned Development Zone, P-PD, the following described property:

Being all of Lot 7 of the "Ellen Tract" according to the official map thereof, filed for record in Volume 11 of Maps, Page 60, Stanislaus County Records, and a portion of Lot 4 of the "Re-Survey of Brichman's Addition to the City of Modesto" according to the official map thereof filed for record in Volume 2 of Maps, Page 1, Stanislaus County Records, located in the Southeast Quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of said Lot 7; thence South 0°01'00" East along the west line of said Lot 7 a distance of 120.58 feet to a point on a non-tangent curve from which a radial line bears South 0°01'00" East to the center; thence Southeasterly 140.50 feet along said non-tangent curve being also the southerly line of said Lot 7, concave to the southwest, having a radius of 161.00 feet and a central angle of 50°00'02"; thence South 40°00'58" East 45.74 feet; thence Easterly 23.53 feet along a tangent curve, concave to the north, having a radius of 15.00 feet and a central angle of 89°52'02"; thence North 50°07'00" East along the north line of Paradise Road as shown on said map of the "Re-Survey of Brichman's Addition to the City of Modesto", a distance of 23.86 feet; thence North 0°44'00" West along the east line of said Lot 4 a distance of 199.72 feet to the northeast corner of said Lot 4; thence South 89°59'00" West along the north line of said Lot 4 a distance of 189.65 feet to the point of beginning. Including also all of the north one-half of 83.00 foot wide Paradise Road located immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 1, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and
WHEREAS, after said public hearing held on October 1, 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. 90-85, that prezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That prezone to P-D is consistent with the Modesto Urban Area General Plan which allows for a commercial center in the vicinity of Paradise Road and Tuolumne Boulevard.

5. That the Mitigated Negative Declaration dated August 29, 1990, as recommended by the Modesto Environmental Committee be certified.

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 November 20, 1990, at 4:00 p.m., and

WHEREAS, after a public hearing held on November 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Metropolitan Real Estate Group and Thrifty Corporation 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. 90-85 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2742-C.S. on the 20th day of November, 1990, prezoning the above-described property to Planned Development Zone, P-PD(478).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-PD(478), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations title "Modesto Center" as amended in red, stamped approved by the Planning Commission on October 1, 1990.

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 north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Existing street trees along Paradise Road shall be saved where possible. Any tree removal shall be replaced with a minimum 24-inch box tree.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   Eight-foot-high decorative masonry wall along the north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. There shall be a five foot offset where the wall abuts a public street.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris. The landscaping maintenance shall include the landscaping in the street right-of-way along Ellen Avenue, Briggs Avenue, and Metro Court adjacent to the project site.

5. The developer shall dedicate street right-of-way required by the Public Works and Transportation Director to complete Paradise Road to major street standards and N. Martin Luther King Drive to collector street standards consistent with adopted mitigation measures. Said dedication 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. That all street frontages shall be improved to City street standards 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. Prior to occupancy, the developer shall construct full sidewalk on the Paradise Road and N. Martin Luther King Drive frontage as required by the Public Works and Transportation Director.

9. All curbcuts serving two-way driveways shall be a minimum 41 feet in width. Prior to occupancy, all traffic mitigation measures shall be completed as approved by the Public Works and Transportation Director.

10. 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.

11. 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.

12. That on-site drainage be stored and disposed on on-site.

13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.

14. 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.

15. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.

16. 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.

17. That each property shall be served by separate water service with meter and a from the main to the property line, as approved by the Public Works and Transportation Director. No water or sewer service shall be placed in an easement to serve any property.
18. The supermarket shall be the first use to open for business in the center.

19. One freestanding shopping center identification sign shall be permitted on the Paradise Road frontage. This sign shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.

20. No signs shall be permitted above eight feet in height on the north face of the building along Briggs Avenue, on the west face of buildings A, B, and Save Mart, and the southwest face of building A along Ellen Avenue.

21. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.

22. 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.

23. 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.

24. That prior to the issuance of a building permit, the traffic mitigation measures shall be completed as required by the adopted Mitigated Negative Declaration.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said prezoned Planned Development Zone, P-PD(478):

The entire construction program be accomplished in one phase, construction to begin on or before October 1, 1991, and completion to be not later than October 1, 1993.
SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance pre zoning the above-described property to Planned Development Zone, P-PD(478), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 90-917

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
PREZONING CERTAIN PROPERTY LOCATED THEREON TO P-PD(478).
(METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced
Ordinance No. 2742-C.S. giving approval to a project relating to an
amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to
prezone Planned Development Zone, P-PD(478), property located on the northwest
side of Paradise Road and west of North Martin Luther King Drive, and

WHEREAS, the City Council certifies that at said Council meeting it
reviewed and considered the findings of the City of Modesto Environmental
Assessment Committee which resulted in a 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 31-3-9 of the Zoning Map of
the City of Modesto to prezone to Planned Development Zone, P-PD(478),
property located on the northwest side of Paradise Road and west of North
Martin Luther King Drive.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-918

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON TO R-3. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2743-C.S. giving approval to a project relating to an amendment to Section 31-3-9 of the Zoning Map of the City of Modesto to prezone to Medium High Density Residential Zone, R-3, property located north and west of Ellen 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 31-3-9 of the Zoning Map of the City of Modesto to prezone to Medium High Density Residential Zone, R-3, property located north and west of Ellen Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO.90-919

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(480). (GEORGE SIMVOUNAKIS)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by George Simvoulakis on August 20, 1990, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow an office building, property located on the east corner of 16th and G Streets, described as follows:

R-3 to P-D

All that certain real property situate in a portion of the Southwest Quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 25, 26, 27, 28, 29, 30, 31 and 32, in block 128 of the City of Modesto, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps, at Page 82.

Including also all of the Northeast one half of 80.00 foot wide 16th Street, Southeast one half of 80.00 foot wide G Street and the Southwest one half of the adjacent 20.00 foot wide alley and all immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 15, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on October 15, 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. 90-89, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:
1. There is general policy of support for office zoning and development in this fringe area of downtown west of Burney Street which has been periodically reinforced by other office zonings in this area.

2. The development will be made compatible with adjoining residential properties with screen landscaping and double-board and pilaster fencing.

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 November 20, 1990, at 7:30 p.m., and

WHEREAS, after a public hearing held on November 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of George Simvoulakis 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. 90-89 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2844-C.S. on the 20th day of November, 1990, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(480).

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(480), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan" as amended in red, stamped approved by the Planning Commission on October 15, 1990.
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 southeast property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   Six-foot (6') 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 southeast property line.

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

5. The G Street and 16th Street frontages shall be improved to major and modified residential street standards respectively, prior to the occupancy of any structures, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

7. Prior to occupancy, the developer shall construct improvements on the alley frontage as required by the Public Works and Transportation Director.

8. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the G & 16th Street frontages. The number shall be as determined by the Public Works and Transportation Director. Existing street trees shall be retained or removed only under the supervision and requirements of the Parks and Recreation Director.

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

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. All signs shall comply with the sign requirements of the P-O Zone.

12. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(480):

The entire construction program be accomplished in one phase, construction to begin on or before October 15, 1992, and completion to be not later than October 15, 1993.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(480), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-920

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO
P-D(480). (GEORGE SIMVOUKIS)

WHEREAS, on November 20, 1990, the City Council introduced
Ordinance No. 2744-C.S. giving approval to a project relating to an
amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to
reclassify from Medium High Density Residential Zone, R-3, to Planned
Development Zone, P-D(480), property located on the east corner of 16th and G
Streets, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 28-3-9 of the Zoning Map of
the City of Modesto to reclassify from Medium High Density Residential Zone,
R-3, to Planned Development Zone, P-D(480), property located on the east
corner of 16th and G Streets.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-921

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO AND SUPERSEDING RESOLUTION NO. 90-3.

WHEREAS, Section 5-5.32 of the Modesto Municipal Code provides that charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 90-3, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Solid Waste Committee by memorandum dated November 14, 1990, has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing January 1, 1991, and

WHEREAS, November 20, 1990, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revised schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised, and the City of Modesto should subsidize each residential household on the initial garbage container,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Schedule of Rates and Charges, which is attached hereto, is hereby
adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective January 1, 1991, until revised by the City Council.

BE IT FURTHER RESOLVED that the City of Modesto shall subsidize each residential household $1.35 on the initial garbage container until revised from time to time after holding a public hearing.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 90-3 is hereby superseded, effective December 31, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

111990 -2- 9571CA2
Residential Garbage Collection Rates

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1 CY</th>
<th>1.5 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>26.30</td>
<td>42.60</td>
<td>58.90</td>
<td>75.20</td>
<td>91.50</td>
<td>107.80</td>
<td></td>
</tr>
<tr>
<td>1.5 CY</td>
<td>34.45</td>
<td>58.90</td>
<td>83.35</td>
<td>107.80</td>
<td>132.25</td>
<td>156.70</td>
<td></td>
</tr>
<tr>
<td>2 CY</td>
<td>42.60</td>
<td>75.20</td>
<td>107.80</td>
<td>140.40</td>
<td>173.00</td>
<td>205.60</td>
<td></td>
</tr>
<tr>
<td>3 CY</td>
<td>58.90</td>
<td>107.80</td>
<td>156.70</td>
<td>205.60</td>
<td>254.50</td>
<td>303.40</td>
<td></td>
</tr>
<tr>
<td>4 CY</td>
<td>75.20</td>
<td>140.40</td>
<td>205.60</td>
<td>270.80</td>
<td>336.00</td>
<td>401.20</td>
<td></td>
</tr>
<tr>
<td>5 CY</td>
<td>91.50</td>
<td>173.00</td>
<td>254.50</td>
<td>336.00</td>
<td>417.50</td>
<td>499.00</td>
<td></td>
</tr>
<tr>
<td>6 CY</td>
<td>107.80</td>
<td>205.60</td>
<td>303.40</td>
<td>401.20</td>
<td>499.00</td>
<td>596.60</td>
<td></td>
</tr>
</tbody>
</table>

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) (a-5).

DETACHABLE CONTAINERS
Number of Collections Per Week

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1 CY</th>
<th>1.5 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>26.30</td>
<td>42.60</td>
<td>58.90</td>
<td>75.20</td>
<td>91.50</td>
<td>107.80</td>
<td></td>
</tr>
<tr>
<td>1.5 CY</td>
<td>34.45</td>
<td>58.90</td>
<td>83.35</td>
<td>107.80</td>
<td>132.25</td>
<td>156.70</td>
<td></td>
</tr>
<tr>
<td>2 CY</td>
<td>42.60</td>
<td>75.20</td>
<td>107.80</td>
<td>140.40</td>
<td>173.00</td>
<td>205.60</td>
<td></td>
</tr>
<tr>
<td>3 CY</td>
<td>58.90</td>
<td>107.80</td>
<td>156.70</td>
<td>205.60</td>
<td>254.50</td>
<td>303.40</td>
<td></td>
</tr>
<tr>
<td>4 CY</td>
<td>75.20</td>
<td>140.40</td>
<td>205.60</td>
<td>270.80</td>
<td>336.00</td>
<td>401.20</td>
<td></td>
</tr>
<tr>
<td>5 CY</td>
<td>91.50</td>
<td>173.00</td>
<td>254.50</td>
<td>336.00</td>
<td>417.50</td>
<td>499.00</td>
<td></td>
</tr>
<tr>
<td>6 CY</td>
<td>107.80</td>
<td>205.60</td>
<td>303.40</td>
<td>401.20</td>
<td>499.00</td>
<td>596.60</td>
<td></td>
</tr>
</tbody>
</table>

DETACHABLE CONTAINER RENTAL RATES ARE INCLUDED IN ABOVE SCHEDULE

Monthly rental rate

- 1 CY to 6 CY: 10.00

DROP BOX CONTAINERS

- Pickup Charge: $80.00
- Rental: $2.00
- Disposal Charge: $46.00 maximum for each 30-day rental period

Garbage company will provide up to 40 CY Drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS
Number of collections per week

<table>
<thead>
<tr>
<th>Front Loader Type</th>
<th>1 CY</th>
<th>1.5 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 CY</td>
<td>72.40</td>
<td>144.80</td>
<td>217.20</td>
<td>289.60</td>
<td>362.00</td>
<td>434.20</td>
<td></td>
</tr>
<tr>
<td>4 CY</td>
<td>93.20</td>
<td>186.40</td>
<td>279.60</td>
<td>372.80</td>
<td>466.00</td>
<td>559.20</td>
<td></td>
</tr>
</tbody>
</table>

Roll-Off Type - 6 CY to 40 CY: $83.50 per pickup
Washing of compactor at the request of customer: $30. Disposal charge: Actual charge to be paid by customer.

EXTRA PICKUPS

- Standard containers or equivalent: $3.50 plus $0.60/container
- Detachable containers: $8.00 plus $1.15/CY

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th>Size</th>
<th>1 CY</th>
<th>1.5 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>9.20</td>
<td>10.00</td>
<td>11.00</td>
<td>14.00</td>
<td>18.40</td>
</tr>
</tbody>
</table>

NOTATIONS

1. The above residential rates include the 10 cent per month per household recycling surcharge.
2. The above residential rates include the $1.35 per month subsidized rate paid by the City of Modesto.
A RESOLUTION ESTABLISHING FILING FEES FOR APPLICATIONS FOR 
ABandonment OR VACATION OF PUBLIC RIGHTS-OF-WAY OR 
EASEMENTS AND RESCINDING RESOLUTION NO. 89-987C.

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

1. A filing fee of $695.00 for each application filed with the 
City of Modesto for vacation and abandonment of a public right-of-way or 
easement except public walkways is hereby established.

2. A filing fee of $115.00 for each application filed with the 
City of Modesto for vacation and abandonment of a public walkway is hereby 
established.

3. Said filing fee shall be paid at the same time as the 
application for vacation or abandonment is filed, except that public agencies 
shall be exempt from such fees.

4. All requests for abandonment shall be made to the Council, 
which will refer the request to the Planning Commission. Following a public 
hearing, the Planning Commission will make a recommendation to the Council 
which will also hold a public hearing and consider the request.

5. In the event staff determines that a title report is required, 
it shall be furnished by the applicant prior to consideration by the Planning 
Commission.

6. A filing fee of $347.00 is hereby established for each 
application filed with the City of Modesto for vacation and abandonment of a 
public right-of-way or easement where such application is a rehearing of a 
previous application and it is determined by the Director of Planning and
Community Development that the application will not require further Planning Commission action or other substantial staff work as required for the original application.

BE IT FURTHER RESOLVED that Resolution No. 89-987C is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become 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 20th day of November, 1990, 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: NORMINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-923

A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF HEALTH CARE FACILITY BONDS AND RESCINDING RESOLUTION NO. 89-987B.

WHEREAS, the City of Modesto is authorized pursuant to its Charter and Ordinance No. 2552-C.S. 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, the City of Modesto desires to encourage all applicants for bonds to adopt and follow a plan of Affirmative Action both in employment and in use of women- and minority-owned outside contractors, and

WHEREAS, the Council has determined that there is a need to establish criteria to be used to review specific Bond requests,

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

1. The proposed facility or project shall be on a site:
   a. Owned or under option by the applicant
   b. Within the Modesto City Limits
   c. With appropriate zoning and an approved conditional use permit or other land use approval if required.

2. The proposed project shall create a significant number of new jobs for local residents. The applicant shall present a plan to the City to show linkage with established local training programs, and how and in what numbers it will train and/or hire local unemployed residents, particularly those who are displaced by plant closures or automation. Preference will be given to those applicants whose plans most effectively address the problem of local unemployment.

3. The applicant shall be encouraged to adopt and follow a plan of Affirmative Action in employment and in use of women- and minority-owned outside contractors.
4. The applicant shall present a plan to show that the project will provide services of direct benefit to the public, in particular additional patient capacity and related diagnostic, therapeutic and direct support facilities.

5. Prior to any authorization of bond sales, the applicant shall obtain all necessary approvals for the project including Certificates of Need if required, from the North San Joaquin Health Systems Agency and the Office of Statewide Health Planning and Development of the State of California or their successor organizations.

6. The applicant shall agree to accept any and all Medi-Cal patients on an equal basis with private pay patients, subject to applicable state law.

7. The applicant shall agree to provide emergency medical service without regard to ability to pay.

8. The use of bonds for the refinancing of existing debt shall be limited to (a) existing tax exempt financing, or (b) a small residual taxable loan where such refinancing is required in order for the bonds to be issued.

9. The applicant shall file an application on a form prescribed by the City which shall include a nonrefundable application fee of $3,000. The fee is established to cover the City's indirect costs (staff time). The applicant shall also advance, as required, any third party fees, charges and other costs. In addition, contingent upon sale of the Bonds, the City may require a fee of up to 1/4 of one percent of the issue amount.

10. The applicant shall pay for a financial advisor to be hired by the City to review the proposal. The advisor will be selected by the City and will work on a time and materials basis. An advance deposit to cover the cost of this review shall be paid by the applicant based on the City's estimated cost. The applicant will be refunded any deposited funds in excess of the costs.

11. If the Bonds are publicly offered, they must be A rated or better by Standard and Poor's or Moody's rating service or a third-party security and/or guarantee must be provided in a form(s) acceptable to the City.

12. If the Bonds are privately placed with one or more institutional investors, said investors must submit a letter certifying that they performed their own credit rating analysis and, as professional investors, are satisfied with the credit worthiness of the applicant and the Bonds.
13. The Bonds shall be sold within one year of approval, or the City Council reserves the right to revoke approval.

BE IT FURTHER RESOLVED that Resolution No. 89-987B is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become 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 20th day of November, 1990, 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 ESTABLISHING CRITERIA FOR ISSUANCE OF
INDUSTRIAL REVENUE BONDS AND RESCINDING RESOLUTION
NO. 89-987A.

WHEREAS, the City of Modesto is authorized pursuant to its Charter
and Ordinance No. 2551-C.S. to issue and sell its bonds for the purpose of
providing financing for economic development purposes, and

WHEREAS, the Council has determined that there is a need to
establish criteria to be used to review specific Bond requests,

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

1. The proposed facility or project shall be on a site:
   a. Owned or under option by the applicant
   b. Within the Modesto City Limits
   c. With appropriate zoning and an approved conditional use
      permit or other land use approval if required.

2. The proposed project shall create a significant number of new
   jobs for local residents. The applicant shall present a plan
to the City to show linkage with established local training
   programs, and how and in what numbers it will train and/or hire
   local unemployed residents, particularly those who are
   displaced by plant closures or automation. Preference will be
given to those applicants whose plans most effectively
addresses the problem of local unemployment.

3. The applicant shall be encouraged to adopt and follow a plan of
   Affirmative Action in employment and in use of women- and
   minority-owned outside contractors.

4. Bonds shall not be used for refinancing loans on existing
   facilities except in cases where there is a small residual loan
   and its financing is required in order for the Bonds to be
   issued.

