MODESTO CITY COUNCIL
RESOLUTION NO. 90-651

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEADERSHIP MODESTO ALUMNI TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "INSIDE THE ISSUES" FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Leadership Modesto Alumni to award grant to produce original program entitled, "Inside The Issues" for the public access channel on cable television be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-652

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY MAYOR'S COMMITTEE FOR THE EMPLOYMENT OF PERSONS WITH DISABILITIES TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "THE TIME IS NOW" FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Mayor's Committee for the Employment of Persons with Disabilities to award grant to produce original program entitled, "The Time Is Now" for public access channel on cable television be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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 APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DEBRA
ORVIS TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "DEAR BABYSITTER"
FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Debra Orvis to award grant to
produce original program entitled, "Dear Babysitter" for the public access
channel on cable television
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of July, 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 PROPOSING A CHARTER AMENDMENT TO BE PLACED ON
THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD
ON TUESDAY, NOVEMBER 6, 1990, IN THE CITY OF MODESTO, FOR
THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A
PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING
SECTION 1205 BY MOTION OF THE COUNCIL.

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

SECTION 1. The Council of the City of Modesto, on its own motion,
proposes to amend the Charter of the City of Modesto by amending Section 1205
as set forth in the notice entitled "Proposed Amendment to the Charter of the
City of Modesto" hereinafter set forth in Section 3 of this resolution.

SECTION 2. The Council of the City of Modesto hereby proposes to
and does hereby, on its own motion, submit to the qualified electors of the
City of Modesto, at the regular municipal election to be held on Tuesday,
November 6, 1990, the proposal to amend the Charter of the City of Modesto as
set forth in said notice hereinafter set forth in Section 3 of this resolution
and hereby designates and refers to said proposal as the proposal to be set
forth in the form of ballot hereinafter prescribed for use at said regular
municipal election.

SECTION 3. The City Clerk of the City of Modesto is hereby ordered
and directed to cause said proposed amendment to the Charter of the City of
Modesto to be published, when required by law, prior to the date of the
regular municipal election hereinafter provided for in The Modesto Bee, the
official newspaper of said City, and in each edition thereof, during the day
of publication, said newspaper being a newspaper of general circulation
published daily in said City of Modesto; and such publication may be
substantially the following form, to wit:

062990 -1- 10105CA2
PROPOSED AMENDMENT

TO

THE CHARTER OF THE CITY OF MODESTO

Regular Municipal Election Tuesday, November 6, 1990

MEASURE ___.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1205 of the Charter of the City of Modesto as follows:

SECTION 1205. HEARING OFFICERS.

An appeal of any person in the Classified Service relative to any suspension, demotion or dismissal, where the right of appeal is granted by the Personnel System of the City of Modesto, shall be heard by a hearing officer, who shall be selected by the Board of Personnel Appeals. The findings and recommendations of a hearing officer shall be made to the City Manager, who shall make the final determination relative to any suspension, demotion or dismissal. An alternative procedure 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.

Hearing officers shall have the power to administer oaths and affirmations in any appeals pending before them. Hearing officers shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before them. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds) shall be deemed contempt and shall be punishable as provided by the general laws of this State.
NOTE:

All of the above wording which is underlined would be added by this measure.

<table>
<thead>
<tr>
<th>CITY OF MODESTO MEASURES</th>
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<tbody>
<tr>
<td><strong>MEASURE</strong></td>
</tr>
<tr>
<td>City of Modesto Charter Proposal:</td>
</tr>
</tbody>
</table>

I hereby certify that the foregoing Charter amendment proposals were ordered submitted to the qualified electors of the City of Modesto by the Council of the City of Modesto.

Dated: ________________, 1990.