5. The applicant shall file an application on a form prescribed by
   the City which shall include a nonrefundable application fee of
$3,000. The fee is established to cover the City's indirect costs (staff time). The applicant shall also advance, as required, any third party fees, charges and other costs. In addition, contingent upon sale of the Bonds, the City may require a fee of up to 1/4 of one percent of the issue amount.

6. The applicant shall pay for a financial advisor to be hired by the City to review the proposal. The advisor will be selected by the City and will work on a time and materials basis. An advance deposit to cover the cost of this review shall be paid by the applicant based on the City's estimated cost. The applicant will be refunded any deposited funds in excess of the costs.

7. If the Bonds are publicly offered, they must be A rated or better by Standard and Poor's or Moody's rating service or a third-party security and/or guarantee must be provided in a form(s) acceptable to the City.

8. If the Bonds are privately placed with one or more institutional investors, said investors must submit a letter certifying that they performed their own credit rating analysis and, as professional investors, are satisfied with the credit worthiness of the applicant and the Bonds.

9. The Bonds shall be sold within one year of approval, or the City Council reserves the right to revoke approval.

BE IT FURTHER RESOLVED that Resolution No. 89-987A is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become 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 20th day of November, 1990, 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: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-925

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY
CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW,
SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING
RESOLUTION NO. 89-987.

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and
10-2.2803 of the Modesto Municipal Code provides 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,

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

SECTION 1. FEES. The following filing fees and environmental
review fees are hereby established:

(a) P-D Zoning
(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
(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

RESCINDED

1992-367
165.00
675.00

AMENDED

on 1991-182

By Resolution 110790

-1-

4015CA
(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 390.00
   - 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

SECTION 2. EXEMPTIONS. Public agencies shall be exempt from all the above fees except those fees required for the preparation of Environmental Impact Reports; provided, however, that public agencies do not have to make an advance deposit for Environmental Impact Report preparation.

SECTION 3. REPEALS. Resolution No. 89-987 is rescinded effective December 31, 1990.
SECTION 4. EFFECTIVE DATE. This resolution shall become 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 20th day of November, 1990, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-926

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A TRUCK LOAD MACHINE AND A PULL-IN MACHINE

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

SECTION 1. The plans and specifications for the purchase of a truck load machine and a pull-in machine copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 17, 1990 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 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Dobbs

ATTEST:  NORTINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE STORAGE POND WAVE PROTECTION PROJECT AT THE CITY'S SECONDARY WASTE TREATMENT PLANT

WHEREAS, a report has been filed by the Director of Public Works, that the storage pond wave protection project at the City's secondary waste treatment plant has been completed by Alta Pacific Constructors, Inc. in accordance with the contract agreement dated.

NOW, THEREFORE, BE IT RESOLVED that the storage pond wave protection project at the City's secondary waste treatment plant be accepted from said contractor, Alta Pacific Constructors, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,865,805 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 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________

NORRINE COYLE, City Clerk
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 November 20, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" modifies the salary for Assistant City Attorney from range 451 to 452 and modifies the salary for Senior Deputy City Attorney II from range 445 to range 448.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 20, 1990.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: NORRINE 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>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td></td>
</tr>
<tr>
<td>405</td>
<td></td>
</tr>
<tr>
<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Word Processing Technician I</td>
</tr>
<tr>
<td></td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Word Processing Technician II</td>
</tr>
<tr>
<td></td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
<tr>
<td>413</td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td>414</td>
<td></td>
</tr>
<tr>
<td>415</td>
<td>Senior Word Processing Technician</td>
</tr>
<tr>
<td></td>
<td>Secretary</td>
</tr>
<tr>
<td>416</td>
<td></td>
</tr>
<tr>
<td>417</td>
<td></td>
</tr>
<tr>
<td>418</td>
<td>Custodian Supervisor</td>
</tr>
<tr>
<td></td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>419</td>
<td></td>
</tr>
<tr>
<td>420</td>
<td>Claims Representative</td>
</tr>
<tr>
<td></td>
<td>Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
</tr>
<tr>
<td></td>
<td>Office Services Supervisor</td>
</tr>
<tr>
<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary</td>
</tr>
</tbody>
</table>

Exhibit "G"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Word Processing System Supervisor</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
        | Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
        | Administrative Analyst I  
        | Executive Assistant  
        | Legal Services Supervisor |
| 426   | Warehouse Supervisor  
        | Museum Supervisor |
| 427   | Events Supervisor |
| 428   | Zoning Inspector  
        | Parks Maintenance Supervisor I  
        | Airport Maintenance Supervisor  
        | Trees Maintenance Supervisor I  
        | Equipment Maintenance Supervisor  
        | Social Services Coordinator  
        | Buyer  
        | Accountant II  
        | Assistant Budget Analyst  
        | Public Works Supervisor I |
| 429   |       |
| 430   | Associate Planner  
        | Parks Construction Supervisor I |
| 431   | Administrative Analyst II  
        | Personnel Analyst  
        | Training Coordinator  
        | Chief of Survey Party  
        | Assistant Risk Manager  
        | Recycling Program Coordinator  
        | Budget Analyst |

Effective November 20, 1990
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Plant Mechanic Supervisor  
        Recreation Supervisor II  
        Historical Buildings Supervisor  
        Assistant Civil Engineer  
        Senior Accountant  
        Youth Program Supervisor |
| 433   | Senior Programmer Analyst  
        Electrical Supervisor  
        Assistant Equipment Maint. Supv.  
        Engineering Systems Manager  
        Sr. Housing Rehab. Specialist  
        Public Works Supervisor II  
        Building Maintenance Supervisor  
        Secondary Treatment Site Supv.  
        Parks Maintenance Supervisor II  
        Events Coordinator  
        Operations Supervisor  
        Landscape Designer  
        Arborist  
        Trees Maintenance Supv. II |
| 434   | Management Analyst  
        Deputy City Attorney I  
        Senior Personnel Analyst  
        Public Information Officer  
        Public Services Supervisor  
        Budget Officer  
        Financial Analyst |
| 435   | Senior Planner  
        Parks Construction Supervisor II |
| 436   | Property Agent |
| 437   | Equipment Maintenance Supt.  
        Asst. Water Quality Control Supt.  
        Associate Civil Engineer  
        Transportation Planner  
        Housing Program Supervisor |
| 438   | Deputy City Attorney II |
| 439   | 112090 |
Effective November 20, 1990

<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 |

112090
RESOLUTION NO. 90-929

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR OVERLAYING SANTA CRUZ AVENUE, MONTEREY AVENUE TO THE M & E T RAILROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for overlaying Santa Cruz Avenue, Monterey Avenue to the M & E T Railroad be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ___________________ NORRINE COYLE, City Clerk
BE IT HEREBY RESOLVED by the Council of the City of Modesto that authorization to sign right of way certification for widening Standiford Avenue, Coffee Road reconstruction and traffic signal project at Claus and Scenic be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION DESIGNATING COUNCILMEMBER STAN DOBBS TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Stan Dobbs is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-932

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION,
WHICH WAS CONSOLIDATED WITH THE GENERAL ELECTION, HELD IN
THE CITY OF MODESTO ON NOVEMBER 6, 1990, AND DECLARING THE
RESULTS OF SAID ELECTION.

WHEREAS, the Council of the City of Modesto by Resolution No. 90-633
duly called and ordered held in the City of Modesto a special advisory
election for the purpose of submitting to the Electors of said City an
advisory measure as follows:

MEASURE F

City of Modesto Sewer Extension to Village I Measure

Shall the City Council extend new sewer service to the Village
One planned community, which is bordered by the Santa Fe
railroad line on the east, Sylvan Avenue on the north, Roselle
Avenue and Oakdale Road on the west, and Floyd Avenue, Parker
Road and Brigsmore Avenue on the south and land north of
Sylvan Avenue and east of Roselle Avenue for a community park
and high school site?

and

WHEREAS, the Council of the City of Modesto by Resolution No. 90-655
duly called and ordered held in the City of Modesto a special municipal
election for the purpose of submitting to the Electors of said City a proposal
to amend Section 1205 of the Charter of the City of Modesto as follows:

MEASURE G

City of Modesto Charter Amendment Measure

Shall the Modesto City Charter be amended to provide that where
the right to appeal any suspension, demotion or dismissal is
granted an employee, alternative procedures for hearing and
final determination of appeals may be delineated by a valid and
binding Memorandum of Understanding or other instrument for
non-represented employees.

and
WHEREAS, by Resolution No. 90-634 adopted by the Council on July 3, 1990, the Council requested the Board of Supervisors of Stanislaus County to order the consolidation of a special advisory election, Measure F, with the State of California Special General Election to be held on November 6, 1990, and

WHEREAS, by Resolution No. 90-655 adopted by the Council on July 10, 1990, the Council requested the Board of Supervisors of Stanislaus County to order the consolidation of a special municipal election, Measure G, with the State of California Special General Election to be held on November 6, 1990, and

WHEREAS, the consolidated election was held on Tuesday, November 6, 1990 in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said advisory and special municipal election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 6, 1990,

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

1. Said canvass by the City Clerk is shown on said Certificate of Canvass and Statement of Votes dated November 6, 1990, and the results of the City of Modesto advisory and special municipal election are hereby ratified, confirmed and approved.
2. That at the election Measures F and G were submitted to the electors of the City, and the number of votes given in the City for and against said Measures F and G were as follows:

<table>
<thead>
<tr>
<th>Measures</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure F, Sewer Extension to Village I</td>
<td>21,489 - 54.7%</td>
<td>17,788 - 45.3%</td>
</tr>
<tr>
<td>Measure G, Charter Amendment</td>
<td>19,208 - 51.6%</td>
<td>18,007 - 48%</td>
</tr>
</tbody>
</table>

3. That Measures F and G having received a majority of all the votes cast at the election in favor of said Measures and said Measures having been carried and approved by a majority of the qualified voters voting on said Measures, the Council does hereby declare said Measures to be duly and regularly approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, 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

112790 -3- 10428CA2
A RESOLUTION ACCEPTING THE BID OF CASE POWER & EQUIPMENT COMPANY OF MODESTO FOR FURNISHING ONE LOADER/BACKHOE

WHEREAS, Resolution No. 90-851, adopted by the Council of the City of Modesto on October 16, 1990, approved the plans and specifications for the purchase of one loader/backhoe and authorized the calling for bids; and

WHEREAS, the bids received for the loader/backhoe were opened at 11:00 a.m. on November 5, 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 Case Power & Equipment Company in the amount of $22,164.56 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Case Power & Equipment Company in the amount of $22,164.56 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-934

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE INDUSTRIAL FIRE PROTECTION DISTRICT FOR EXCHANGE OF FIRE PROTECTION AND RESCUE SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Industrial Fire Protection District for exchange of fire protection and rescue 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 27th day of November, 1990, 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, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-935

A RESOLUTION DECLARING A 1955 VAN PELT FIRE ENGINE SURPLUS
PROPERTY AND AUTHORIZING THE TRANSFER OF SAID FIRE ENGINE
TO THE YOSEMITE COMMUNITY COLLEGE DISTRICT.

WHEREAS, the Fire Department of the City of Modesto possesses a 1955
Van Pelt fire engine that has become surplus property to the City's needs, and
WHEREAS, Mr. Tom Van Groningen, Chancellor of Yosemite Community
College District has requested that the fire engine be donated to the Modesto
Junior College to be used as instructional equipment in it's Fire Science
Program and to be used at the Regional Fire Training Facility when completed,
and would be an asset to training future firefighters, and
WHEREAS, it has been recommended by Fire Department personnel that
the fire engine should be transferred to the Yosemite Community College
District for use in the Modesto Junior College Fire Science Program, and
WHEREAS, generally, the California Constitution, Article XVI,
Section 6, prohibits gifts of public funds or assets with the exception that a
transfer should be for a public purpose of the recipient as well as of the
donor, and
WHEREAS, the Council of the City of Modesto desires to transfer the
surplus Van Pelt fire engine to the Yosemite Community College District for
donation to the Modesto Junior College Fire Science Program, as recommended by
the Fire Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby declares that a 1955 Van Pelt fire engine has become surplus
property to the City's needs, and the Council hereby authorizes the transfer
of said fire engine to the Yosemite Community College District for donation to
the Modesto Junior College Fire Science Program.
BE IT FURTHER RESOLVED that the Council finds and determines that
transfer of the 1955 Van Pelt fire engine to the Yosemite Community College
District for donation to the Modesto Junior College would accomplish a public
purpose for the City of Modesto, as required by the California Constitution,
Article XVI, Section 6, by being used as instructional equipment in the Fire
Science Program, and would benefit the recipient by improving firefighter
training for the Modesto area.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 27th day of November, 1990, 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, 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 APPROPRIATION TRANSFER of $25,000 from Contingency Reserve to provide for purchase of protective vests for Police Department personnel through the State of California's Cooperative Purchasing Program

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) $25,000

**TO:** Protective Vests (010 190 1961 5828) $25,000

To provide for purchase of protective vests through the State of California Cooperative Purchasing Program prior to January 1, 1991, when the State contract expires.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Muratore

ATTEST: [Signature]

NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-937

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS UNION SCHOOL DISTRICT.

WHEREAS, the Stanislaus Union School District is participating in the Comprehensive Alcohol Drug Prevention Education (CADPE) Program, sponsored through the County of Stanislaus, and

WHEREAS, in order to be eligible for funds under this State Program, the school district must have a memorandum of understanding for service with its local law enforcement agency, in this instance, the City of Modesto's Police Department, and

WHEREAS, the memorandum of understanding formalizes the link that the Police Department has with the Stanislaus Union School District, and it addresses areas specified by the State Office of Criminal Justice Planning, which is the State agency administering the CADPE Program, and

WHEREAS, upon execution of said memorandum of understanding, a copy of which is on file in the office of the City Clerk, there will be no new impact on law enforcement services for the Stanislaus Union School District,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding, a copy of which is on file in the office of the City Clerk, is hereby approved to provide that there will be no new impact on law enforcement services for the Stanislaus Union School District, and the City Manager or Deputy/Acting City Manager or their designee is hereby authorized to execute the Memorandum of Understanding.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HELEN M. PETTYJOHN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1641 SHADDOX AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Helen M. Pettyjohn for water service to property outside City limits at 1641 Shaddox Avenue, located on the north side of Shaddox Avenue between Carpenter Road and Watts 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 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-939

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RUEBEN H. & RUTH LORRAINE SAMUELSON FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1213 GARDEN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rueben H. & Ruth Lorraine Samuelson for sewer service to property outside City limits at 1213 Garden Avenue, located on the north side of Garden Avenue between Sutter Avenue and Colorado 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  27th day of November , 1990 , 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ________________

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN EASTGATE SUBDIVISION AND AUTHORIZING RELEASE OF MONEY MARKET ACCOUNT

WHEREAS, Warner M. Soelling, subdivider of Eastgate Subdivision, has filed a money market account for faithful performance and labor and materials in the amount of $300,000 to guarantee improvements in Eastgate Subdivision; and

WHEREAS, the Director of Public Works, in a memorandum dated November 19, 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 the notice of completion and release the money market account upon expiration of the statutory period.

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

1. The improvements in Eastgate Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to retain the amount of $99,250 and release the balance of the money market account for faithful performance upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the remaining portion of the money market account for labor and materials in the amount of $99,250, plus interest earnings, upon the 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 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 90-941

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $31,000 FROM CONTINGENCY RESERVE TO PROVIDE ADDITIONAL FUNDING FOR CONSULTANT SERVICES OF RECHT, HAUSRATH AND ASSOCIATES

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

FROM: Contingency Reserve
(139 800 8000 8003) $31,000

TO: Staff Charges
(139 120 P907 6000) $15,000
Consultant Charges
(139 140 P868 6000) $16,000

To provide additional funding for consultant charges of Recht, Hausrath and Associates who are working on Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-942

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER THE SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE 1989 FOR THE STANDIFORD AVENUE SOUND WALL PROJECT.

WHEREAS, the Legislature of the State of California has enacted AB471 (Chapter 106 of the Statutes of 1989), which provides $10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities, and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected, and

WHEREAS, said procedures and criteria established by the Resources Agency require that applicant to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the application contains assurances that the applicant must comply with, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project,

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

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program grant assistance.

2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.
3. Appoints the City Manager or Deputy/Acting City Manager as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, 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
I, the undersigned, hereby certify that the foregoing Resolution No. 90-942 was duly adopted by the City Council of the City of Modesto

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-943

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RON SMITH TO DEVELOP A FIRE DEPARTMENT MUTUAL AID SYSTEM FOR THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ron Smith to develop a Fire Department Mutual Aid System for the City of Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-944

A RESOLUTION AMENDING THE 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO.

WHEREAS, it has been determined that certain adjustments are required to be made to the Annual Budget of the City of Modesto for the Fiscal Year 1990-91 in order to provide funding for the approved supplemental requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjustments listed on Exhibit A attached hereto and incorporated herein by reference are approved and shall be made to the Annual Budget of the City of Modesto for the Fiscal Year 1990-91.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Muratore

ATTEST: ________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________
STAN T. YAMAMOTO, City Attorney

112990
## HCDA / HOUSING FUND

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>0110</td>
<td>ADMINISTRATIVE CLERK II</td>
<td>10,750</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>0110</td>
<td>HOUSING PROGRAM SPECIALIST</td>
<td>15,570</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>0188</td>
<td>EMPLOYEE BENEFITS-SUMMARY</td>
<td>4,380</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>0188</td>
<td>EMPLOYEE BENEFITS-SUMMARY</td>
<td>3,024</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>0218</td>
<td>EQUIPMENT POOL RENTAL</td>
<td>1,125</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>0301</td>
<td>OFFICE SUPPLIES</td>
<td>318</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>0301</td>
<td>OFFICE SUPPLIES</td>
<td>318</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>5900</td>
<td>DESK AND CHAIR</td>
<td>1,051</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>5901</td>
<td>PERSONAL COMPUTER</td>
<td>2,200</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>5902</td>
<td>PERSONAL COMPUTER</td>
<td>2,200</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>5903</td>
<td>PC PRINTER</td>
<td>650</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>5904</td>
<td>FILE CABINET</td>
<td>480</td>
</tr>
<tr>
<td>111</td>
<td>140</td>
<td>1452</td>
<td>5905</td>
<td>DESK AND CHAIR</td>
<td>1,051</td>
</tr>
<tr>
<td>111</td>
<td>700</td>
<td>7000</td>
<td>7720</td>
<td>TRANSFER OUT TO FUND 720</td>
<td>14,500</td>
</tr>
</tbody>
</table>

## WATER FUND

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>0110</td>
<td>CROSS CONNECTION SPEC (UPGRADE)</td>
<td>823</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>0120</td>
<td>INTERN (PART TIME)</td>
<td>14,400</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>0188</td>
<td>EMPLOYEE BENEFITS-SUMMARY</td>
<td>242</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>0235</td>
<td>UTILITIES</td>
<td>7,150</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>0210</td>
<td>UTILITIES</td>
<td>312</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5906</td>
<td>FLAT FILES AND BASE</td>
<td>2,000</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5907</td>
<td>COMPUTER EQUIPMENT ENGINEERING</td>
<td>31,000</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5908</td>
<td>METER READING SYSTEM</td>
<td>25,000</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5909</td>
<td>MICROFILM READER AND PRINTER</td>
<td>20,000</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5910</td>
<td>COPIER 36&quot;</td>
<td>12,000</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5911</td>
<td>COMPUTER SOFTWARE</td>
<td>10,000</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5912</td>
<td>FAX</td>
<td>3,500</td>
</tr>
<tr>
<td>610</td>
<td>480</td>
<td>5012</td>
<td>5913</td>
<td>XEROX</td>
<td>10,000</td>
</tr>
<tr>
<td>610</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>CONTINGENCY RESERVE</td>
<td>(136,427)</td>
</tr>
</tbody>
</table>

## SEWER FUND

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>621</td>
<td>480</td>
<td>5201</td>
<td>5914</td>
<td>WORD PROCESSOR-PC</td>
<td>3,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5212</td>
<td>0110</td>
<td>EQUIPMENT OPERATOR (2)</td>
<td>30,974</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5212</td>
<td>0188</td>
<td>EMPLOYEE BENEFITS-SUMMARY</td>
<td>9,721</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5212</td>
<td>0208</td>
<td>BUSINESS EXPENSES</td>
<td>384</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5212</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>7,150</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5212</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>3,600</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5212</td>
<td>5916</td>
<td>PAINT SPRAYER</td>
<td>2,876</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5213</td>
<td>0110</td>
<td>PLANT MECHANIC</td>
<td>18,935</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5213</td>
<td>0188</td>
<td>EMPLOYEE BENEFITS-SUMMARY</td>
<td>5,530</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5213</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>1,200</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5213</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>2,450</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5213</td>
<td>5917</td>
<td>DRILL BIT SHARPENER</td>
<td>902</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5213</td>
<td>5918</td>
<td>WEATHER GUARD ORGANIZER'S</td>
<td>1,242</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5213</td>
<td>5919</td>
<td>CATWALKS/SUDDLE THICKENERS</td>
<td>10,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0110</td>
<td>SR WW TREATMENT PLANT OPERATOR</td>
<td>1,576</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0188</td>
<td>EMPLOYEE BENEFITS-SUMMARY</td>
<td>475</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0218</td>
<td>EQUIPMENT POOL RENTAL</td>
<td>1,030</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0223</td>
<td>REPAIR &amp; MAINT-OUTSIDE FORCES</td>
<td>2,050</td>
</tr>
<tr>
<td>Fund</td>
<td>Agency</td>
<td>Org</td>
<td>Object</td>
<td>Line Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>-----</td>
<td>--------</td>
<td>------------------</td>
<td>--------</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>1,200</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>3,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0302</td>
<td>BOOKS AND PERIODICALS</td>
<td>600</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0308</td>
<td>TOOLS, SHOP AND FIELD SUPPLIES</td>
<td>7,350</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>5922</td>
<td>FILE CABINETS (2)</td>
<td>670</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5215</td>
<td>0301</td>
<td>OFFICE SUPPLIES</td>
<td>650</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5215</td>
<td>0401</td>
<td>MEMBERSHIPS AND DUES</td>
<td>500</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5215</td>
<td>5924</td>
<td>DISHWASHER REPLACEMENT</td>
<td>3,630</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5215</td>
<td>5925</td>
<td>COMPUTER-LABORATORY</td>
<td>3,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5216</td>
<td>0110</td>
<td>ADMIN CLERK II</td>
<td>10,713</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5216</td>
<td>0188</td>
<td>EMPLOYEE BENEFITS-SUMMARY</td>
<td>2,781</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5216</td>
<td>5926</td>
<td>COMPUTER-SEWER CAO</td>
<td>4,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5216</td>
<td>5927</td>
<td>FURNITURE</td>
<td>4,500</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5216</td>
<td>9990</td>
<td>SERVICE CREDIT</td>
<td>(6,644)</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5217</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>5,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5217</td>
<td>0235</td>
<td>SERVICES, PROFESSIONAL &amp; OTHER</td>
<td>25,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5217</td>
<td>0302</td>
<td>BOOKS AND PERIODICALS</td>
<td>450</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>5217</td>
<td>5928</td>
<td>COMPUTER-EQUIPMENT IND WASTE</td>
<td>4,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P363</td>
<td>6000</td>
<td>THOUSAND OAKS RECONST. DISC LINE</td>
<td>310,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P364</td>
<td>6000</td>
<td>WOODLAND AVE INFLENT SLUICE GATES</td>
<td>4,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P365</td>
<td>6000</td>
<td>REPLACE KANSAS SEWER</td>
<td>4,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P367</td>
<td>6000</td>
<td>LAB WATER DISTILLATION SYSTEM</td>
<td>30,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P368</td>
<td>6000</td>
<td>CLARIFIER #2 SANDBLAST &amp; RECOAT</td>
<td>108,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P369</td>
<td>6000</td>
<td>ANNUAL SEWER REHABILITATION</td>
<td>15,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P370</td>
<td>6000</td>
<td>WQCP SITE MASTER PLAN</td>
<td>10,000</td>
</tr>
<tr>
<td>621</td>
<td>480</td>
<td>P371</td>
<td>6000</td>
<td>EMERALD LIFT/INFLENT SLUICE GATE-DESIGN</td>
<td>20,000</td>
</tr>
<tr>
<td>621</td>
<td>700</td>
<td>7000</td>
<td>7720</td>
<td>TRANSFER OUT TO FUND 720</td>
<td>201,500</td>
</tr>
<tr>
<td>621</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>CONTINGENCY RESERVE</td>
<td>(875,995)</td>
</tr>
</tbody>
</table>

**AIRPORT FUND**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>631</td>
<td>480</td>
<td>5412</td>
<td>0465</td>
<td>UNDERGROUND TANK REMOVAL</td>
<td>50,000</td>
</tr>
<tr>
<td>631</td>
<td>700</td>
<td>7000</td>
<td>9200</td>
<td>TRANSFER IN FROM FUND 200</td>
<td>(50,000)</td>
</tr>
<tr>
<td>200</td>
<td>700</td>
<td>7000</td>
<td>7631</td>
<td>TRANSFER OUT TO FUND 631</td>
<td>50,000</td>
</tr>
<tr>
<td>200</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>CONTINGENCY RESERVE</td>
<td>(50,000)</td>
</tr>
</tbody>
</table>

**CENTRE PLAZA FUND**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>670</td>
<td>340</td>
<td>3412</td>
<td>5931</td>
<td>COMPUTER SYSTEM EQUIPMENT</td>
<td>39,000</td>
</tr>
<tr>
<td>670</td>
<td>700</td>
<td>7000</td>
<td>9010</td>
<td>TRANSFER IN FROM FUND 010</td>
<td>(39,000)</td>
</tr>
<tr>
<td>010</td>
<td>700</td>
<td>7000</td>
<td>7670</td>
<td>TRANSFER OUT TO FUND 670</td>
<td>39,000</td>
</tr>
<tr>
<td>010</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>CONTINGENCY RESERVE</td>
<td>(39,000)</td>
</tr>
</tbody>
</table>

**SERVICE DIVISION FUND**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5923</td>
<td>FORKLIFT AND BINS (5213)*</td>
<td>22,000</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5935</td>
<td>ALIS CH 1.5 YD LOADER (3112/4612)</td>
<td>62,060</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5936</td>
<td>PICKUP TRUCK (4412)</td>
<td>14,012</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5937</td>
<td>1-TON CREWCAB (3212)</td>
<td>19,643</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5938</td>
<td>AUTO DIAGNOSTIC EQUIP-MAIN SHOP</td>
<td>15,000</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5939</td>
<td>PICKUP TRUCK (4212)</td>
<td>14,012</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5940</td>
<td>PICKUP TRUCK (4612)</td>
<td>14,012</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5941</td>
<td>PICKUP TRUCK (4212)</td>
<td>14,012</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5942</td>
<td>10 CHAINSAWS</td>
<td>4,405</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5943</td>
<td>1 TON VAN WITH AERIAL LIFT(4512)</td>
<td>33,170</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5944</td>
<td>KOHLER GENERATOR SET</td>
<td>1,600</td>
</tr>
<tr>
<td>-----</td>
<td>-----</td>
<td>------</td>
<td>-----</td>
<td>----------------------</td>
<td>------</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5945</td>
<td>1 MECHANICS VAN (3112)</td>
<td>23,872</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5946</td>
<td>REPLACE 2 UNDERGROUND TANKS</td>
<td>30,000</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5947</td>
<td>ABOVE GROUND OIL STORAGE TANK</td>
<td>10,000</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5948</td>
<td>PLASMA CUTTING SYSTEM</td>
<td>3,500</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5949</td>
<td>ANTIFREEZE RECYCLING UNIT (2)</td>
<td>3,640</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5950</td>
<td>FREON COLLECTION SYSTEM (2)</td>
<td>7,388</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5951</td>
<td>REPLACEMENT OF 4 OVERHEAD DOORS</td>
<td>6,800</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5952</td>
<td>EXHAUST EMISSIONS ANALYZER</td>
<td>15,000</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5953</td>
<td>1/2 TON PICK-UP (1452)*</td>
<td>14,500</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5954</td>
<td>1/2 TON PICK-UP (5214)*</td>
<td>14,500</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5812</td>
<td>5955</td>
<td>VACTOR TRUCK (5212)*</td>
<td>165,000</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5813</td>
<td>5957</td>
<td>AUTO DIAGNOSTIC EQUIP-POLICE SHOP</td>
<td>15,000</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5813</td>
<td>5958</td>
<td>TIRE BALLANCER</td>
<td>3,285</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5813</td>
<td>5959</td>
<td>GLASS BEAD BLASTER</td>
<td>1,115</td>
</tr>
<tr>
<td>720</td>
<td>480</td>
<td>5813</td>
<td>5960</td>
<td>SEDANS (2)(Org 5216 &amp; 5213)</td>
<td>27,000</td>
</tr>
<tr>
<td>720</td>
<td>700</td>
<td>7000</td>
<td>9111</td>
<td>TRANSFER IN FROM FUND 111</td>
<td>(14,500)</td>
</tr>
<tr>
<td>720</td>
<td>700</td>
<td>7000</td>
<td>9621</td>
<td>TRANSFER IN FROM FUND 621</td>
<td>(201,500)</td>
</tr>
<tr>
<td>720</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>CONTINGENCY RESERVE</td>
<td>(358,526)</td>
</tr>
</tbody>
</table>

**SELF INSURANCE FUND**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>731</td>
<td>040</td>
<td>0472</td>
<td>0235</td>
<td>SERVICES, PROF &amp; OTHER</td>
<td>30,100</td>
</tr>
<tr>
<td>731</td>
<td>040</td>
<td>0472</td>
<td>5961</td>
<td>COMPUTER TAPE BACKUP UNIT</td>
<td>750</td>
</tr>
<tr>
<td>731</td>
<td>040</td>
<td>0472</td>
<td>9990</td>
<td>SERVICE CREDITS</td>
<td>(30,850)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 90-945

A RESOLUTION AUTHORIZING FUEL EFFICIENT TRAFFIC SIGNAL
MANAGEMENT PROGRAM GRANT APPLICATION.

WHEREAS, the City of Modesto recognizes that it is in the interest
of the national economy to promote the conservation of energy resources and to
reduce our nation's dependence on costly foreign oil, and

WHEREAS, fuel efficient traffic signal management by the City of
Modesto will provide benefits to the local community in the form of improved
traffic flow, reduced fuel consumption, reduced vehicle operating costs,
reduced air pollutant emissions, and improved safety due to smoother flow, and

WHEREAS, funds have been established and are available through the
California Department of Transportation for grants to local governments for
efficient traffic signal management projects,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto authorizes the submittal of an application to the California
Department of Transportation for a Fuel Efficient Traffic Signal Management
grant and the City Manager or Deputy/Acting City Manager of the City of
Modesto is hereby authorized and empowered to execute in the name of City of
Modesto all necessary applications, contracts, and agreements to implement and
carry out the purposes specified in this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORMA COYLE, City Clerk

9265CA2
A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FROM TRAFFIC ENGINEERING FIRMS FOR CONSULTANT SERVICES RELATING TO THE 1991 FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT (FETSIM) PROJECT TO COORDINATE AND SYNCHRONIZE TRAFFIC SIGNALS IN NORTHWEST MODESTO.

WHEREAS, the City Council adopted Resolution No. 90-945 at its November 27, 1990, meeting which authorized filing a grant application with the State Department of Transportation for the 1991 Fuel Efficient Traffic Signal Management (FETSIM) program for the purpose of retiming traffic signals, which should improve traffic flow in the northwest area of Modesto and reducing fuel consumption, and

WHEREAS, upon approval of the grant application by the State Department of Transportation, the program would be administered by Caltrans' Division of Traffic Operations on behalf of the Federal Highway Administration and the Energy Committee, and

WHEREAS, consultant services will be needed to collect the vast amounts of traffic data, code the traffic data into a Transyt 7F computer model, and to simulate existing traffic conditions; subsequently, to optimize the signal timing to reduce travel delay and fuel consumption; and to prepare the final report for transmission to Caltrans, and

WHEREAS, the total estimated project cost is $129,190; the City's share would be $93,150; the grant would pay $36,040; and the Finance Department has indicated that there are sufficient funds in Fund 070, Special Gas Tax Fund, to cover the City's share of this project and to front the grant portion until the grant revenue is received, and
WHEREAS, the specific 1991 project that staff is proposing would coordinate and synchronize the signals south of Briggsmore on Tully, College, Orangeburg, 9th, and Needham Streets; a total of 17 intersections would be synchronized using Time Base Coordination under the 1991 FETSIM program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from traffic engineering firms for consultant services relating to the 1991 Fuel Efficient Traffic Signal Management (FETSIM) Project for coordination and synchronization of traffic signals in northwest Modesto south of Briggsmore on Tully, College, Orangeburg, 9th, and Needham Streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Muratore

ATTEST:  NARRINE COYLE, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

By  STAN T. YAMAMOTO, CITY ATTORNEY

WHEREAS, it has been determined that the City is eligible for State Grant monies through the FETSIM program, and

WHEREAS, the City is submitting a grant application for a total project cost of $129,190, and

WHEREAS, this project will replace thirteen (13) traffic signal controllers to enable the retiming of seventeen (17) traffic signals in the northwest area, and

WHEREAS, the grant is estimated at $36,040. The City's portion is estimated at $93,150. The City's share will be provided by Gas Tax Funds.

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>070-510-9510-3138 State Share of Street Projects</td>
<td>$36,040</td>
</tr>
<tr>
<td>Expenditures</td>
<td>070-160-P366-6000 1991 FETSIM Project</td>
<td>$129,190</td>
</tr>
<tr>
<td></td>
<td>070-800-8000-8003 Gas Tax Contingency Reserve</td>
<td>$93,150</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 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-948

A RESOLUTION APPROVING THE REQUEST BY CAROL BENSON, ON BEHALF OF KO93 AND GOTTSCHALKS, JOINT SPONSORS, FOR DIRECT CITY ASSISTANCE FOR A CHRISTMAS PARADE TO BE HELD ON DECEMBER 1, 1990 IN THE CITY OF MODESTO.

WHEREAS, Carol Benson on behalf of KO93 and Gottschalks, hereafter referred to as SPONSORS, has requested Direct City Assistance to hold a Christmas Parade on December 1, 1990, at 11:00 a.m., in the City of Modesto, and SPONSORS have also requested that City waive its fee for use of the reviewing stand, and

WHEREAS, the City Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to the SPONSORS to hold a Christmas Parade to be held on December 1, 1990 in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the Christmas Parade to be held on December 1, 1990, at 11:00 a.m., sponsored by KO93 and GOTTSCHALKS, SPONSORS, subject to the following conditions:

1. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 9:00 a.m. for use for the parade on Saturday, December 1, 1990, and will remove said reviewing stand thereafter.
2. SPONSORS are granted permission to use a public address system at the reviewing stand for the parade, if they so desire. Said public address system to be furnished by the SPONSORS.

3. The following parade route is approved as the parade route to be used on Saturday, December 2, 1989, subject to approval of the Chief of Police and Director of Public Works & Transportation: starting at 10th and F Streets, north from F to G Street; east on G Street to 11th Street, north on 11th Street to I Street, east on I Street to 17th Street; and then terminate and dismantle.

4. The City Public Works & Transportation Department will supply two (2) street sweepers for the parade.

5. The City of Modesto will provide four (4) Equestrian Police Officers and eight (8) Reserve Officers to maintain traffic control along the parade route.

6. The City Public Works & Transportation Department will provide barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

7. SPONSORS 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 Christmas Parade.

8. SPONSORS shall furnish to the City Clerk of City current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect the SPONSORS and its agents and employees from claims for damages for bodily injury and property damage which may arise out
of the Christmas parade. Said insurance certificate shall be subject to the approval of the Risk Manager and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the fee for use of the City's reviewing stand is hereby waived.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, 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, 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
ACCEPTANCE

We do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 90-948 pertaining to the 1990 Christmas Parade sponsored by KO93 and Gottschalk's, joint SPONSORS.

Dated: ______________________

SPONSORS
KO93 RADIO STATION, a sponsor,
By ______________________
By ______________________

GOTTSCHALK'S, a sponsor,
By ______________________
By ______________________

____________________
____________________
MODESTO CITY COUNCIL
RESOLUTION NO. 90-949

A RESOLUTION ADDING A POSITION TO THE AIRPORT ADVISORY
COMMITTEE TO BE FILLED BY SELECTION OF THE CERES CITY
COUNCIL.

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

WHEREAS, the Council of the City of Modesto, by Modesto City Council
Resolution No. 81-299, appointed five members to the Airport Advisory
Committee representing the following:

Public-At-Large - 2 members
Non-Provider User/General Aviation Side - 1 member
Service-Provider/General Aviation Side - 1 member
Service-Provider/Public Side - 1 member

and

WHEREAS, the Council of the City of Modesto, by Modesto City Council
Resolution No. 81-299, acknowledged two appointments made by the Stanislaus
County to the Airport Advisory Committee representing the following:

Public-At-Large - 1 member
Non-Provider User/General Aviation Side - 1 member

and

WHEREAS, on November 8, 1990, representatives from the Modesto and
Ceres City Councils with their respective staffs met in the City of Ceres to
discuss concerns about development in Ceres adjacent to the Modesto
City-County Airport, and

WHEREAS, as a result of said meeting, it was agreed that a member
from the City of Ceres should be appointed to serve on the Airport Advisory
Committee, and
WHEREAS, by letter dated November 15, 1990, received from Richard G. McBride, Mayor of the City of Ceres, the City of Ceres filed a request with the City Council of the City of Modesto for an appointment of a member from the City of Ceres to serve on the Airport Advisory Committee, and at its meeting of November 27, 1990, the Council of the City of Modesto considered said request.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, as requested from the City of Ceres, one position is hereby added to the Airport Advisory Committee to be filled by selection of the Ceres City Council.