__________________________
NORRINE COYLE
City Clerk of the City of Modesto

SECTION 4. The City Clerk of the City of Modesto is hereby authorized to prepare and sign a notice of the measure to be voted on, in the form required by law, relating to said special municipal election hereby called, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.
SECTION 5. The City Clerk of the City of Modesto is hereby authorized and directed (1) to cause copies of the text of said proposed Charter amendment to be printed in convenient pamphlet form and in type of not less than ten-point and to cause copies thereof to be mailed to each of the qualified electors of said City, and (2) until the day fixed for said special municipal election to advertise daily in THE MODESTO BEE, a newspaper of general circulation in said City, a notice that copies of said pamphlet may be had on application therefor. Said notice shall be in substantially the following form:

NOTICE OF AVAILABILITY OF CHARTER AMENDMENT

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Modesto that copies of the Amendment proposed by the Council on its own motion, to the Charter of the City of Modesto, in pamphlet form, are on file in the office of the City Clerk, City Hall, 801 11th Street, Modesto, California, and may be had upon application therefor.

________________________
NORRINE COYLE
City Clerk 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 10th day of July 1990, by Councilmember Bird, 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, Muratore, Patterson

NOES: Councilmembers: Lang, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION NO.90-655

A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION BY THE VOTERS OF THE CITY OF MODESTO AND REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 1990, RELATING TO A PROPOSAL TO AMEND SECTION 1205 OF THE CITY CHARTER

WHEREAS, the Council, on its own motion, proposes to call a special municipal election in the City of Modesto on November 6, 1990, said Special Election to be known as "Charter Amendment Election", and

WHEREAS, Section 1205 of the Charter of the City of Modesto relates to the Board of Personnel Appeals Hearing Officers, and

WHEREAS, the Council has determined that it would be in the best interest of the community to call a special municipal election among the voters of the City of Modesto to submit to the qualified electors of the City of Modesto the proposal to amend the Charter of the City of Modesto to allow an alternative procedure for hearing and final determination of appeals that they may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees, and

WHEREAS, Tuesday, November 6, 1990, has been designated as the date for a State of California General Election to be held, if necessary, and it is the desire of said Council that said Special Municipal Election be consolidated with said General Election,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. ELECTION CALLED. That the City Council of the City of Modesto does hereby call a Special Municipal election in the City of Modesto on Tuesday, November 6, 1990, said Special Election to be known as "Special Charter Amendment Election".

SECTION 2. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to amend the Charter of the City of Modesto to allow an alternative procedure for hearing and final determination of appeals that they may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees:

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<tbody>
<tr>
<td>MEASURE</td>
</tr>
<tr>
<td>City of Modesto Charter Proposal: 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.</td>
</tr>
</tbody>
</table>

SECTION 3. CONDUCT OF ELECTION. Said special election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special election shall be held as provided for in the Charter of said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of advisory elections and special municipal elections in the City of Modesto and otherwise in accordance with
the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special election herein provided for shall be qualified to vote upon said charter amendment hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special election.

(b) The polls at the polling places hereinafter referred to for said special election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed, and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special election shall be and is hereby consolidated with the general election to be held in Stanislaus County and in the City of Modesto on the date of said special advisory election hereby called, and the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of said election within said city for said special election shall be the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for said general election and set forth or to be set forth in the notice of election officers and polling places for said general election published or to be published by the County Clerk of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special election hereby called. Only qualified voters of said City shall be permitted to vote at said special election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be
canvassed, the returns of said special election with respect to the votes cast in said City and to certify the results to the Council.

(d) To vote in favor of said charter amendment a voter shall punch a hole in the blank space opposite the word "YES" on the ballot to the right of said measure, and to vote against said measure a voter shall punch a hole in the blank space opposite the word "NO" on the ballot to the right of said measure.

(e) The votes cast for and against said advisory measure shall be counted separate and apart from all other measures to be submitted at said general election and said special election hereby consolidated therewith.

(f) At the next regular meeting of the Council occurring after the returns of said special election have been canvassed and the results thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the Council shall cause to be spread upon its minutes a statement of the results of said special election as ascertained by said canvass.