BE IT FURTHER RESOLVED that the updated membership serving on the Airport Advisory Committee shall represent the following for a length of term to be determined by lot:

CITY APPOINTED

- Public-At-Large - 2 members
- Non-Provider User/General Aviation Side - 1 member
- Service-Provider/General Aviation Side - 1 member
- Service-Provider/Public Side - 1 member
- Selected by the Ceres City Council - 1 member

STANISLAUS COUNTY APPOINTED

- Public-At-Large - 1 member
- Non-Provider User/General Aviation Side - 1 member

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the Airport Advisory Committee and the County of Stanislaus.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By [Signature]
STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GEORGE SURFACE FROM THE CITY OF MODESTO CITIZENS’ ADVISORY COMMITTEE FOR RECYCLING

WHEREAS, George Surface was appointed a member of the Recycling Committee on August 8, 1990; and

WHEREAS, George Surface has tendered his resignation from the Recycling Committee, effective November 27, 1990.

NOW, THEREFORE, BE IT RESOLVED that the resignation of George Surface 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 George Surface 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 27th day of November, 1990, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-951

A RESOLUTION CREATING THE VILLAGE ONE AFFORDABLE HOUSING COMMITTEE INCLUDING THE CHARGE AND GUIDELINES FOR THE COMMITTEE.

WHEREAS, the Council of the City of Modesto desires to establish a citizen's committee as the first priority of Village One implementation efforts, and at its November 13, 1990 City Council meeting, the Council directed City staff to report back with recommendations relating to the creation of a Village One Affordable Housing Committee, and

WHEREAS, at its December 11, 1990 City Council meeting, the Council considered a report dated December 4, 1990 from the Planning and Community Development Director which contained recommendations relating to the composition, charge and guidelines establishing the Village One Affordable Housing Committee, a copy of which report is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the report dated December 4, 1990, from the Planning and Community Development Director, which contained recommendations relating to the composition, charge and guidelines for establishing the Village One Affordable Housing Committee, a copy of which report is on file in the office of the City Clerk, is hereby approved.

BE IT FURTHER RESOLVED that the charge and formation and composition of the Village One Affordable Housing Committee shall be as follows:

1. The Village One Affordable Housing Committee shall be composed of a representative from each of the following organizations:

   Building Industry Association
   California Rural Legal Assistance
   Coalition of Labor and Business
2. Two Councilmembers shall serve on the Committee, one as Chairperson and the other as Vice Chairperson.

3. The Planning and Community Development Department shall provide staff services to the Committee.

4. The Committee shall be charged with the responsibility of recommending to the City Council the appropriate means for developer participation in achieving the Affordable Housing goals of the Village One Specific Plan. Said recommendations to be made after the Committee has reviewed the full range of affordable housing programs that are available.

5. The Committee is directed to report its findings back to the City Council within 90 days from the Committee's first meeting, with progress reports to the Council at 30-day intervals. The first meeting should occur in early January 1991.

6. The Stanislaus County Housing Authority should be requested to be included as a resource to the Committee, and additional groups should be included as resources such as State and Federal agencies responsible for various Affordable Housing programs.

BE IT FURTHER RESOLVED, that a public hearing will be required by both the Planning Commission and the City Council to amend the Specific Plan's Affordable Housing Program, and the Committee's recommendations will serve as the basis for community input to the City Council, leading ultimately to an amendment of the Specific Plan's Affordable Housing Program.

BE IT FURTHER RESOLVED that the creation of the Affordable Housing Committee is consistent with the Village One Affordable Housing Program, attached hereto and marked Exhibit A, which was adopted by the City Council on October 16, 1990, as a part of the Village One Specific Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
AFFORDABLE HOUSING

INTRODUCTION

Affordable housing is defined as housing units with prices or rents not exceeding 30 percent of income for households earning less than 120 percent of the median income for the region. There are three levels of housing within the affordable category. Very low income households are defined as those earning less than 50 percent of the median; low income households between 50 percent and 80 percent of the regional median; and moderate income households between 80 percent and 120 percent of the regional median income.

As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce and retain housing for much of the population. Fewer affordable units have been produced in recent years. This is partly because of decreasing amounts of federal involvement as well as changes in the tax code which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly a result of Bay Area households moving toward less expensive housing markets, even if they still make long commutes back to Bay Area jobs.

Village One is anticipated to accommodate development in Modesto for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1984 Housing Element, namely: encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. In including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall city plan for affordable housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.

The following sections lay out the affordable housing objectives, policies, and implementation procedures for Village One.

Exhibit "A"
OBJECTIVE 1
Maintain 15 percent of Village One housing as affordable units, and encourage that an additional 10 percent of the units be provided initially at affordable prices.

The affordable housing goals have two components: maintaining 15 percent of Village One housing as affordable by policy for 50 years, and encouraging an additional 10 percent of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small low or moderate income households, and this should be encouraged to continue. The following policies shall guide the development of Village One affordable housing:

POLICY 1
Include a mix of housing prototypes to provide increased opportunity for diverse income groups.

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center to multi-family housing to single-family housing on lots ranging from 2,750 square feet to half an acre. The senior housing, multi-family housing, and small lot homes will make it possible to produce and maintain affordable housing.

POLICY 2
Maintain the 15 percent designated affordable units as affordable for no less than 30 years.

It is important that units not just be affordable at construction, but that they remain affordable. State law requires that affordable units produced through provision of density bonuses remain affordable for 30 years. This is an appropriate standard to set for all units designated to remain affordable; however, because of the potential negative effect on below-market residents at year 30, the City should also consider either a permanent affordable designation or a 5 to 10-year transition beyond the 30 years to bring units from affordable status to full market price or rent.

POLICY 3
Determine the mix of affordable units for very low, low, and moderate income households on a project-by-project basis, generally consistent with needs established in the City Housing Element.

The 1983 Housing Needs Report produced by the Stanislaus Area Association of Governments indicated that Modesto’s affordable housing needs were distributed 39 percent very low income, 29 percent low income, and 32 percent moderate income. Until new data are available from the Census and a Housing Element is updated in 1992 as required by State law, the City could use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.
Table 4.1:
Modesto Village One
Affordable Housing Goals by Need Category
Revised October 4, 1990

<table>
<thead>
<tr>
<th>Housing Prototype</th>
<th>Density (d.u./ac.)</th>
<th>Total Units</th>
<th>Affordable Goals</th>
<th>Per Cent</th>
<th>Number</th>
<th>Very Low</th>
<th>Low</th>
<th>Moderate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Housing</td>
<td>55.5</td>
<td>373</td>
<td>100</td>
<td>575</td>
<td>225</td>
<td>75</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td>21.0</td>
<td>1,470</td>
<td>30</td>
<td>441</td>
<td>221</td>
<td>150</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25.0</td>
<td>50</td>
<td>30</td>
<td>15</td>
<td>0</td>
<td>15</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lot Size</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ranchette</td>
<td>80</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;5,000 s.f.</td>
<td>1,975</td>
<td>5</td>
<td>99</td>
<td>0</td>
<td>30</td>
<td>69</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5,000 s.f.</td>
<td>1,317</td>
<td>6</td>
<td>79</td>
<td>0</td>
<td>24</td>
<td>53</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&lt;5,000 s.f.</td>
<td>2,159</td>
<td>6</td>
<td>150</td>
<td>0</td>
<td>39</td>
<td>91</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>7,476</td>
<td>15</td>
<td>1,138</td>
<td>446</td>
<td>352</td>
<td>360</td>
<td></td>
</tr>
<tr>
<td>Percent of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable Units</td>
<td></td>
<td></td>
<td></td>
<td>39</td>
<td>29</td>
<td>32</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Because the subsidies required to make a low-density house on a large lot affordable to very low income households are so large, units for very low income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate income households can be integrated with all housing types, and include sales as well as rental units (see Table 4.1).

POLICY 4
Locate senior housing in close proximity to Village Center services in high-density and mixed-use developments.

An aging population suggests an increasing need for senior housing. The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve densities of 50 to 60 units per acre in three to four-story elevator buildings, including mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing.
OBJECTIVE 2
Ensure that the provision of affordable units in Village One does not diminish the design quality of the community nor stigmatize the occupants of the units.

Successful affordable housing programs can be implemented in ways that represent positive enhancement for any community. Housing prices have escalated to the point where few households can afford to purchase a house, and over half of the households in a community have incomes that make them eligible for affordable housing. This includes young working households such as store clerks, teachers, and policemen; single parents; and senior citizens living on social security.

Dispersing the affordable units throughout the community and designing the units indistinguishable from market rate units will have a positive effect on the residents of the affordable housing and eliminate the stigma associated with more traditional public housing. The following policies will be utilized to guarantee the quality of Village One housing.

POLICY 1
Disperse affordable housing, as defined by State Title 25 criteria (very low, low, and moderate income), throughout the village, making sure that it is indistinguishable from and integrated with market rate housing.

With the exception of senior housing and small 100 percent affordable developments, affordable housing shall be dispersed within the village and fully integrated and indistinguishable from market rate units in a given development. Also, with the above exceptions, no more than 20 percent of any development shall be rented to very low income households.

POLICY 2
Ensure that affordable housing is built in a manner that does not diminish the quality of the community.

Affordable units will be built to the same construction standards, with the same parking requirements, same open space and other provisions, as market rate housing. The intent is for the affordable units to look like the market rate units around them. Therefore, the same standards will be adhered to for exterior finishes and details, however, if the builder wishes to alter interior details, such as reducing the number of bathrooms or leaving the top floor unfinished, to reduce costs and build a more affordable unit, he will be allowed to do so.

IMPLEMENTATION PROGRAM
The affordable housing program will be a shared effort combining both City-initiated incentives and actions and requirements for developers. Village One developers will be
responsible for approximately half of the affordable housing objectives through inclusion-
ary requirements or in-lieu fees. The remaining portion will involve the City accessing
federal and state assistance and tax incentive programs, encouraging density bonus
provisions, and taking other potential actions to assist developers in the provision of afford-
able housing. It will be important that the specific affordability requirements to be met
by each developer be clearly set forth in the development agreement executed for each
project.

Institutional Actions

OBJECTIVE 3
Implement a variety of institutional actions by the City that will help achieve greater
housing affordability.

POLICY 1
The City will Designate specific staff with the responsibility for ensuring development of
affordable housing.

The City staff must be aware of all available federal and state programs to assist with
affordable housing, and have the responsibility to ensure that affordable housing pro-
grams are implemented.

POLICY 2
The City will Take steps to establish or attract a nonprofit developer, a Housing Development
Corporation, or explore the potential of greater utilization of the Stanislaus County
Housing Authority to assist in production of affordable housing.

Experience in other communities has indicated that nonprofit developers can contribute
significant efforts to achieving affordable housing goals, either handling projects them-

selves or in conjunction with for-profit developers. Quasi-public housing development
corporations have also been used, particularly where development fees or public revenues
are available for investment in affordable housing. The Stanislaus County Housing
Authority has a good record in the construction and management of affordable housing
and is a potential community resource for the Village One affordable housing
program.

POLICY 3
The City will Pursue the full range of state, federal, and private assistance and incentive
programs available at the time of implementation.

Although the federal role in production of affordable housing is diminishing, there are
still funds available for Section 202 Senior Housing, and limited funds for other assistance
programs such as Section 8 rent assistance. Federal incentive programs, such as mortgage revenue bonds, low income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.

Current state housing assistance programs include Proposition 77 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low interest loans from financial institutions.

POLICY 4

The City shall use in-lieu fees collected from developers to assist with affordable housing production in Village One by such means as acquiring appropriate sites within Village One and providing subsidy assistance.

Although the program should encourage the direct production of affordable units by developers, the affordable housing program will generate in-lieu fees that will be used to assist in the production of affordable housing in Village One. Examples could include the public purchase of a site for reduced price sale to a nonprofit developer, or city provision of a low interest loan in exchange for a commitment of greater affordability in the development.

POLICY 5

Require a maximum density for multi-family housing without a density bonus will be of 21 units per acre, and the City will promote a 25 percent density bonus in exchange for greater affordability as specified in state law.

Government Code Sections 65913.4, 65915 and 65917 contain the State Density Bonus Law as of January 1, 1990, which stipulates that a jurisdiction will allow a density bonus of at least 25 percent over the otherwise maximum allowable residential density plus an additional concession or incentive in exchange for making 20 percent of the development's units available for low income households or 10 percent for very low income households.

POLICY 6

Utilize mixed-use development and reduced parking requirements can be utilized in order to achieve affordability in senior housing developments.

Housing over Village Center retail or a community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.
The City should establish criteria for eligibility for affordable housing.

Demand for affordable housing units is always very high, and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.

Developer Requirements

**OBJECTIVE 4**

Establish specific requirements for developers to assist in the implementation of affordable housing.

**POLICY 1**

Village One developers will be responsible for approximately half of the the Plan's long-term affordable housing objectives. Developer requirements to meet this objective will be established by the City Council prior to the approval of any Precise Plans, and shall be based on the recommendations of a Village One Affordable Housing Task Force. In making its recommendations to the City Council, the Village One Affordable Housing Task Force shall review a wide variety of housing programs that will accomplish this objective, including but not limited to: inclusionary zoning, in lieu fees, Mortgage Credit Certificates, Housing Trust Fund's Joint Venture for Affordable Program, Proposion 84 Funds, and other HUD, ECD, and CHEA. The Affordable Housing Program of Village One Specific Plan shall be amended to reflect the program or programs selected by the City Council to implement this objective.

<table>
<thead>
<tr>
<th>Housing Prototype</th>
<th>Density (d.u./acre)</th>
<th>Total Units</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Housing</td>
<td>52.5</td>
<td>573</td>
<td>100</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>52.0</td>
<td>1,479</td>
<td>33</td>
</tr>
<tr>
<td>Single-Family</td>
<td>2.0</td>
<td>10</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Affordable Goals</th>
<th>Developer Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent</td>
<td>Number</td>
</tr>
<tr>
<td>Random</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt; 5,000 sq.</td>
<td>5</td>
<td>99</td>
</tr>
<tr>
<td>5,000 sq.</td>
<td>6</td>
<td>73</td>
</tr>
<tr>
<td>&lt; 5,000 sq.</td>
<td>5</td>
<td>125</td>
</tr>
<tr>
<td>Totals</td>
<td>7,775</td>
<td>125</td>
</tr>
</tbody>
</table>
Each developer of single-family homes shall demonstrate an agreement on the number of single-family homes built during a phase of development, whichever is higher, meet affordability requirements specified by the City.

Cabin units do not need to be of the same size and finish as the market priced units if they are integrated with other market priced units of comparable nature. Higher density single-family developments will be required to incorporate affordable units within the same price range as the market priced units. Developers offering higher, more expensive units may fulfill their production obligation directly through the construction of other properties.

POLICY

Where deemed appropriate by the City, require payment to an affordable housing fund can be made in lieu of direct construction of single-family affordable units. The rate will be the percent of building permit value, which should not exceed two percent of sales price.

POLICY

Each development of multi-family rental units shall include that of at least one unit or 15 percent of the multi-family units, whichever is higher, meet affordability requirements specified by the City.

The affordable housing objectives for Village One cannot be achieved without a significant proportion of multi-family housing being affordable. As market rental rates and prices in modest, many market price rental opportunities are the rent levels specified for low and moderate income households without subsidy.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-951A

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTER PATHWAYS, INC. FOR LEASE OF THE INTERIOR CARD RACK SPACE ON THE CITY'S BUSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Computer Pathways, Inc. for lease of the interior card rack space on the City's buses be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December 1990, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Dobbs, Irizarry, Patterson

ABSENT: Councilmembers: None

ATTEST: NOLLINE COYLE, City Clerk
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE KANSAS AND LONE PALM WATERLINE EXTENSION

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

SECTION 1. The plans and specifications for the Kansas and Lone Palm waterline extension, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, 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 PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING CENTRE PLAZA COMPUTER EQUIPMENT

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

SECTION 1. The plans and specifications for furnishing Centre Plaza computer 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 January 7, 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, 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 REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS CREATED. The Positions Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Community Development Program Specialist
Police Administrative Assistant

The specifications for the classifications of Community Development Program Specialist (Range 124), as shown on the attached Exhibit "A", and Police Administrative Assistant (Range 119), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:
Housing Program Specialist
Police Administrative Technician

SECTION 3. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Senior Wastewater Treatment Plant Operator

The revised specifications for the classification of Senior Wastewater Treatment Plant Operator (Range 123), as shown on the attached Exhibit "C", 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 4. EFFECTIVE DATE. This resolution shall become effective on and after December 11, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, 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

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

NORRINE COYLE, City Clerk

120690 -2- 10440CA2
DEFINITION

To initiate and maintain contact with residents, organizations, and small business owners interested in or eligible to participate in all Community Development programs offered through the Housing Program Office; to coordinate all monitoring and business assistance duties required by the Economic Development Revolving Loan Fund; to coordinate all outreach, marketing, and educational programs offered under the Economic Development Program; to monitor all non-profit organizations assisted under the Community Development Block Grant Program; to provide information and explanation of programs to all interested persons; to market programs; and to assist affected persons with the initial inspections of area units.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from Community Development Program Manager. Exercises functional supervision over employees funded by other sources outside the City, as well as interns.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Provide administrative and technical support for Housing Program Office.

Assist residents with relocations (temporary and permanent); locate rental units, and schedule movers.

Assist property owners with loan packages.

Compile and analyze data for environmental reviews, including small business loans, Annual Grantee Performance Report, Annual Rental Rehabilitation Performance Report, and Housing Assistance Plan.

Provide statistical methodology for major projects.

Initiate and maintain contact with residents, organizations, and small business owners interested in or eligible for all Community Development Programs.

Assist small business owners in applying for Economic Development Revolving Loans.

Coordinate all educational seminars and programs for clients, small business owners, and non-profit organizations.

Assist in the marketing of the Economic Development Programs; write and produce brochures, video tape segments, newspaper and magazine advertising copy to explain and market Economic Development Programs.

Assist Economic Development Loan Pool Subcommittee with small business loan applications; prepare data and reports for citizen committees.
Monitor small business loans and non-profit organization grants for employment data, proper expenditures according to the loan or grant agreements, and Federal regulations.

Develop and maintain automated systems for the compilation of economic data, participant files, and employment information.

Monitor the low income benefit and the effectiveness of existing Community Development Programs and sub-recipients and recommend the addition, expansion, or modification of programs and public outreach to respond to diverse and changing community needs.

Assist the Community Development Program Manager as needed.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Federal, State, and local economic and community development programs and their funding sources.

Principles and practices of business loans and monitoring.

Principles and practices of basic small business operations and techniques.

Pertinent Federal, State, and local laws, codes and regulations.

Effective communication skills with a wide diversity of clients.

Effective research methods, data collection, and practices.

Technical report writing styles.