SECTION 4. NOTICE. The City Clerk of the City of Modesto is hereby authorized and directed to prepare and sign a notice of said special election in the form required by law, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Bird, 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, Muratore, Patterson

NOES: Councilmembers: Lang, Mayor Whiteside

ABSENT: Councilmembers: None

(SIGNATURE)

ATTEST: NORRINE COYLE, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, CITY ATTORNEY
CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 10th day of July, 1990, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was, upon motion of Councilmember Bird, seconded by Councilmember Patterson, and adopted by the following vote:

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

NOES:  Councilmembers: Lang, Mayor Whiteside

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto, this 10th day of July, 1990.

NORRINE COYLE
City Clerk of the City of Modesto, California

NORRINE COYLE
City Clerk of the City of Modesto, California
MODESTO CITY COUNCIL
RESOLUTION NO. 90-656

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FIREMAN'S FUND INSURANCE COMPANY TO RENEW THE CITY'S PROPERTY INSURANCE FROM JULY 1, 1990 THROUGH JULY 1, 1991

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fireman's Fund Insurance Company to renew the City's property insurance from July 1, 1990 through July 1, 1991 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July 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: NORRI


A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
A & M INDUSTRIES, INC. FOR REIMBURSEMENT FOR THE INSTALLATION OF A 10"
WATERLINE IN LONE PALM AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and A & M Industries, Inc. for
reimbursement for the installation of a 10" waterline in Lone Palm Avenue
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of July, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-658

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WILLIAM LYON COMPANY FOR REIMBURSEMENT FOR THE INSTALLATION OF AN 18" SANITARY SEWER SUBTRUNK IN CLAUS ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The William Lyon Company for reimbursement for the installation of an 18" sanitary sewer subtrunk for Dry Creek Meadows No. 10 Subdivision located on Claus Road and Yosemite Boulevard be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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
NORRINE COYLE, City Clerk
RESOLUTION NO. 90-659

A RESOLUTION ACCEPTING IMPROVEMENTS IN SHAKER ESTATES SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Phillip D. Overholtzer, Inc., subdividers of
Shaker Estates Subdivision have filed subdivision bonds
for faithful performance and labor and materials in the amount of $619,000
and $309,500 respectively to guarantee improvements in Shaker Estates
Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated July 3, 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 Shaker Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $619,000 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 $309,500 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 10th day of July, 1990, by Council-
member 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 SUPPORTING CRIME PREVENTION AND PROCLAIMING TUESDAY, AUGUST 7, 1990, AS "NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is sponsoring the 6th Annual edition of a special, coast-to-coast community crime prevention event on Tuesday, August 7, 1990, called "National Night Out" - America's Night Out Against Crime, and

WHEREAS, the City of Modesto plays an essential role assisting the Modesto Police Department through it's cooperative crime prevention efforts in Modesto and is in support of the "National Night Out" locally, and

WHEREAS, it is important that all citizens in Modesto be aware of the importance of crime prevention programs and the positive impact that their participation can have on reducing crime and drug abuse in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity for Modesto to join together with thousands of other communities across the country in support of safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts, and

WHEREAS, neighborhood awareness, spirit and cooperation are important themes of the "National Night Out" project and key components in helping the Modesto Police Department to fight crime and drug abuse.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 7th Annual "National Night Out" on Tuesday, August 7, 1990.
BE IT FURTHER RESOLVED that the Council of the City of Modesto, does hereby proclaim Tuesday, August 8, 1989 as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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, 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 AUTHORIZING RENEWAL OF THE 1990-91 GENERAL LIABILITY INSURANCE BETWEEN THE CITY OF MODESTO AND THE AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY (ACCEL), A JOINT POWERS AUTHORITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that renewal of the 1990-91 General Liability Insurance with the Authority for California Cities Excess Liability (ACCEL), a Joint Powers Authority be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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. 90-662

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS TO PROVIDE INSPECTION OF CITY BUILDINGS TO DETECT THE PRESENCE OF ASBESTOS.

WHEREAS, City staff is aware that public schools throughout the United States were ordered to inspect for asbestos through a federal program known as Asbestos Hazardous Emergency Response Act (AHERA), and

WHEREAS, legislation at the state and federal level is clearly working towards all public buildings being evaluated, although local agencies are not currently required to have such an inspection program, and

WHEREAS, current state law requires that building owners who know of asbestos-containing materials in their buildings give specific notice to employees, contractors, and tenants, and

WHEREAS, the Council desires to authorize a Request for Proposals to be modeled after the AHERA guidelines for public schools in order to provide inspection of City-owned buildings, and

WHEREAS, the intent of the inspection project will be to determine the location of asbestos, if any, on City-owned property, the condition of the asbestos, and the most appropriate method of maintaining it in a non-hazardous condition in order to protect the Health and Safety of employees, tenants, or vendors having access to various locations on City property, and

WHEREAS, determining the presence and condition of asbestos, if any, on City-owned property will also provide the City with a document that could be used to determine more accurately the cost potential for remodeling projects as a result of asbestos being found.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a Request for Proposals to provide for inspection of City-owned buildings to determine the presence of asbestos.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July 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

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-663

LICENSED
A RESOLUTION APPROVING A AGREEMENT BETWEEN THE CITY OF MODESTO AND U.S.
DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO
ALLOW THEM TO PLACE AIR MONITORING EQUIPMENT ON THE AIRPORT FOR AN AREA-WIDE
STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the licensing
agreement between the City of Modesto and the U.S. Department of Commerce,
National Oceanic and Atmospheric Administration to allow them to place air
monitoring equipment on the Airport for an area-wide study they are conducting
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 24th day of July, 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. 90-664

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MATTHEW S. AND KAREN D. ALDERMAN FOR THE ACQUISITION OF .04+ ACRES OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Matthew S. and Karen D. Alderman for the acquisition of .04+ acres of right of way from their property for Public Facilities District No. 6 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July 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. 90-665

A RESOLUTION ESTABLISHING SEWER BOND REDEMPTION CHARGES
AND SEWER SUBTRUNK EXTENSION CHARGES.

WHEREAS, Sections 5-6.04 and 5-6.06 of the Modesto Municipal Code
provide that the Council may establish by resolution sewer bond redemption
charges and sewer subtrunk extension charges for property connecting to the
sewage system, and

WHEREAS, sewer subtrunk extension charges shall be paid unless the
property has previously participated in the cost of construction of a subtrunk
sewer, and

WHEREAS, on July 24, 1990, the Council of the City of Modesto held a
public hearing to consider imposing fees for the recommended sewer bond
redemption charges and sewer subtrunk extension charges,

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

SECTION 1. FEES FOR SEWER BOND REDEMPTION CHARGES: The sewer bond
redemption fees to be charged for connecting to the City of Modesto sewage
system are hereby established as follows:

SCHEDULE OF CHARGES
FOR CONNECTION TO CITY SEWAGE SYSTEM

<table>
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<tr>
<th>Modesto Municipal Code Reference</th>
<th>Name of Charge and Itemization</th>
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<tr>
<td>5-6.04</td>
<td>Residential</td>
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<td>Single dwelling unit - (Includes mobile home, mobile home space within a mobile home park, apartment, condominium, townhouse)</td>
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<td>Commercial/Industrial</td>
<td>$2,000.00/net acre</td>
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071990                             -1-  10044CA2
SECTION 2. FEES FOR SEWER SUBTRUNK EXTENSION CHARGES: The subtrunk extension fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES
FOR CONNECTION TO CITY SEWAGE SYSTEM

Modesto Municipal Code Reference
Name of Charge and Itemization Charge

5-6.06 Subtrunk Extension Charge:

Residential/Commercial

(1) For that property which was annexed to and made a part of the City of Modesto pursuant to Modesto City Council Resolution No. 80-191 (South Airport Annexation to the City of Modesto) which was adopted on the fourth day of March, 1980

$150.00/gross acre

(2) For all other residential or commercial property not listed in (1) above

$500.00/gross acre

BE IT FURTHER RESOLVED that the acreage used to determine sewer bond redemption charges shall be as follows:

Determination of Acreage.