Basic statistical and record-keeping methods.

Budgeting procedures and techniques.

Ability to:

Gather data and prepare recommendations.

Prepare statistical charges, graphs, and exhibits.

Foster cooperative working relationships with the general public.

Relate to the culture and problems of minority and lower income persons and groups.

Organize and implement a comprehensive program.
Interpret and apply Federal, State, and local policies, procedures, laws, and regulations.

Prepare and present reports for public meetings and funding workshops.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of increasingly responsible experience in finance, small business loan programs, community development programs, or a related field. Familiarity with housing program/funding jargon is highly desirable.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in finance, business management, public administration, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.
DEFINITION

To perform a wide variety of responsible technical and accounting work in support of administrative staff; and to provide analytical and technical staff assistance to Department and City staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from management or professional staff. May exercise functional supervision over technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Supervise and participate in processing payroll; implement internal procedures as required for collection of data for budgetary and statistical information; assist in resolving problems and questions.

Supervise and participate in processing purchase requests and payment of bills; research and answer questions regarding status of accounts and the proper coding of transactions.

Conduct special studies and projects; prepare grant proposals; prepare various financial and operational reports.

Review the accounts, records and procedures of Bingo and Fortune Telling operations within the City limits to insure compliance with State and City laws, rules and regulations.

Provide technical information and instruction regarding applicable procedures and methods; interpret and explain rules and regulations; answer questions and resolve problems and complaints.

Assist in departmental budget preparation and review; assist in budget transactions including calculations, expenditures and tracking of funds.

Develop costs, maintain records and prepare billings for contracted services.

Research background information; compile, prepare and present a variety of statistical and financial and narrative reports; prepare correspondence.

Prepare annual budget, participant contributions and financial statements for the Stanislaus Drug Enforcement Agency (SDEA); track revenue and expenditures; provide staff assistance for the governing committee.

Contact the public and outside agencies in acquiring and providing information and making referrals.

Perform related duties as assigned.
Knowledge of:

Principles and practices of governmental accounting and financial record keeping; auditing and examination procedures.

English usage, spelling, grammar and punctuation.

Modern office procedures, methods and computer equipment.

Pertinent Federal, State, and local laws, codes and regulations.

Technical report writing procedures and grant proposal development.

Principles and practices of budget preparation and administration.

Ability to:

Interpret and apply policies and procedures.

Perform a variety of technical accounting work.

Work with and control sensitive, confidential information.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Analyze facts and make sound recommendations.

Communicate clearly and concisely, both orally and in writing.

Estimate and project revenues and expenditures.

Plan, initiate and complete work assignments with minimal direction.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of responsible administrative or advanced clerical experience including public contact, accounting and financial record keeping.

Training:

Equivalent to completion of the twelfth grade supplemented by additional course work in accounting or a related field.
DEFINITION

To operate, monitor and otherwise maintain the facilities of a wastewater treatment plant to ensure effective treatment of domestic and industrial wastewater; and to maintain discharge quality in accordance with State and Federal requirements.

SUPERVISION RECEIVED AND EXERCISED

 Receives direction from the Wastewater Treatment Plant Operator Supervisor.

 Exercises technical supervision over plant operators and attendants.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

 Monitor the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

 Make calculations to determine if plant is operating correctly and effectively; make necessary adjustments to maintain chemical balances and flow requirements; adjust treatment plant equipment to obtain maximum efficiency and treatment results.

 Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment.

 Collect various water and sewage samples for laboratory tests; on occasion may perform some of the more routine laboratory analyses.

 Inspect wastewater treatment plant equipment and facilities to locate needed repairs to various plant equipment; perform general plant maintenance work.

 Inspect and maintain wastewater collection facilities; report all suspected problems; prepare maintenance requests.

 Prepare daily treatment plant log sheets; identify equipment status and lab sampling schedules; submit daily log sheets for evaluation by City, State, and monitory agencies.

 Conduct tours of the treatment plant to visitors, civic organizations and other interested parties.

 May assign work and provide training to other wastewater treatment plant staff.

 Monitor pump lift station and water computer for alarms; notify response team to correct problem; operate two-way radio to coordinate with lift stations.

 May be required to work irregular shifts.

 Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater treatment plant operations.
Operating principles of valves, pumps, and motors.
Principles and methods of bacteriological and chemical sewage analyses.
Wastewater discharge requirements.
Grit disposal unit.
Safe work practices.

Ability to:

Use and maintain self-contained breathing apparatus (safety mask) per annual physical examination.
Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.
Operate, repair, and maintain wastewater treatment plant equipment.
Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.
Take wastewater and sludge samples and perform some routine laboratory tests.
Diagnose operating problems and take effective courses of action.
Make independent technical decisions to maintain proper treatment process.
Keep records and maintain reports.
Understand and carry out oral and written instructions.
Train and supervise assigned staff.
Work irregular work shifts.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain cooperative working relationships with those contacted in the course of work.
Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience:**

Two years experience in wastewater treatment plant operations.

**Training:**

Equivalent to the completion of the twelfth grade.

**License or Certificate**

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a valid Grade III certificate from the California State Water Resources Control Board.

Persons employed as Senior Wastewater Treatment Plant Operators as of 12/1/90, will be required to obtain a valid Grade III certificate by 1/1/92, as issued through procedures established by the Board.
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 December 11, 1990, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes the position of Housing Program Specialist and Police Administrative Technician and establishes the salaries for two newly created positions; Community Development Program Specialist at Range 124 and Police Administrative Assistant at Range 119.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 11, 1990.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, 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]
NORMINE COYLE, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

By [Signature]
STAN Y. YAMAMOTO, CITY ATTORNEY
## CITY OF MODESTO
### CLASS RANGE TABLE
#### GENERAL NON-SWORN CLASSES

**Effective December 11, 1990**

<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  
        | Equipment Service Worker II |

121190
# Class Range Table

**General Non-Sworn Classes**

*Effective December 11, 1990*

<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  
|   | Assistant Lab Technician |

12190
<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 |
| 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   |       |
| 130   | Building Inspector II  
      | Construction Inspector  
      | Housing Rehabilitation Spec. II  
<pre><code>  | Hazardous Materials Inspector |
</code></pre>
<p>| 121190|       |</p>
<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 December 11, 1990
A RESOLUTION VACATING AND ABANDONING A PORTION OF THE 10-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 9923 IN THE CITY OF MODESTO.

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

WHEREAS, there is an easement on the real property located in Block 9923 in the City of Modesto, described in Exhibit "A" attached hereto, which is a portion of the 10-foot public utility easement in Block 9923 in the City of Modesto, and

WHEREAS, the Council finds and declares that:

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

2. The use of the property described in Exhibit "A", attached hereto, which is a portion of the 10-foot public utility easement in Block 9923 in the City of Modesto, is no longer necessary. This portion of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the vacation.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the 10-foot public utility easement located in Block 9923 in the City of Modesto which is described in Exhibit "A", which is attached hereto and incorporated by reference herein, be and it is hereby vacated and abandoned, such vacation and abandonment to be effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, 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

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department - Engineering Division
VACATE AND ABANDON A PORTION OF THE 10-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 9923

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 9, Township 4, South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwestern corner of Parcel "C", as per map filed January 8, 1980 in Book 30 of Parcel Maps, Page 4, Stanislaus County Records; thence along the Northern line of said Parcel "C", said line also being the Southern line of 60.00 foot Olivero Road, North 89 degrees 47' 17" East, 202.07 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 19 degrees 10' 44" and an Arc Length of 5.02 feet, to a point from which a radial line bears South 18 degrees 58' 01" West; thence along a non-tangent line, South 00 degrees 30' 15" East, 14.14 feet, to a point of cusp with a curve concave to the Southwest; thence Northwesterly along said curve having a Radius of 5.00 feet, a Central Angle of 89 degrees 42' 28" and an Arc Length of 7.83 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from said Northern line of Parcel "C"; thence along said parallel line, South 89 degrees 47' 17" West, 202.02 feet, to the Western line of Parcel "C"; thence along said Western line, North 00 degrees 30' 15" West, 10.00 feet, to the point of beginning.

EXHIBIT "A"
PARCEL "C"
30-PM-04

Δ = 19° 10' 44"
R = 15.00'
L = 5.02'
T = 2.53'

Δ = 89° 42' 28"
R = 5.00'
L = 7.33'
T = 4.97'

VACATE AND ABANDON
A PORTION OF THE 10-FT
PUBLIC UTILITY EASEMENT IN BLOCK 9923
RESOLUTION NO. 90-957

A resolution appointing members of the Coordinating Committee for phase 3 of the Turlock Irrigation District 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 Coordinating Committee for Phase 3 of the Turlock Irrigation District Surface Water Project:
- Regular member - Councilmember Frank Muratore
- Alternate - Councilmember Richard Patterson
- Alternate - Public Works & Transportation Director

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Coordinating Committee for Phase 3 of the Turlock Irrigation District 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 11th day of December, 1990, 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, Dibbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-958

A RESOLUTION AMENDING THE 1990-91 ANNUAL BUDGET OF THE
CITY OF MODESTO.

WHEREAS, it has been determined that certain adjustments are
required to be made to the Annual Budget of the City of Modesto for the Fiscal
Year 1990-91 in order to provide funding for the approved General Fund
Supplemental requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the adjustments listed on Exhibit B attached hereto and incorporated
herein by reference are approved and shall 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 18th day of December 1990, 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

10515CA2
### CITY OF MODESTO
### SUPPLEMENTAL REQUESTS - GENERAL FUND
### 1990-91
### EXHIBIT B

#### CITY MANAGER

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Inc/Dec</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>020</td>
<td>0201</td>
<td>0223</td>
<td>OFFICE MODIFICATION FOR CITY MANAGER</td>
<td>Inc</td>
<td>3,500</td>
</tr>
<tr>
<td>010</td>
<td>020</td>
<td>0201</td>
<td>0235</td>
<td>LABOR RELATIONS CONSULTANT</td>
<td>Inc</td>
<td>3,000</td>
</tr>
<tr>
<td>010</td>
<td>020</td>
<td>0202</td>
<td>0230</td>
<td>1 DIRECT MAIN OR 2 INSERTS IN MOD BEE</td>
<td>Inc</td>
<td>20,000</td>
</tr>
<tr>
<td>010</td>
<td>020</td>
<td>0212</td>
<td>5962</td>
<td>SWIVEL CHAIR, WITH ARMS</td>
<td>Inc</td>
<td>510</td>
</tr>
<tr>
<td>010</td>
<td>020</td>
<td>0222</td>
<td>0110</td>
<td>ADMIN ANALYST II (UPGRADE)</td>
<td>Inc</td>
<td>888</td>
</tr>
<tr>
<td>010</td>
<td>020</td>
<td>0222</td>
<td>0160</td>
<td>FRINGE BENEFITS</td>
<td>Inc</td>
<td>266</td>
</tr>
</tbody>
</table>

#### CITY ATTORNEY

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Inc/Dec</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>040</td>
<td>0401</td>
<td>0235</td>
<td>CITYLINK LEGAL SERVICES SYS. (LSS)</td>
<td>Inc</td>
<td>776</td>
</tr>
<tr>
<td>010</td>
<td>040</td>
<td>0401</td>
<td>5963</td>
<td>4 STORAGE BINS/WITH TRACKS</td>
<td>Inc</td>
<td>2,196</td>
</tr>
<tr>
<td>010</td>
<td>040</td>
<td>0401</td>
<td>5964</td>
<td>LATERAL FILE</td>
<td>Inc</td>
<td>438</td>
</tr>
<tr>
<td>010</td>
<td>040</td>
<td>0401</td>
<td>5965</td>
<td>BUILT-IN WOODEN BOOKCASE</td>
<td>Inc</td>
<td>2,000</td>
</tr>
<tr>
<td>010</td>
<td>040</td>
<td>0401</td>
<td>5966</td>
<td>DEERINGS ANNO CODES WITH 4 YRS SUP.</td>
<td>Inc</td>
<td>2,210</td>
</tr>
</tbody>
</table>

#### FINANCE

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Inc/Dec</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>120</td>
<td>1222</td>
<td>5967</td>
<td>CHECK SIGNER/MAIL MACHINE</td>
<td>Inc</td>
<td>6,210</td>
</tr>
<tr>
<td>010</td>
<td>120</td>
<td>1222</td>
<td>5968</td>
<td>CABINETS, FILE 5 DRAWER LEGAL (2)</td>
<td>Inc</td>
<td>1,100</td>
</tr>
<tr>
<td>010</td>
<td>120</td>
<td>1252</td>
<td>0120</td>
<td>PRINTING SVCS OPERATOR (PART-TIME)</td>
<td>Inc</td>
<td>10,000</td>
</tr>
<tr>
<td>010</td>
<td>120</td>
<td>1252</td>
<td>0235</td>
<td>RECORDS MGMT SYSTEM-CONSULTANT</td>
<td>Inc</td>
<td>6,000</td>
</tr>
<tr>
<td>010</td>
<td>120</td>
<td>1252</td>
<td>0301</td>
<td>RECORDS MGMT SYSTEM-MATERIALS</td>
<td>Inc</td>
<td>750</td>
</tr>
<tr>
<td>010</td>
<td>120</td>
<td>1252</td>
<td>5969</td>
<td>RECORDS MANAGEMENT SYSTEM</td>
<td>Inc</td>
<td>8,340</td>
</tr>
</tbody>
</table>

#### PLANNING

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Inc/Dec</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>140</td>
<td>1401</td>
<td>5970</td>
<td>SLIDE PROJECTOR</td>
<td>Inc</td>
<td>600</td>
</tr>
<tr>
<td>010</td>
<td>140</td>
<td>1401</td>
<td>5971</td>
<td>CAMERA FOR ZONING INSPECTION</td>
<td>Inc</td>
<td>680</td>
</tr>
<tr>
<td>010</td>
<td>140</td>
<td>1401</td>
<td>5972</td>
<td>CHAIRS (6)</td>
<td>Inc</td>
<td>1,872</td>
</tr>
</tbody>
</table>

#### PARKING & TRAFFIC

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Inc/Dec</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>160</td>
<td>1601</td>
<td>0110</td>
<td>ASSISTANT TRAFFIC ENGINEER</td>
<td>Inc</td>
<td>16,123</td>
</tr>
<tr>
<td>010</td>
<td>160</td>
<td>1601</td>
<td>0160</td>
<td>FRINGE BENEFITS</td>
<td>Inc</td>
<td>4,609</td>
</tr>
<tr>
<td>010</td>
<td>160</td>
<td>1601</td>
<td>0209</td>
<td>TRAINING EXPENSE</td>
<td>Inc</td>
<td>335</td>
</tr>
<tr>
<td>010</td>
<td>160</td>
<td>1601</td>
<td>0301</td>
<td>OFFICE SUPPLIES</td>
<td>Inc</td>
<td>200</td>
</tr>
<tr>
<td>010</td>
<td>160</td>
<td>1601</td>
<td>5832</td>
<td>FURNITURE</td>
<td>Inc</td>
<td>2,000</td>
</tr>
<tr>
<td>010</td>
<td>160</td>
<td>1601</td>
<td>5837</td>
<td>CAMERA</td>
<td>Inc</td>
<td>550</td>
</tr>
<tr>
<td>010</td>
<td>160</td>
<td>1601</td>
<td>5849</td>
<td>TWO SWIVEL CHAIRS</td>
<td>Inc</td>
<td>632</td>
</tr>
</tbody>
</table>

#### FIRE DEPARTMENT

<table>
<thead>
<tr>
<th>Fund</th>
<th>Agcy</th>
<th>Org</th>
<th>Object</th>
<th>Line Description</th>
<th>Inc/Dec</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>180</td>
<td>1802</td>
<td>0209</td>
<td>2 EARTHQUAKE CLASSES AT C.S.T.I.</td>
<td>Inc</td>
<td>915</td>
</tr>
<tr>
<td>010</td>
<td>180</td>
<td>1801</td>
<td>0210</td>
<td>RENT &amp; UTILITIES FOR OFFICE SPACE</td>
<td>Inc</td>
<td>45,000</td>
</tr>
<tr>
<td>010</td>
<td>180</td>
<td>1802</td>
<td>5868</td>
<td>UPDATE EOC</td>
<td>Inc</td>
<td>13,085</td>
</tr>
<tr>
<td>010</td>
<td>180</td>
<td>1801</td>
<td>5973</td>
<td>OFFICE FURNITURE</td>
<td>Inc</td>
<td>8,000</td>
</tr>
<tr>
<td>010</td>
<td>180</td>
<td>1801</td>
<td>5977</td>
<td>REGIONAL TRAINING CENTER</td>
<td>Inc</td>
<td>60,000</td>
</tr>
<tr>
<td>Code</td>
<td>Department</td>
<td>Item Description</td>
<td>Quantity</td>
<td>Price</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------------------</td>
<td>--------------------------------------------------------</td>
<td>----------</td>
<td>---------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>ADMIN CLERK II (PART TIME)</td>
<td></td>
<td>1</td>
<td>3,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>FIRE DEPT MECHANIC (1)</td>
<td></td>
<td>1</td>
<td>10,886</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>FIRE DEPT MECHANIC FRINGE BENEFITS</td>
<td></td>
<td>1</td>
<td>3,120</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>UNIFORM ALLOWANCE</td>
<td></td>
<td>1</td>
<td>110</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>CONFERENCE</td>
<td></td>
<td>1</td>
<td>500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>LIFT JACKS FOR SHOP</td>
<td></td>
<td>1</td>
<td>50,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>STOVE &amp; OVEN COMBINATION (2)</td>
<td></td>
<td>2</td>
<td>1,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>REPLACE CARPET AT STA 4 &amp; 5</td>
<td></td>
<td></td>
<td>6,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>STAIR MASTER EXERCISE MACHINE (1)</td>
<td></td>
<td>1</td>
<td>2,510</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**POLICE DEPARTMENT**