The acreage used to determine the bond redemption charge shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the bond redemption charge. The remaining acreage shall pay a bond redemption charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code, and this resolution, the
Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).

If the property is later developed beyond that development approved by the Council the developer shall pay a bond redemption charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of bond redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a bond redemption charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that the acreage used to determine sewer subtrunk connection fees shall be as follows:

The acreage used to determine the sewer subtrunk fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code and this resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and
(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).

If the property is later developed beyond that development approved by the Council, the developer shall pay a sewer subtrunk charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of sewer subtrunk redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that fees established by this resolution shall become effective on and after the effective date of Ordinance No. 2721-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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
RESOLUTION NO. 90-666

RESOLUTION SETTING ANNUAL ASSESSMENT FOR ADMINISTRATIVE COSTS

PUBLIC FACILITIES DISTRICT NO. 6
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

The City Council has heretofore confirmed an assessment for improvements in Public Facilities District No. 6, including a maximum annual assessment to reimburse the City for its costs in administering the assessments, the funds derived therefrom and the bonds secured thereby.

The annual assessment for administrative costs is hereby set at one-half of one percent of the total assessment levied upon each parcel of land and shall be collected annually on the County tax roll, beginning with fiscal year 1990-1991, until changed by resolution of this City Council. The City Council finds that this annual assessment exceeds neither the maximum annual assessment nor the reasonable estimate of administrative costs actually incurred or likely to be incurred.

*     *     *

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: None

ABSENT: None

ATTEST: [Signature]
City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
City Attorney

ORIGINAL
A RESOLUTION TRANSMITTING COPY OF PROPOSED SEWER SERVICE EXTENSION ADVISORY MEASURE AND PROPOSED CITY CHARTER AMENDMENT MEASURE TO THE CITY ATTORNEY FOR PREPARATION OF AN IMPARTIAL ANALYSIS

WHEREAS, Section 5011 of the Elections Code provides that whenever any Charter amendment or measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the amendment or measure to the City Attorney for preparation of an impartial analysis; and

WHEREAS a copy of the proposed sewer service extension advisory measure and the proposed City Charter amendment measure, proposed for the November 6, 1990, election, market Exhibit "A" and Exhibit "B" respectively, are attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of said measures to the City Attorney for preparation of an impartial analyses explaining the effect of the measures.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analyses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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
MEASURE F

City of Modesto Sewer Service Extension Advisory 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 Briggsmore Avenue on the south and land north of Sylvan Avenue and east of Roselle Avenue for a community park and high school site?
MEASURE G

City of Modesto Charter Proposal

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.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-668

A RESOLUTION AMENDING EXHIBIT "M" 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".

WHEREAS, the Council adopted Resolution No. 90-607 on June 26, 1990,
which implemented salary ranges, salary schedules and fixed compensation for
positions in City service, effective July 3, 1990, and

WHEREAS, at its meeting of July 24, 1990, the Council considered
amending Exhibit "M" of said Resolution No. 90-607 to change the City Attorney
from Range 720 to Range 722 in order to grant an additional three (3) percent
merit increase to the City Attorney,

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 90-607. 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" is hereby amended as follows:

Exhibit "M" attached to Resolution No. 90-607 is hereby amended as
shown on the Exhibit "M" attached hereto entitled, "City of Modesto Class
Range Table Executive Management", effective July 31, 1990.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after July 31, 1990.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
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MODESTO CITY COUNCIL
RESOLUTION NO. 90-669

A RESOLUTION SETTING SALARIES FOR COUNCIL APPOINTEES AND
SUPERSEeding RESOLUTION NO. 90-608.