<table>
<thead>
<tr>
<th>Code</th>
<th>Department</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>UTILITIES-CELLULAR PHONES</td>
<td></td>
<td></td>
<td>12,000</td>
</tr>
<tr>
<td>010</td>
<td>CUSTODIAN (1)</td>
<td></td>
<td></td>
<td>10,496</td>
</tr>
<tr>
<td>010</td>
<td>CUSTODIAN FRINGE BENEFITS</td>
<td></td>
<td></td>
<td>3,250</td>
</tr>
<tr>
<td>010</td>
<td>MAINTENANCE AGREEMENT</td>
<td></td>
<td></td>
<td>158</td>
</tr>
<tr>
<td>010</td>
<td>UNIFORM SERVICE</td>
<td></td>
<td></td>
<td>90</td>
</tr>
<tr>
<td>010</td>
<td>CUSTODIAL EQUIPMENT (VACUUM, ETC.)</td>
<td></td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>010</td>
<td>SHARP CASH REGISTER ER-2395</td>
<td></td>
<td></td>
<td>725</td>
</tr>
<tr>
<td>010</td>
<td>CANON 110 ELECTRONIC TYPEWRITER</td>
<td></td>
<td></td>
<td>575</td>
</tr>
<tr>
<td>010</td>
<td>DETECTIVE (2)</td>
<td></td>
<td></td>
<td>43,716</td>
</tr>
<tr>
<td>010</td>
<td>DETECTIVE FRINGE BENEFITS</td>
<td></td>
<td></td>
<td>14,609</td>
</tr>
<tr>
<td>010</td>
<td>UNIFORM ALLOWANCE $65/MO.</td>
<td></td>
<td></td>
<td>780</td>
</tr>
<tr>
<td>010</td>
<td>EQUIPMENT RENTAL</td>
<td></td>
<td></td>
<td>4,368</td>
</tr>
<tr>
<td>010</td>
<td>DEPARTMENT ISSUE EQUIPMENT</td>
<td></td>
<td></td>
<td>800</td>
</tr>
<tr>
<td>010</td>
<td>DESKS AND CHAIRS</td>
<td></td>
<td></td>
<td>1,440</td>
</tr>
<tr>
<td>010</td>
<td>VEHICLE EQUIP(SIREN, LIGHT, ETC)</td>
<td></td>
<td></td>
<td>7,966</td>
</tr>
<tr>
<td>010</td>
<td>POLICE PERSONNEL (9)</td>
<td></td>
<td></td>
<td>162,241</td>
</tr>
<tr>
<td>010</td>
<td>FRINGE BENEFITS</td>
<td></td>
<td></td>
<td>54,352</td>
</tr>
<tr>
<td>010</td>
<td>UNIFORM ALLOWANCE</td>
<td></td>
<td></td>
<td>2,910</td>
</tr>
<tr>
<td>010</td>
<td>EQUIPMENT RENTAL</td>
<td></td>
<td></td>
<td>13,800</td>
</tr>
<tr>
<td>010</td>
<td>LOCKERS</td>
<td></td>
<td></td>
<td>588</td>
</tr>
<tr>
<td>010</td>
<td>DEPARTMENT ISSUE EQUIPMENT</td>
<td></td>
<td></td>
<td>2,800</td>
</tr>
<tr>
<td>010</td>
<td>VEHICLE EQUIP(SIREN, LIGHT, ETC)</td>
<td></td>
<td></td>
<td>29,760</td>
</tr>
<tr>
<td>010</td>
<td>RADAR GUN</td>
<td></td>
<td></td>
<td>1,200</td>
</tr>
<tr>
<td>010</td>
<td>DESK AND CHAIR (1)</td>
<td></td>
<td></td>
<td>760</td>
</tr>
<tr>
<td>010</td>
<td>REP LIGHTBARS WITH OVERHEAD CONSOLE</td>
<td></td>
<td></td>
<td>17,659</td>
</tr>
<tr>
<td>010</td>
<td>BULLET PROOF SHIELD</td>
<td></td>
<td></td>
<td>2,990</td>
</tr>
<tr>
<td>010</td>
<td>LIGHTWEIGHT BULLET PROOF SHIELDS</td>
<td></td>
<td></td>
<td>1,570</td>
</tr>
</tbody>
</table>

**PARKS & RECREATION**

<table>
<thead>
<tr>
<th>Code</th>
<th>Department</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>INTERGOVERNMENTAL SERVICES</td>
<td></td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>010</td>
<td>MAINTENANCE MECHANIC</td>
<td></td>
<td></td>
<td>10,892</td>
</tr>
<tr>
<td>010</td>
<td>FRINGE BENEFITS</td>
<td></td>
<td></td>
<td>3,308</td>
</tr>
<tr>
<td>010</td>
<td>RENT FOR ONE TON WALK THROUGH VAN</td>
<td></td>
<td></td>
<td>3,500</td>
</tr>
<tr>
<td>010</td>
<td>LAUNDRY, CLEANING/SAFETY PATCHES</td>
<td></td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>010</td>
<td>TOOLS, SHOP AND FIELD SUPP</td>
<td></td>
<td></td>
<td>700</td>
</tr>
<tr>
<td>010</td>
<td>SEWER AUGER</td>
<td></td>
<td></td>
<td>1,285</td>
</tr>
<tr>
<td>010</td>
<td>30 YD DROP BIN</td>
<td></td>
<td></td>
<td>2,352</td>
</tr>
<tr>
<td>010</td>
<td>PARK SECURITY</td>
<td></td>
<td></td>
<td>6,000</td>
</tr>
<tr>
<td>010</td>
<td>EQUIPMENT POOL RENTAL</td>
<td></td>
<td></td>
<td>885</td>
</tr>
<tr>
<td>010</td>
<td>FENCE/E. LA LOMA EROSION CONTROL</td>
<td></td>
<td></td>
<td>7,400</td>
</tr>
<tr>
<td>010</td>
<td>TELESCOPING POWER PRUNER CHAIN SAW</td>
<td></td>
<td></td>
<td>750</td>
</tr>
<tr>
<td>Code</td>
<td>Quantity</td>
<td>Item Description</td>
<td>Cost</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>360</td>
<td>LANDSCAPING SERVICE</td>
<td>7,000</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>370</td>
<td>PART-TIME STAFF FOR EXCURSIONS</td>
<td>4,407</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>370</td>
<td>PROFESSIONAL SERVICES</td>
<td>11,011</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>380</td>
<td>PART TIME STAFF - VACATION RELIEF</td>
<td>1,739</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>380</td>
<td>SHIRTS AND LAUNDRY</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>380</td>
<td>CONFERENCE - SAN DIEGO</td>
<td>1,020</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>380</td>
<td>MINI BLINDS AND INSTALLATION</td>
<td>1,300</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>380</td>
<td>PROFESSIONAL SERVICES</td>
<td>670</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>380</td>
<td>DRAPES FOR THE AUDITORIUM</td>
<td>2,500</td>
<td></td>
</tr>
</tbody>
</table>

**PUBLIC WORDS & TRANSPORTATION**

<table>
<thead>
<tr>
<th>Code</th>
<th>Quantity</th>
<th>Item Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>010</td>
<td>410</td>
<td>CIVIL ENGINEERING SOFTWARE</td>
<td>10,000</td>
</tr>
<tr>
<td>010</td>
<td>410</td>
<td>COPY MACHINE/KONICA 3290</td>
<td>11,500</td>
</tr>
<tr>
<td>010</td>
<td>410</td>
<td>UPDATE EXISTING COMPUTER</td>
<td>6,000</td>
</tr>
<tr>
<td>010</td>
<td>410</td>
<td>COMPUTER EQUIPMENT/CIVIL ENG</td>
<td>22,000</td>
</tr>
<tr>
<td>010</td>
<td>410</td>
<td>2 DRAFTING CHAIRS</td>
<td>800</td>
</tr>
<tr>
<td>010</td>
<td>420</td>
<td>CONSTRUCTION RELATED SOFTWARE</td>
<td>1,905</td>
</tr>
<tr>
<td>010</td>
<td>420</td>
<td>TERRA 720 CH COMM. RADIO W/CHGR</td>
<td>478</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>ELECTRICIAN</td>
<td>12,030</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>ELECTRICIAN FRINGE BENEFITS</td>
<td>3,559</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>EQUIPMENT POOL RENTAL</td>
<td>4,655</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>OFFICE SUPPLIES</td>
<td>50</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>MISC. TOOLS FOR VAN</td>
<td>4,000</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>PORTABLE GENERATOR ES 6500</td>
<td>2,750</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>RATCHET BENDER</td>
<td>2,850</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>PIPE THREADER 1/2&quot; - 2&quot;</td>
<td>320</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>CHAIR WITH ARMS, SWIVEL</td>
<td>416</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>ELECT DIV OFFICE FLOOR REPL</td>
<td>700</td>
</tr>
<tr>
<td>010</td>
<td>450</td>
<td>BORING TOOL</td>
<td>6,500</td>
</tr>
<tr>
<td>010</td>
<td>460</td>
<td>TRAINING</td>
<td>1,390</td>
</tr>
<tr>
<td>010</td>
<td>460</td>
<td>3 BOOKCASES &amp; $200 EA</td>
<td>600</td>
</tr>
<tr>
<td>010</td>
<td>460</td>
<td>BATTERY POWERED AUGER</td>
<td>600</td>
</tr>
<tr>
<td>010</td>
<td>460</td>
<td>SIDEWALK GRINDING MACHINE</td>
<td>4,794</td>
</tr>
<tr>
<td>010</td>
<td>460</td>
<td>3 HAND HELD RADIOS</td>
<td>3,000</td>
</tr>
<tr>
<td>010</td>
<td>460</td>
<td>WATERLESS SAW</td>
<td>2,140</td>
</tr>
<tr>
<td>010</td>
<td>490</td>
<td>TRAINING</td>
<td>1,700</td>
</tr>
<tr>
<td>010</td>
<td>490</td>
<td>REAL PROPERTY MTC AND REPAIR SUP</td>
<td>12,400</td>
</tr>
<tr>
<td>010</td>
<td>490</td>
<td>HEPA VACUUM</td>
<td>860</td>
</tr>
<tr>
<td>010</td>
<td>490</td>
<td>RECEPTIONIST/LOBBY FURNITURE</td>
<td>3,000</td>
</tr>
<tr>
<td>010</td>
<td>490</td>
<td>REPLACE DISPLAY CASE/DIRECTORY</td>
<td>2,600</td>
</tr>
</tbody>
</table>
GENERAL ADJUSTMENTS

010 700 7000 7130 TRANSFER OUT TO FUND 130 156,365
010 700 7000 7670 TRANSFER OUT TO FUND 670 6,300
010 700 7000 7720 TRANSFER OUT TO FUND 720 569,617

010 800 8000 8003 CONTINGENCY RESERVE (1,895,868)
010 800 8000 8006 CAPITAL RESERVE 268,452 (895,134)

SPECIAL FUND FOR CAPITAL OUTLAYS

130 190 9910 6000 DATA PROCESSING FUND 156,365

SERVICE DIVISION FUND

720 480 5812 5830 1-TON VAN (4512) 42,500
720 480 5812 5853 PACKER TRUCK(4612) 115,759
720 480 5812 5854 PACKER TRUCK(4612) 115,759
720 480 5812 5855 1 TON CREWCAB DUMP PU(3212) 19,643
720 480 5812 5856 1 TON CREWCAB DUMP PU(3113) 19,643
720 480 5812 5857 1 TON CREWCAB DUMP PU(3113) 19,643
720 480 5812 5858 1 TON CREWCAB DUMP PU(3113) 19,643
720 480 5812 5859 BACKHOE/LOADER(3112) 19,725
720 480 5812 5860 1/2 TON PICKUP(3113) 14,012
720 480 5812 5861 GVW MECHANICS VAN(3112) 23,872
720 480 5812 5862 1/2 TON PICK UP W/LIFT GATE(3212) 15,912
720 480 5812 5863 1/2 TON PICK UP W/LIFT GATE(3113) 15,912
720 480 5812 5864 1/2 TON PICK UP W/LIFT GATE(3113) 15,912
720 480 5812 5865 TURK TRUCK(3113) 5,500
720 480 5812 5866 PORTABLE WELDER(5812) 2,869
720 480 5812 5992 ONE TON WALK THROUGH VAN (3112) 24,000
720 480 5812 5993 WALK-BEHIND AERATOR/SEEDER (3113) 4,313
720 480 5813 5980 VEHICLES (2) (1941) 24,000
720 480 5813 5982 VEHICLES (3) PATROL (1961) 51,000

720 700 7000 9010 TRANSFER IN FROM FUND 010 569,617 REVENUE

CENTRE PLAZA FUND

670 340 3412 0235 TELEPHONE INTERFACE 2,800
670 340 3412 5867 RADIOS (3) WITH CHARGERS 3,500

670 700 7000 9010 TRANSFER IN FROM FUND 010 6,300 REVENUE
MODESTO CITY COUNCIL
RESOLUTION NO. 90-959

A RESOLUTION ORDERING THE FLORENCE/PANAMA REORGANIZATION TO THE CITY OF MODESTO. (INHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated October 24, 1990, approved the proposed Florence/Panama Reorganization to the City of Modesto upon condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Florence/Panama Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Florence/Panama Reorganization is inhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Burbank-Paradise Fire Protection District; (c) the reorganization boundaries to include only the area on the north and south sides of Florence Avenue east of Panama Drive comprising an area of 10.75 acres; and (d) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on October 24, 1990, ordered that a Negative Declaration be filed as to the environmental impact of the subject Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and
WHEREAS, the reason for this annexation is as follows:
To maintain R-3 zoning and to receive City services.
WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and
WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and
WHEREAS, the 18th day of December, 1990, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and
WHEREAS, said public hearing was held on December 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and the Council of the City of Modesto did hear and pass the proposed reorganization, and
WHEREAS, no written protests were filed by any owners of land or registered voters within the affected territory at the conclusion of said hearing,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 have been complied with.
2. That the area or territory designated as the Florence/Panama Reorganization is more particularly described on Exhibit A attached hereto and made a part hereof by reference as though set forth in full herein.
3. Said territory is hereby annexed to and made a part of the City of Modesto.
4. Said territory is hereby detached from the Burbank–Paradise Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the negative declaration prepared by the Stanislaus County Local Agency Formation Commission including mitigation measures as to the environmental impact of this Reorganization has been reviewed and considered.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December 1990, 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

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation
Department - Engineering Division
FLORENCE PANAMA REORGANIZATION

All that real property situate, lying and being in the County of Stanislaus, State of California, as follows:

All that fractional portion of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and described with reference to that certain map of the High School Acre Tract, filed for record in Volume 9 of Maps, at Page 68, Stanislaus County Records, more particularly described as follows:

Beginning at a point on the existing city limits line of the City of Modesto at its intersection of the center line of Panama Drive and the westerly extension of the southerly line of Lot 28 of aforesaid High School Acre Tract; thence North 0°33’ West along said existing city limits line and the center line of Panama Drive, a distance of 616.00 feet; thence North 89°27’ East along said existing city limits line a distance of 380.00 feet to the southeast corner of Lot 7 of said High School Acre Tract; thence leaving said existing city limits line, North 89°27’ East along the north side of Lots 17, 18, 19 and 20 of said High School Acre tract a distance of 362.80 feet to a point on the northwesterly side of Modesto Irrigation District, Lateral Number 5; thence South 70°41’ East 100.00 feet to a point on the southeasterly side of Modesto Irrigation District, Lateral Number 5; thence along the southeasterly side of Modesto Irrigation District, Lateral Number 5 the following three (3) courses:

(1) South 19°19’ West 514.20 feet;
(2) Southwesterly along the arc of a curve to the right, tangent to the preceding course, with a radius of 954.00 feet and a central angle of 12°35’00”, a distance of 209.52 feet and
(3) South 31°54’ West 61.90 feet to a point that bears South 58°06’ East 100.00 feet from the most southerly corner of Lot 22 of said High School Acre Tract; thence North 58°06’ West 100.00 feet to the most southerly corner of said Lot 22; thence North 0°33’ West along the westerly side of said Lot 22 a distance of 83.10 feet to the northeast corner of Lot 29 of said High School Acre Tract; thence South 89°27’ West along the north side of said Lot 29, a distance of 452.00 feet to the Point of Beginning.

Containing 10.75 acres more or less.
A RESOLUTION GRANTING THE APPEAL OF THOMPSON-HYSELL ENGINEERS ON BEHALF OF ZAGARIS ENTERPRISES TO THE DECISION OF THE PLANNING COMMISSION RELATING TO A CONDITION IMPOSED BY THE PLANNING COMMISSION UPON APPROVAL OF A VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT THE SOUTH SIDE OF SCENIC DRIVE AT COFFEE ROAD. (SCENIC ROAD PROPERTIES)

WHEREAS, the vesting tentative parcel map of property on the south side of Scenic Drive at Coffee Road 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 vesting 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 hearing the Planning Commission, by Resolution No. 90-95, found and determined that the vesting tentative parcel map of property on the south side of Scenic Drive at Coffee Road accepted for filing in the office of the Secretary of the Planning Commission on October 4, 1990, should be approved as submitted and as shown in red on the face of the map subject to compliance with the conditions set forth in said Planning Commission Resolution, and
WHEREAS, an appeal to the decision of the Planning Commission approving said vesting tentative parcel map subject to the imposition of the requirement for a twenty foot access easement between the project site and the adjacent property to the west (Condition 14) was filed with the City Clerk by Thompson-Hysell Engineers on behalf of Zagaris Enterprises, by letter dated November 29, 1990, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on December 18, 1990, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Thompson-Hysell Engineers on behalf of Zagaris Enterprises to the decision of the Planning Commission relating to Condition 14 of Planning Commission Resolution No. 90-95, should be granted for the following reason:

1. The difference in the elevation between the project site and the property to the west would make it difficult for vehicular access between the two properties.

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 with mitigation measures in regard to the environmental impact of the requested tentative parcel map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. APPEAL GRANTED. The appeal of Thompson-Hysell Engineers on behalf of Zagaris Enterprises to the decision of the Planning Commission relating to Condition No. 14 of Planning Commission Resolution No. 90-95 is hereby granted.

SECTION 2. MODIFICATION OF CONDITIONS OF PLANNING COMMISSION RESOLUTION NO. 90-95. The conditions of Planning Commission Resolution No. 90-95 are hereby modified to read as follows:

1. That street dedication be provided along the Scenic Drive frontage of Parcels 1 and 8 for bus turnouts as approved by the Public Works and Transportation Director.

2. That the Scenic Drive and Coffee Road intersection shall be improved in accordance with City of Modesto Standard Specifications and the traffic mitigation measures required by the Mitigated Negative Declaration. Improvements along Scenic Drive involve Parcels 5, 6, 7, and 8. The traffic mitigation measures are as follows:
   a. Medians shall be installed at the developer's expense on both Scenic Drive approaches to Coffee Road and on the Coffee Road approach to Scenic in accordance with City Council Policy 3.016 ("A Policy on Curbed Medians on Major Streets").
   b. Driveways to the development shall be located in accordance with Standard Specifications Section 3.13. (The proposed site plan is consistent with this.)
   c. The developer shall reconstruct Coffee Road at Scenic Drive to provide:
      (1) two northbound lanes,
      (2) two southbound left turn lanes,
      (3) one widened southbound through-plus-right lane, and
      (4) bike lanes in both directions of travel.
   d. The developer shall dedicate right-of-way and widen both legs of Scenic Drive at Coffee Road to provide:
(1) a westbound left turn lane, right turn lane, and three through lanes,

(2) two eastbound left turn lanes, and three through lanes, and

(3) two bus turnouts, one at the west end of the property and one at the east end of the property.

e. The developer shall provide two lanes on the northbound approach (south leg): one lane for left turns only and a combined lane for through traffic and right turning traffic.

f. The developer shall modify the signal control system at the Scenic/Coffee intersection to accommodate the widening and restriping improvements set forth above. These improvements will include, but not necessarily be limited to, signal pole and mast arm relocation or replacement, detector loop relocation and additions, signal head modifications and additions, and controller modifications.

g. All roadway, intersection, and signal improvements shall be constructed prior to issuance of any occupancy permits and shall be constructed in accordance with City of Modesto Standard Specifications pursuant to improvement plans approved by the Public Works and Transportation Director.

h. The developer shall receive a credit against required Capital Facilities Fees (CFF) for the construction of any street improvements which are included in the CFF Projects List.