WHEREAS, the City Council adopted Resolution No. 88-490 on July 5, 1988, establishing salary ranges, salary schedules and fixing compensation for positions in the City service including the Council Appointees: City Manager, City Attorney, and the City Clerk, and

WHEREAS, the Council adopted Resolution No. 90-607 on June 26, 1990, which amended Exhibit "M" of Resolution No. 88-490, which exhibit is entitled "City of Modesto Class Range Table - Executive Management", to grant a four and one-half (4.5) percent cost of living increase to include said Council Appointees, and

WHEREAS, as a result of said Resolution No. 90-607 which amended Exhibit "M", it was necessary for the Council to set the salaries for said Council Appointees to provide for said four and one-half (4.5) percent cost of living increase, and

WHEREAS, the City Council adopted Resolution No. 90-608 on June 26, 1990, to provide for said four and one-half (4.5) percent cost of living increase for the positions of Council Appointees to be effective July 3, 1990, and

WHEREAS, on July 24, 1990, the Council considered granting an additional three (3) percent merit increase to the City Attorney, said increase to be effective July 31, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby grant an additional three (3) percent merit increase to the City Attorney, said increase to be effective July 31, 1990.
BE IT FURTHER RESOLVED that the salaries for the positions of the Council Appointees shall be as follows:

- City Manager $7,490.94 per month
- City Attorney $7,287.38 per month
- City Clerk $4,235.40 per month

BE IT FURTHER RESOLVED that Resolution No. 90-608 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-670

A RESOLUTION AMENDING RESOLUTION NO. 88-490B ENTITLED "A RESOLUTION AMENDING AND RESTATING THE MANDATORY DEFERRED COMPENSATION PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF MODESTO, AND SUPERSEADING RESOLUTION NO. 86-628" TO PROVIDE FOR AN ADDITIONAL TWO (2) PERCENT CITY CONTRIBUTION FOR THE CITY ATTORNEY.

WHEREAS, on June 28, 1988, the City Council amended and restated the Mandatory Deferred Compensation Plan by adoption of Resolution No. 88-490B, entitled "A Resolution Amending and Restating the Mandatory Deferred Compensation Plan for Certain Employees of the City of Modesto, and Superseding Resolution No. 86-628", and

WHEREAS, said Resolution No. 88-490B provides, in part, that all employees of the City of Modesto who hold salaried positions of employment, except sworn fire and police officers, shall have two (2) percent of their gross regular salary each pay period deferred until said employee retires or otherwise terminates employment with the City of Modesto. In addition thereto, the City of Modesto shall pay into said Mandatory Deferred Compensation Plan, each pay period for each such employee, an amount equal to one (1) percent of each such employee's gross regular salary, and

WHEREAS, the Council desires to amend so much of the Mandatory Deferred Compensation Plan so as to provide that the City shall pay into said plan, each pay period for the City Attorney, an additional amount equal to two (2) percent of the City Attorney's gross regular salary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. AMENDMENT OF RESOLUTION NO. 88-490B. That Section 14 is hereby added to Council Resolution No. 88-490B, entitled "A Resolution Amending and Restating the Mandatory Deferred Compensation Plan for Certain Employees of the City of Modesto, and Superseding Resolution No. 86-628", to read as follows:

"SECTION 14. That effective July 31, 1990, the City of Modesto shall pay into said Mandatory Deferred Compensation Plan of the City of Modesto each pay period for the City Attorney, an additional amount equal to two (2) percent of the City Attorney's gross regular salary."