3. That the Scenic Drive frontages of Parcels 1, 2, 3, and 4 shall be improved to modified major street standards in accordance with City of Modesto Standard Specifications as approved by the Public Works and Transportation Director.

4. 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.

5. That the street improvements shall be completed as required by the Municipal Code or the traffic mitigation measures prior to issuance of any occupancy permits or within two years of parcel map recordation, whichever occurs first.
6. That a certificate giving notice that street improvements are required along the Scenic Drive frontages of the property and at the Coffee Road and Scenic Drive intersection shall be placed on the parcel map.

7. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorders Office on a form available in the Planning and Community Development Department.

8. That sidewalk and planting easements shall be dedicated along the Scenic Drive frontages of the property as required by the Public Works and Transportation Director.

9. That payment shall be made to the City for the planting of street trees along the Scenic Drive frontage 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 shall be as determined by the Public Works and Transportation Director.

10. That public utility easements shall be dedicated as required by utility companies serving the project. Any relocation of electrical lines shall be at the developer's expense and approved by Modesto Irrigation District.

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

12. That prior to approval of a parcel map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Property Association which shall guarantee continued maintenance of parking areas, driveways, and landscaping areas in the development. Said documents shall be recorded concurrently with the parcel map.

13. That direct vehicular access between Scenic Drive and the adjacent lots except for two curbcuts shall be denied by appropriate notes on the parcel map. One curbcut straddles Parcels 2 and 3. The second curbcut straddles Parcels 7 and 8. Specific location of the curb-cuts shall be approved by the Public Works and Transportation Department.

14. That the existing bicycle easement on the parcel map through Parcels 7 and 8 shall remain. Any modification shall be made consistent with the 1986 agreement between Scenic Road Properties, a partnership, and the City of Modesto for the bike path between Scenic Drive and Dry Creek at Coffee Road.
15. That an open-space easement be provided from top of bluff to Dry Creek to perpetuate the natural condition. No development shall be permitted below the top of bluff except on Parcel B.

16. That all existing structures shall be removed or relocated to comply with applicable zoning regulations prior to recordation of the parcel map.

17. That the property owner 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 parcel map, 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 property owner of any claim, action, or proceeding and shall cooperate fully in the defense.

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

19. All construction within the 100 year floodplain shall be approved by the State Board of Reclamation and the Federal Emergency Management Agency.

20. If the existing access easement on Parcel B remains, no building construction shall occur on the easement.

21. That all trash and litter be cleared in the area from the top of the bluff to Dry Creek prior to recordation of the parcel map.

SECTION 3. OTHER PROVISIONS OF PLANNING COMMISSION RESOLUTION NO. 90-95. All other provisions of Planning Commission Resolution No. 90-95 not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination with mitigation measures 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 18th day of December, 1990, 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
MODesto City Council
Resolution No. 90-961

A Resolution Approving Plans and Specifications and Authorizing Call for Bids for the John Thurman Field Bleacher Renovation

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

SECTION 1. The plans and specifications for the John Thurman Field bleacher renovation 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 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 18th day of December, 1990, 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
RESOLUTION NO. 90-962

A RESOLUTION REJECTING ALL BIDS FOR THE SCENIC BEND PUMP STATION ODOR CONTROL PROJECT, APPROVING REVISED PLANS AND SPECIFICATIONS, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 90-871, adopted by the Council of the City of Modesto on November 6, 1990, approved the plans and specifications for the Scenic Bend Pump Station Odor Control Project, and authorized the call for bids; and

WHEREAS, the bids received for the Scenic Bend Pump Station Odor Control Project were opened at 11:00 a.m. on December 6, 1990 in the office of the City Clerk; and

WHEREAS, only one bid was received which was 33% over the Engineer's estimate and based on conversations with other potential bidders, staff believes a rebid with minor modifications to the plans will result in more competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the Scenic Bend Pump Station Odor Control Project, and opened in the office of the City Clerk on December 6, 1990, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for the Scenic Bend Pump Station Odor Control Project to be opened January 10, 1991, at 11:00 a.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, 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
A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS AS THE PRIMARY FIRM TO FURNISH ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

WHEREAS, Resolution No. 90-899 , adopted by the Council of the City of Modesto on November 13, 1990, approved the plans and specifications for purchase of annual pump repair for the City's ground water pumping stations and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of annual pump repair for the City's ground water pumping stations were opened at 10:00 a.m. on December 3, 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 Howk Systems in the amount of $8,960.00 per pump repair, as the primary firm to furnish annual pump repair for the City's ground water pumping stations be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems in the amount of $8,960.00 per pump repair be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, 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:
A RESOLUTION ACCEPTING THE BID OF CENTRAL PUMP AS THE BACKUP FIRM TO FURNISH ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

WHEREAS, Resolution No. 90-899, adopted by the Council of the City of Modesto on November 13, 1990, approved the plans and specifications for purchase of annual pump repair for the City's ground water pumping stations and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of annual pump repair for the City's ground water pumping stations were opened at 10:00 a.m. on December 3, 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 Central Pump in the amount of $10,600 per pump repair, as the backup firm to furnish annual pump repair for the City's ground water pumping stations be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Pump in the amount of $10,600 per pump repair be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, 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]
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIX HAND-HELD ELECTRONIC METER READING SYSTEMS FROM SYSCON, INC.

WHEREAS, the Public Works and Transportation Department, Operations Division, has requested the purchase of six hand-held electronic meter reading systems to be used monthly to read all of the City's water meters for submission to the Finance Department for billing purposes; and

WHEREAS, informal bids were solicited from the only two known firms that manufacture and support the electronic hand-held meter reading systems that will furnish the City with the information required and is compatible with our IBM Mainframe and CUBIS software system; and

WHEREAS, due to the requirement of needing the meter readers in early January, and the competitive pricing received from the two firms solicited, staff recommends that formal bidding be waived and authorization be given for purchase of six hand-held meter readers from Syscon, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of six hand-held electronic meter reading systems is hereby waived.

BE IT FURTHER RESOLVED that authorization for purchase of six hand-held electronic meter reading systems from Syscon, Inc. for the total price of $24,850 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, 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 APPROVING AN AGREEMENT IN CONJUNCTION WITH STANISLAUS COUNTY FOR THE PURCHASE OF PERSONAL COMPUTERS, ASSOCIATED EQUIPMENT, AND SERVICES FROM NYNEX CORPORATION

WHEREAS, the City's Purchasing Division of Finance and the Purchasing Department of Stanislaus County have worked cooperatively to develop specifications for the purchase of personal computers, associated equipment, and services in a joint attempt to obtain firm discount price structures for the equipment and services that both agencies continually need; and

WHEREAS, formal bid procedures were opened on October 10, 1990, and after detailed analysis by a committee of City and County staff members, it was agreed to recommend award of contract to Nynex Corporation in Sacramento, who was also the only vendor to state in their proposal that all the terms and conditions contained in the Request for Proposals were acceptable and specifically agreed to by them.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of personal computers, associated equipment, and services is hereby waived.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to sign an agreement in conjunction with Stanislaus County for the purchase of personal computers, associated equipment, and services from Nynex Corporation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM T. AND VERONICA A. LORETTELLI FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT THE NORTHEAST CORNER OF COFFEE ROAD AND MABLE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William T. and Veronica A. Loretelli for water service to property outside City limits at the northeast corner of Coffee Road and Mable 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 18th day of December, 1990 by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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 GERALD W. BORGMAN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1424 WATTS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gerald W. Borgman for water service to property outside City limits at 1424 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 18th day of December, 1990, 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. 90-969

A RESOLUTION APPROVING THE FINAL MAP OF THE ENTERPRISE BUSINESS PARK NO. 1 SUBDIVISION OF THE CITY OF MODESTO, AND APPROVING A SITE AGREEMENT WITH MODESTO INDUSTRIAL PARK, INC.

WHEREAS, Modesto Industrial Park, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 28.999 acres, known as the Enterprise Business Park No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission by Resolution No. 90-93 adopted on the 19th day of November, 1990, and

WHEREAS, Conditions 1.b. and 1.c. of said Planning Commission Resolution require that a Mitigation Monitoring and Reporting Program and Inflation Index for this project shall be reviewed and approved by the City Attorney, and

WHEREAS, the City Attorney has reviewed and approved the Mitigation Monitoring and Reporting Program and Inflation Index for this project, and an agreement between the City of Modesto and Modesto Industrial Park, Inc. setting forth the specific terms and conditions of the Mitigation Monitoring and Reporting Program and Inflation Index has been reviewed and approved, 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 Enterprise Business Park No. 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, 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.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, a site agreement with Modesto Industrial Park, Inc. required by Planning Commission Res. No. 90-93.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, 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. 90-970

A RESOLUTION VACATING AND ABANDONING A PORTION OF EXCESS STREET RIGHT-OF-WAY FOR SCENIC BEND, IN BLOCK 1505 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Mid-Valley Engineering, representative for Mr. & Mrs. William McGhee, developers of Scenic Island Estates Subdivision, to abandon a portion of excess street right-of-way for Scenic Bend, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess street right-of-way, and

WHEREAS, said portion of excess street right-of-way is located on Scenic Bend, in Block 1505 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Scenic Bend in Block 1505 in the City of Modesto is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on Scenic Bend, in Block 1505 in the City of Modesto, which is more particularly described in

121190

-1-

10452CA2
Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, 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

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department
Engineering Division
Vacate and Abandon a Portion of the Scenic Bend Right of Way at Block 1505-1D 90-E 4-A-740
VACATE AND ABANDON A PORTION OF THE SCENIC BEND
RIGHT OF WAY AT BLOCK 1505

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 23 and the Northeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwestern corner of Parcel "A", as per map filed March 1, 1972 in Book 13 of Parcel Maps, Page 85, Stanislaus County Records; thence along the Western line of said Parcel "A", North 00° 45' 13" West, 1.76 feet, to a point on a non-tangent curve from which point a radial line bears North 16° 31' 49" East, and the true point of beginning of this description; thence Northwesterly along said non-tangent curve concave to the Northeast, having a Radius of 50.00 feet, a Central Angle of 47° 04' 21" and an Arc Length of 41.08 feet; thence along a tangent line, North 26° 23' 50" West, 69.25 feet; thence Northeasterly along a tangent curve concave to the East, having a Radius of 15.00 feet, a Central Angle of 90° 00' 00" and an Arc Length of 23.56 feet, to its point of tangency on a line which is parallel with and 40.00 feet, measured at right angles, Southeasterly from the centerline of Scenic Drive; thence along said parallel line, North 63° 36' 10" East, 58.96 feet, to the Northwestern corner of said Parcel "A"; thence along said Western line of Parcel "A", South 00° 45' 13" East, 1.21 feet, to the most Northerly corner of Lot "A" of the EASTRIDGE NO. 6 subdivision, as per map filed June 8, 1976 in Book 26 of Maps, Page 2, Stanislaus County Records, said point being on a non-tangent curve from which point a radial line bears South 36° 10' 39" East; thence Southerly along said non-tangent curve concave to the East, having a Radius of 75.00 feet, a Central Angle of 109° 09' 08" and an Arc Length of 142.88 feet, to a point on said Western line of Parcel "A", from which point a radial line bears North 34° 40' 13" East; thence along the Western line of Parcel "A", South 00° 45' 13" East, 10.62 feet, to the point of beginning, containing 2,503 square feet, more or less.

EXHIBIT "A"
A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT PUBLIC AUCTIONS TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON JANUARY 5, 1991, AT 824 KIERNAN AVENUE, AND JANUARY 7, 1991, AT 501 NORTH JEFFERSON, CITY CORPORATION YARD.

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 Police Department, and

WHEREAS, it is desirable to authorize the sale of said surplus property at auctions to be held on January 5, 1991, and January 7, 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 Police Department 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 public auctions to be conducted by Roger Ernst and Associates on January 5, 1991, at 824 Kiernan Avenue, and January 7, 1991, at 501 North Jefferson, City Corporation Yard, subject to the execution of an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services.
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 18th day of December, 1990, 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
<table>
<thead>
<tr>
<th>Sales #</th>
<th>Inv. #</th>
<th>Serial #</th>
<th>Qty</th>
<th>Description, Including Brand &amp; Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>06643</td>
<td>N/A</td>
<td>7502200Y</td>
<td>1</td>
<td>CALCULATOR SHARP QS-2660</td>
</tr>
<tr>
<td>06644</td>
<td>N/A</td>
<td>N/A</td>
<td>7</td>
<td>GLASS GLOBES LIGHTING</td>
</tr>
<tr>
<td>06830</td>
<td>N/A</td>
<td>N/A</td>
<td>3</td>
<td>TRASH CANS GREEN</td>
</tr>
<tr>
<td>08192</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>CASSETTE AM-FM PLAYER SHARP JC-128R</td>
</tr>
<tr>
<td>08340</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>TOOL BOX TEST-RITE</td>
</tr>
<tr>
<td>2097</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>TOOL BOX KENNEDY</td>
</tr>
<tr>
<td>2098</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>TOOL BOX CRAFTSMAN SEARS</td>
</tr>
<tr>
<td>06927</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>FOOT LOCKER WHITE</td>
</tr>
<tr>
<td>06929</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>FIRE EXTINGUISHER FYR-FYTER D1A10</td>
</tr>
<tr>
<td>08529</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>BINOCULARS JASON MODEL 221F</td>
</tr>
<tr>
<td>08794</td>
<td>9473</td>
<td>B70063720</td>
<td>1</td>
<td>TYPEWRITER SILVER-REED MODEL 225C</td>
</tr>
<tr>
<td>08769</td>
<td>11044</td>
<td>412445</td>
<td>1</td>
<td>CALCULATOR ELEC. MONROE MODEL 2125</td>
</tr>
<tr>
<td>06473</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
<td>FOOT LOCKER GREEN</td>
</tr>
<tr>
<td>08753</td>
<td>N/A</td>
<td>M90811827</td>
<td>1</td>
<td>MICROWAVE WHIRLPOOL MODEL RPF7300</td>
</tr>
</tbody>
</table>

"LIGHT FIXTURES, 1,000 WATTS, SPORTSLITSER SERIES, GOOD, NARROW AND WIDE BEAM.

Exhibit 'A'

136
TO: Peter Lucido - Purchasing  
FROM: Al Hinkle - Service Division  
SUBJECT: Surplus Equipment

The following is a list of surplus vehicles and equipment for auction:

<table>
<thead>
<tr>
<th>EQUIP. NO.</th>
<th>EQUIPMENT DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>30178</td>
<td>1971 Dodge 1/2-ton pickup truck (no brakes)</td>
</tr>
<tr>
<td>30147</td>
<td>1972 International 1/2-ton pickup truck</td>
</tr>
<tr>
<td>30146</td>
<td>1972 International 1/2-ton pickup truck</td>
</tr>
<tr>
<td>40294</td>
<td>1978 GMC 3/4-ton crew cab dump pickup truck</td>
</tr>
<tr>
<td>30100</td>
<td>1981 Ford Courier pickup truck</td>
</tr>
<tr>
<td>30184</td>
<td>1972 International 1/2-ton pickup truck</td>
</tr>
<tr>
<td>30197</td>
<td>1976 Dodge 1/2-ton pickup truck</td>
</tr>
<tr>
<td>30145</td>
<td>1972 International 1/2-ton pickup truck</td>
</tr>
<tr>
<td>30138</td>
<td>1978 Ford Courier pickup truck</td>
</tr>
<tr>
<td>30185</td>
<td>1972 International 1/2-ton pickup truck</td>
</tr>
<tr>
<td>30163</td>
<td>1978 Ford Courier pickup truck</td>
</tr>
<tr>
<td>40211</td>
<td>1969 Chevrolet 3/4-ton pickup truck, w/Chicago Pneumatic 125 CFM air compressor</td>
</tr>
<tr>
<td>30187</td>
<td>1972 International 1/2-ton pickup truck</td>
</tr>
<tr>
<td>30144</td>
<td>1978 Ford Courier pickup truck (engine knock)</td>
</tr>
<tr>
<td>40218</td>
<td>1969 Dodge 2-ton dump truck</td>
</tr>
<tr>
<td>30120</td>
<td>1976 Ford Courier pickup truck</td>
</tr>
<tr>
<td>30169</td>
<td>1976 Ford Courier pickup truck</td>
</tr>
<tr>
<td>30136</td>
<td>1969 Chevrolet 1/2-ton pickup truck</td>
</tr>
<tr>
<td>30125</td>
<td>1977 Ford Super Cab 1/2-ton pickup truck</td>
</tr>
<tr>
<td>70003</td>
<td>1975 Vermeer Stump Cutter (engine blown)</td>
</tr>
<tr>
<td>10045</td>
<td>1972 Dodge Coronet 4-door sedan</td>
</tr>
<tr>
<td></td>
<td>Two (2) GMC DH478 Toro-Flow Diesel Engines and miscellaneous parts for same (2 pallets)</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous transmission parts (Allison MT41)</td>
</tr>
<tr>
<td></td>
<td>One (1) 1,000 lb. capacity crane, electric, pickup mount</td>
</tr>
<tr>
<td></td>
<td>Two (2) FMC Sweeper hulks (junk, not equipment pool items)</td>
</tr>
</tbody>
</table>

Please make the necessary arrangements to dispose of these items at the next City equipment auction. Thank you.

ALBERT HINKLE  
Equipment Maintenance Supt.

AH:dhd  
cc: Edwin von Borstel
TO: Purchasing Div  
FROM: Equipment Maint Supv Turner  
SUBJECT: Surplus Vehicles

The following vehicles have been removed from service and need to be surplused and sold as soon as possible. We expect our new patrol fleet to arrive in Jan and parking is going to be tight for a while.