SECTION 2. PROVISIONS. Except as otherwise herein provided, all other provisions of Resolution No. 88-490B not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 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: ________ Hall

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________ Stan T. Yamamoto, City Attorney

By ________
MODESTO CITY COUNCIL
RESOLUTION NO. 90-671

A RESOLUTION APPROVING THE FINAL MAP OF THE PINE TREE VILLAGE NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, James Horn Construction Company, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.233 acres, known as the Pine Tree Village No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 4th day of December, 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 Pine Tree Village No. 3 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 24th day of July, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-672

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF MODESTO CITY COUNCIL RESOLUTION NO. 87-409 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(416)" TO ALLOW A THREE-STORY MOTEL TO REPLACE A PROPOSED RESTAURANT AND URGENT CARE CENTER. (BUDGETEL INN)

WHEREAS, City Council Ordinance No. 2514-C.S., which became effective on July 2, 1987, granted a Planned Development Zone, P-D(416), to allow a motel, restaurant, and urgent care center, and a zero-lot line patio home residential development, property located on the north side of West Orangeburg, west of Martin Avenue, and

WHEREAS, City Council Resolution No. 87-409, which was adopted on May 26, 1987, approved a development plan for P-D(416) and contained the conditions of approval for the development of said uses on the P-D(416) property, and

WHEREAS, a verified application for an amendment to Phase II of Planned Development Zone, P-D(416), was filed by Budgetel Inn on April 23, 1990, to allow a three-story motel to replace a proposed restaurant and urgent care center on the northwest corner of West Orangeburg and Martin Avenues, and

WHEREAS, said application was set for a public hearing before the Planning Commission on June 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on June 18, 1990, and continued to July 2, 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. 90-58, that amendment of Phase II of Planned Development Zone, P-D(416), to allow a three-story motel as requested, is
required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed motel use is on a major street adjacent to other highway-oriented commercial uses.

2. That the motel will tend to be compatible with adjacent residential uses due to required 8-foot walls, screen landscaping with specimen size trees, and building setbacks as shown on the approved plot plan.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 16, 1990 should be certified as adopted.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 7, 1990, at 7:30 p.m., and

WHEREAS, after said public hearing held on August 7, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Budgetel Inn to amend Phase II of P-D(416) to allow a three-story motel, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-58 and quoted above, and

WHEREAS, on August 7, 1990, the Council has introduced Ordinance No. 2722-C.S. amending Planned Development Zone, P-D(416), to allow a three-story motel to replace a proposed restaurant and urgent care center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 87-409 entitled "A Resolution Approving A Development Plan For Planned Development Zone.
"SECTION 1. DEVELOPMENT PLAN. The development plan for Phase II of Planned Development Zone, P-D(416), is hereby approved to allow a three-story motel, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Budgetel Inn" as amended in red, stamped approved by the City Council on August 7, 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 with 24-inch box trees shall be installed along the north and east property lines. 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:
   An eight-foot solid decorative masonry wall extending 120.67 feet east from the southwest corner and along the south property line of property located at 1421 Seasons Way. That portion of the wall adjoining Teresa Street and Martin Avenue shall have minimum five-and ten-foot setbacks respectively with offset jogs as shown on the approved plot plan.

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

5. The West Orangeburg Avenue frontage shall be improved to 80-foot major street standards and the Martin Avenue and Teresa Street frontages to residential 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. All curbcuts serving two-way driveways shall be 41 feet in width.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

9. The motel third floor top of window elevation shall not exceed 24 feet 8 inches from grade.

10. On-site sale of liquor is prohibited.

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

12. 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.

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

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. No signs shall be permitted above eight feet in height on the north or east face of the buildings.

16. All signs shall comply with the sign requirements of the C-3 Zone.

17. That the south side of Teresa Street and west side of Martin Avenue adjacent to the motel be posted no parking.

18. All conditions of Planning Commission Resolution No. 87-143 and City Council Resolution No. 87-409 not in conflict with this action shall remain in full force and effect.

19. In the event no building permits or further approval is required from the City of Modesto prior to the commencement of construction, developer shall, within 30 days or prior to the commencement of construction whichever shall first occur, pay to the City of Modesto the Capital Facilities Fee due for the P-D project.
20. 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(416):

Construction of Phase II to begin on or before June 18, 1991, and completion to be not later than June 18, 1992.