<table>
<thead>
<tr>
<th>VEH #</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>10001</td>
<td>1981 CHEVETTE</td>
</tr>
<tr>
<td>10004</td>
<td>1981 CHEVETTE</td>
</tr>
<tr>
<td>10005</td>
<td>1981 CHEVETTE</td>
</tr>
<tr>
<td>10055</td>
<td>1974 DUSTER</td>
</tr>
<tr>
<td>10059</td>
<td>1972 CORONET</td>
</tr>
<tr>
<td>10062</td>
<td>1972 CORONET</td>
</tr>
<tr>
<td>10076</td>
<td>1976 PINTO</td>
</tr>
<tr>
<td>10074</td>
<td>1985 BONNEVILLE</td>
</tr>
<tr>
<td>10086</td>
<td>1981 DIPLOMAT</td>
</tr>
<tr>
<td>10087</td>
<td>1981 DIPLOMAT</td>
</tr>
<tr>
<td>10101</td>
<td>1985 CELEBRITY</td>
</tr>
<tr>
<td>10107</td>
<td>1985 REGAL</td>
</tr>
<tr>
<td>10108</td>
<td>1985 REGAL</td>
</tr>
<tr>
<td>10113</td>
<td>1985 CUTLASS</td>
</tr>
<tr>
<td>10120</td>
<td>1985 BONNEVILLE</td>
</tr>
<tr>
<td>10123</td>
<td>1985 CUTLASS</td>
</tr>
<tr>
<td>10125</td>
<td>1984 REGAL</td>
</tr>
<tr>
<td>10129</td>
<td>1985 REGAL</td>
</tr>
<tr>
<td>10143</td>
<td>1985 CUTLASS</td>
</tr>
<tr>
<td>10149</td>
<td>1985 CUTLASS</td>
</tr>
<tr>
<td>10160</td>
<td>1985 REGAL</td>
</tr>
<tr>
<td>18306</td>
<td>1983 DIPLOMAT</td>
</tr>
<tr>
<td>18311</td>
<td>1983 DIPLOMAT</td>
</tr>
<tr>
<td>18332</td>
<td>1983 DIPLOMAT</td>
</tr>
<tr>
<td>18408</td>
<td>1984 CROWN VICTORIA</td>
</tr>
<tr>
<td>18711</td>
<td>1987 DIPLOMAT</td>
</tr>
<tr>
<td>18801</td>
<td>1988 DIPLOMAT</td>
</tr>
<tr>
<td>18803</td>
<td>1988 DIPLOMAT</td>
</tr>
</tbody>
</table>
### SURPLUS/UNCLAIMED PROPERTY LISTING

**POLICE DEPARTMENT**

**SALES NUMBER** | **CASE NUMBER** | **SERIAL NUMBER** | **QUANTITY** | **COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL** | **LOCATION** | **TRANSFERRED**
--- | --- | --- | --- | --- | --- | ---
8664 | 90-51272 | | 1 | UNKNOWN BRAND 1 SPEED SILVER BICYCLE | | 
8665 | 90-47045 | | 1 | STURDEE 10 SPEED RED BICYCLE | | 
8666 | 90-45303 | | 1 | RAMPAR 10 SPEED BLUE BICYCLE | | 
8667 | UNKNOWN | | 1 | UNKNOWN BRAND 3-SPEED BLACK BICYCLE | | 
8668 | 90-46476 | | 1 | UNKNOWN BRAND 1 SPEED RED/GREEN BICYCLE | | 
8669 | 90-46799 | | 1 | UNKNOWN BRAND WHITE BICYCLE | | 
8670 | 90-47484 | | 1 | MURRAY 16 SPEED PURPLE BICYCLE | | 
8671 | 90-48407 | | 1 | RIVIERA 1 SPEED BLUE BICYCLE | | 
8672 | 90-47913 | | 1 | PEUGEOT UNKNOWN COLOR BICYCLE | | 
8674 | 90-50005 | | 1 | HUFFY 10 SPEED BLACK/WHITE BICYCLE | | 
8675 | 90-49640 | | 1 | UNKNOWN BRAND 10 SPEED YELLOW BICYCLE | | 
8676 | 90-50664 | | 1 | HUFFY 10 SPEED BLUE BICYCLE | | 
8677 | 90-48806 | | 1 | REGAL 10 SPEED RED BICYCLE | | 
8679 | 90-41173 | | 1 | DYNO 1 SPEED CHROME BICYCLE | | 
8680 | 90-49962 | | 1 | HUFFY 1 SPEED GREY/BLACK BICYCLE | | 
8766 | 90-45397 | | 1 | CT BMX 20 SPEED CHROME BICYCLE | | 
8767 | 90-45197 | | 1 | UNKNOWN BRAND 1 SPEED CHROME BICYCLE | | 
8768 | 90-51539 | | 1 | ROADMASTER 1 SPEED WHITE BICYCLE | | 
8769 | 90-48114 | | 1 | UNKNOWN BRAND 1 SPEED RED BICYCLE | | 
8770 | 90-48114 | | 1 | UNKNOWN BRAND 1 SPEED WHITE/RED BICYCLE | | 
8772 | 90-47433 | | 1 | DING 1 SPEED WHITE BICYCLE | | 
8773 | 90-50469 | | 1 | GENERAL 1 SPEED SILVER/BLACK BICYCLE | | 
8926 | 90-50256 | | 1 | BMX 1 SPEED GRAY BICYCLE | | 
8927 | 90-46629 | | 1 | GT 1 SPEED CHROME BICYCLE | | 

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED.

**12/12/90**

**PAGE 1**
<table>
<thead>
<tr>
<th>SALES NUMBER</th>
<th>CASE NUMBER</th>
<th>SERIAL NUMBER</th>
<th>QUANTITY</th>
<th>COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL</th>
<th>LOCATION</th>
<th>TRANSFERRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>8928</td>
<td>90-49714</td>
<td></td>
<td>1</td>
<td>REGAL 10 SPEED MAROON BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8929</td>
<td>90-50482</td>
<td></td>
<td>1</td>
<td>MURRAY 1 SPEED RED BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8930</td>
<td>90-41012</td>
<td></td>
<td>1</td>
<td>NISHIKI 10 SPEED WHITE BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8931</td>
<td>90-48911</td>
<td></td>
<td>1</td>
<td>OPEN ROAD 1 SPEED BLUE BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8932</td>
<td>90-36013</td>
<td></td>
<td>1</td>
<td>SCHWINN 10 SPEED GREEN BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8933</td>
<td>90-33694</td>
<td></td>
<td>1</td>
<td>HUFFY 1 SPEED BLACK BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8934</td>
<td>90-39353</td>
<td></td>
<td>1</td>
<td>HUFFY 12 SPEED WHITE BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8935</td>
<td>90-40567</td>
<td></td>
<td>1</td>
<td>HUFFY 10 SPEED RED BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8936</td>
<td>90-45971</td>
<td></td>
<td>1</td>
<td>HUFFY 1 SPEED BLACK BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8937</td>
<td>90-44700</td>
<td></td>
<td>1</td>
<td>UNKNOWN BRAND 1 SPEED BLACK/WHITE BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8938</td>
<td>90-39485</td>
<td></td>
<td>1</td>
<td>OPEN ROAD 12 SPEED PINK BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8939</td>
<td>90-41905</td>
<td></td>
<td>1</td>
<td>RALEIGH 10 SPEED BROWN BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8940</td>
<td>90-40230</td>
<td></td>
<td>1</td>
<td>UNKNOWN BRAND 1 SPEED SILVER BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8941</td>
<td>90-38720</td>
<td></td>
<td>1</td>
<td>HUFFY 10 SPEED BLUE BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8942</td>
<td>90-40717</td>
<td></td>
<td>1</td>
<td>UNKNOWN BRAND 1 SPEED YELLOW BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8943</td>
<td>90-39801</td>
<td></td>
<td>1</td>
<td>SCHWINN 10 SPEED RED BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8944</td>
<td>90-40592</td>
<td></td>
<td>1</td>
<td>STERLING 1 SPEED PINK BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8945</td>
<td>90-47636</td>
<td></td>
<td>1</td>
<td>ROADMASTER 10 SPEED SILVER BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8946</td>
<td>90-32485</td>
<td></td>
<td>1</td>
<td>UNKNOWN BRAND W/R BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8947</td>
<td>90-39565</td>
<td></td>
<td>1</td>
<td>MARIN 10 SPEED BLUE BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8948</td>
<td>90-43632</td>
<td></td>
<td>1</td>
<td>FREE SPIRIT 10 SPEED RED BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8950</td>
<td>90-50888</td>
<td></td>
<td>1</td>
<td>RALLYE 10 SPEED BLUE/SILVER BICYCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8951</td>
<td>90-54430</td>
<td></td>
<td>1</td>
<td>SCHWINN 10 SPEED YELLOW BICYCLE #CH097248</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8952</td>
<td>90-54384</td>
<td></td>
<td>1</td>
<td>MURRAY 12 SPEED RED BICYCLE #MO700628</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Property transfer notices must accompany this listing for all inventoried items not previously transferred.
### SURPLUS/UNCLAIMED PROPERTY LISTING

**POLICE DEPARTMENT**

**COST CENTER**

**FUND**

**BY**

**EXT.**

### SALES NUMBER | CASE NUMBER | SERIAL NUMBER | QUANTITY | COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL | LOCATION | TRANSFERRED
---|---|---|---|---|---|---
8953 | 90-57687 | | 1 | VISTA 10 SPEED YELLOW BICYCLE #P219939 | | |
8955 | 90-57202 | | 1 | SCHWINN 1 SPEED BLACK BICYCLE #9057202 | | |
8957 | 90-57707 | | 1 | BISCAYNE 10 SPEED RED BICYCLE #ML2012599 | | |
8958 | 90-58797 | | 1 | SCHWINN 10 SPEED BROWN BICYCLE #1G027698 | | |
8959 | 90-59293 | | 1 | MURRAY 2 SPEED RED BICYCLE #M04501352 | | |
8960 | 90-54560 | | 1 | MAGNA 1 SPEED BLACK BICYCLE #89561483 | | |
8961 | 90-51347 | | 1 | MONGOOSE 1 SPEED GREEN BICYCLE #9051347 | | |
8962 | 90-63447 | | 1 | SCHWINN 10 SPEED BLUE BICYCLE #A0583515 | | |
8963 | 90-63462 | | 1 | BERAL GRESHAM FLYER 1 SPEED BLUE BICYCLE #K695225 | | |
8964 | 90-61778 | | 1 | OPEN ROAD 10 SPEED BLUE BICYCLE #D2220122 | | |
8965 | 90-64051 | | 1 | OPEN ROAD-10 SPEED-BLUE | | |
8967 | 90-61186 | | 1 | POLARA-1 SPEED-RED | | |
8968 | 90-70047 | | 1 | NIGUE-1 SPEED-RED | | |
8969 | 90-65778 | | 1 | MAGNA 1 SPEED BLACK BICYCLE #589650163 | | |
8970 | 90-69367 | | 1 | SKYWAY LEMURIAN 15 SPEED BLUE/GREY BICYCLE #9069367 | | |
8971 | 90-65538 | | 1 | SEARS 1 SPEED BLUE BICYCLE #50346220 | | |
8972 | 90-66123 | | 1 | HUFFY 10 SPEED WHITE BICYCLE #C3403627 | | |
8973 | 90-65044 | | 1 | SAVAGE-BMX-1 SPEED-WHITE | | |
8974 | 90-66404 | | 1 | KENT-3 STREET DRAGGER-5 SPEED-BLACK | | |
8977 | 90-68416 | | 1 | RALEIGH 10 SPEED BLUE BICYCLE #R808260058 | | |
8983 | 90-72607 | | 1 | MURRAY-1 SPEED-BLUE | | |
8984 | 90-73577 | | 1 | WESTERN FLYER-10 SPEED-BLUE-#-9073577 | | |
8985 | 90-69260 | | 1 | OPEN ROAD 10 SPEED WHITE BICYCLE #A860563389 | | |
8986 | 90-71190 | | 1 | KENT 10 SPEED GREY BICYCLE #7905229 | | |

**PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED**
**SURPLUS/UNCLAIMED PROPERTY LISTING**

<table>
<thead>
<tr>
<th>SALES NUMBER</th>
<th>CASE NUMBER</th>
<th>SERIAL NUMBER</th>
<th>QUANTITY</th>
<th>COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL</th>
<th>LOCATION</th>
<th>TRANSFERRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>8987</td>
<td>90-66799</td>
<td></td>
<td>1</td>
<td>REDLINE 1 SPEED BLACK BICYCLE #L89091495</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9152</td>
<td>90-58342</td>
<td></td>
<td>1</td>
<td>BMX-1 SPEED-GREEN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9153</td>
<td>90-89369</td>
<td></td>
<td>1</td>
<td>HUFFY-1 SPEED-PURPLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9154</td>
<td>90-70728</td>
<td></td>
<td>1</td>
<td>MONGOOSE 15 SPEED SILVER BICYCLE #9070728</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9155</td>
<td>90-69180</td>
<td></td>
<td>1</td>
<td>MURRAY-1 SPEED-PINK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9156</td>
<td>90-64059</td>
<td></td>
<td>1</td>
<td>MURRAY-SPEED UNK.-CHROME/PURPLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9157</td>
<td>90-77897</td>
<td></td>
<td>1</td>
<td>BMX-1 SPEED-WHITE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9158</td>
<td>90-68299</td>
<td></td>
<td>1</td>
<td>RALLYE BMX-1 SPEED-WHITE &amp; RED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9470</td>
<td>90-65830</td>
<td></td>
<td>1</td>
<td>UNK. BRAND-1 SPEED-CHROME</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9471</td>
<td>90-72903</td>
<td></td>
<td>1</td>
<td>MURRAY 1000 1 SPEED RED/WHITE BICYCLE #M095350X12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9472</td>
<td>90-62985</td>
<td></td>
<td>1</td>
<td>HUFFY 1 SPEED MULTI-COLORED BICYCLE #80148HUFFY23808</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9473</td>
<td>90-72030</td>
<td></td>
<td>1</td>
<td>BMX 1 SPEED CHROME COLORED #C80606680545</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9474</td>
<td>90-72524</td>
<td></td>
<td>1</td>
<td>CYCLE PRO MOTOCROSS 1 SPEED BLUE BICYCLE #9072524</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9476</td>
<td>90-53806</td>
<td></td>
<td>1</td>
<td>UNKNOWN BRAND 10 SPEED BLACK BICYCLE #9053806</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9477</td>
<td>90-64425</td>
<td></td>
<td>1</td>
<td>MURRAY 1 SPEED BLUE BICYCLE #M07536412</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9478</td>
<td>90-62420</td>
<td></td>
<td>1</td>
<td>BMX-1 SPEED-CHROME</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9479</td>
<td>90-77120</td>
<td></td>
<td>1</td>
<td>WARD-1 SPEED-PURPLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9480</td>
<td>90-60253</td>
<td></td>
<td>1</td>
<td>GOLD CUP-10 SPEED-BLUE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9481</td>
<td>90-57132</td>
<td></td>
<td>1</td>
<td>HUFFY SUNDANCE-10 SPEED-BLUE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9485</td>
<td>90-74344</td>
<td></td>
<td>1</td>
<td>TRAIL.MATE-1 SPEED-RED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9486</td>
<td>90-70805</td>
<td></td>
<td>1</td>
<td>SCHWINN VARSITY-10 SPEED-GREEN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9490</td>
<td>90-95853</td>
<td></td>
<td>1</td>
<td>MURRAY 1000 1 SPEED RED/BLACK BICYCLE #M08536012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9491</td>
<td>90-89389</td>
<td></td>
<td>1</td>
<td>SCHWINN CONTINENTAL 10 SPEED YELLOW BICYCLE #0073</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9493</td>
<td>90-77305</td>
<td></td>
<td>1</td>
<td>JCPENNEY 10 SPEED ORANGE BICYCLE #IAS01304</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED.
<table>
<thead>
<tr>
<th>SALES NUMBER</th>
<th>CASE NUMBER</th>
<th>SERIAL NUMBER</th>
<th>QUANTITY</th>
<th>COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL</th>
<th>LOCATION</th>
<th>TRANSFERRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>9494</td>
<td>90-92661</td>
<td></td>
<td>1</td>
<td>MURRAY BAJA 10 SPEED RED BICYCLE #M04009772K5277575</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9495</td>
<td>90-52902</td>
<td></td>
<td>1</td>
<td>BICYCLE FRAME</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9496</td>
<td>UNKNOWN</td>
<td></td>
<td>1</td>
<td>MISC BICYCLE PARTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9988</td>
<td>90-76501</td>
<td></td>
<td>1</td>
<td>UNK. BRAND-10 SPEED-BLUE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9989</td>
<td>90-77545</td>
<td></td>
<td>1</td>
<td>ROADMASTER-PRO TOUR-10 SPEED-BLUE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9990</td>
<td>90-78455</td>
<td></td>
<td>1</td>
<td>SCHWINN CONTINENTAL-10 SPEED-IVORY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9991</td>
<td>90-78358</td>
<td></td>
<td>1</td>
<td>SEARS-FREE SPIRIT-10 SPEED-MAROON</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORYED ITEMS NOT PREVIOUSLY TRANSFERRED
MODESTO CITY COUNCIL
RESOLUTION NO. 90-972

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WESSON RANCH PARK RESTROOM CONSTRUCTION

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

SECTION 1. The plans and specifications for the Wesson Ranch Park restroom construction 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 17, 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 December, 1990, 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 Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF GENTZ CONSTRUCTION COMPANY FOR THE 18 INCH WATERLINE EXTENSION IN CROWSLANDING ROAD BETWEEN HATCH ROAD AND WHITMORE AVENUE

WHEREAS, Resolution No. 90-973, adopted by the Council of the City of Modesto on November 13, 1990, approved the plans and specifications for 18 inch waterline extension in Crowslanding Road between Hatch Road and Whitmore Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the 18 inch waterline extension in Crowslanding Road between Hatch Road and Whitmore Avenue were opened at 11:05 a.m. on December 6, 1990, 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 Gentz Construction in the amount of $373,544.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Gentz Construction in the amount of $373,544.50 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 26th day of December, 1990 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 Whiteside
NOES:  Councilmembers: None
ABSENT: Councilmembers: Lang

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-974

A RESOLUTION ACCEPTING THE McHENRY MANSION RESTORATION ELECTRICAL WORK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the McHenry Mansion restoration electrical work has been completed by Bowden Electric, Inc.
in accordance with the contract agreement dated May 1, 1990.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion restoration electrical work be accepted from said contractor, Bowden Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $103,595 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 26th day of December, 1990 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 Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: NORMINE COYLE, City Clerk
RESOLUTION NO. 90-975

A RESOLUTION ACCEPTING IMPROVEMENTS IN ORANGE PARK ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Rule Enterprises, subdividers of Orange Park Estates Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $266,500.00 and $133,250.00 respectively to guarantee improvements in Orange Park Estates Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated December 18, 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 Orange Park Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $266,500.00 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 $133,250.00 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 26th day of December 1990, 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 Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA GLEN PHASE I 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 11.3417 acres, known as the California Glen Phase I 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 Phase I 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 26th day of December, 1990, 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 Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-977

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DARRELL L. DUARTE FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1420 PELTON AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Darrell L. Duarte for sewer service to property outside City limits at 1420 Pelton Avenue between Sutter Avenue and Colorado 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 December, 1990, 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 Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN ENCROACHMENT PERMIT AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO INSTALL AN 18 INCH WATERLINE IN CROWSLANDING ROAD BETWEEN HATCH ROAD AND WHITMORE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to install an 18 inch waterline in Crowslanding Road between Hatch Road and Whitmore Avenue as a portion of a project to develop a connection between the City water system north and south of the Tuolumne River 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 December, 1990, 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 Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: ____________________________
NORRINE COYLE, City Clerk