BE IT FURTHER RESOLVED that all other provisions of Council Resolution No. 87-409 not in conflict with this resolution shall remain in full force and effect."
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO PLANNED
DEVELOPMENT ZONE, P-D(416), PROPERTY LOCATED ON THE
NORTHWEST CORNER OF WEST ORANGEBURG AND MARTIN AVENUES.
(BUDGETEL INN)

WHEREAS, on August 7, 1990, the City Council introduced
Ordinance No. 2722-C.S. giving approval to a project relating to an
amendment to Planned Development Zone, P-D(416), property located on the
northwest corner of West Orangeburg and Martin Avenues, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Planned Development Zone, P-D(416),
property located on the northwest corner of West Orangeburg and Martin Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mureatore, Patterson

NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting 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(476). (ARAMBEL AND ROSE DEVELOPMENT, INC.)

WHEREAS, the City Council, by Ordinance No. 2658-C.S. which was introduced on March 28, 1989, finally adopted on April 4, 1989, and which became effective on May 4, 1989, amended Section 8-4-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(462), property located on the southeast corner of Hatch Road and Boise Avenue, to allow a two-story townhouse apartment development, and

WHEREAS, City Council Resolution No. 89-434 was adopted on March 28, 1989, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in one phase, and

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Arambel and Rose Development, Inc. on May 17, 1990, to rezone from Planned Development Zone, P-D(462), to a new Planned Development Zone, to allow single-family homes on small offset-zero lots, property located on the southeast corner of Hatch Road and Boise Avenue, described as follows:

P-D(462) to P-D

All that certain real property situate in a portion of the northwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel A as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on May 1, 1987, in Volume 39 of Parcel Maps at page 50.

Including also the southern 50.00 feet of Hatch Road and the eastern 30.00 feet of Boise Avenue and all immediately adjacent to the above described property.

and
WHEREAS, said application was set for a public hearing before the Planning Commission on June 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on June 18, 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. 90-54, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed zone change is in accordance with community objectives as set forth in the General Plan, which provides back-up lot single-family homes adjacent to expressways.

2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 16, 1990 should be certified as adopted.

and

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

WHEREAS, after said public hearing held on August 7, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Arambel and Rose Development, Inc. 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. 90-54 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2723-C.S. on the 7th day of August, 1990, reclassifying the above-described property from Planned Development Zone, P-D(462), to Planned Development Zone, P-D(476).
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(476), is hereby approved subject to the following conditions:

1. All development shall conform to these plot and floor plans as titled "Stone Leaf Hollow" as amended in red, stamped approved by the Planning Commission on June 18, 1990.

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

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Seven-foot-high decorative masonry wall along the north and east property lines.
   b. Seven-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the south property line.
   c. Seven-foot-high solid double-sided wood fence around all private yard areas.

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

5. Trash cans shall be screened from view from any public street but not in the garage.

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

7. 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.

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

9. 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.

10. No second-story window shall look into a private yard area of neighboring single-family lots.

11. That side yard easements shall be dedicated consistent with the approved plan as approved by the City Attorney's office.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(476):

The entire construction program be accomplished in one phase, construction to begin on or before June 18, 1992, and completion to be not later than June 18, 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(476), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-675

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 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM
PLANNED DEVELOPMENT ZONE, P-D(462), TO PLANNED DEVELOPMENT
ZONE, P-D(476). (ARAMBEL AND ROSE DEVELOPMENT, INC.)

WHEREAS, on August 7, 1990, the City Council introduced
Ordinance No. 2723-C.S. giving approval to a project relating to an
amendment to Section Map 8-4-9 of the Zoning Map of the City of Modesto to
reclassify from Planned Development Zone, P-D(462), to Planned Development
Zone, P-D(476), property located on the southeast corner of Hatch Road and
Boise Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 8-4-9 of the Zoning Map of the
City of Modesto to reclassify from Planned Development Zone, P-D(462), to
Planned Development Zone, P-D(476), property located on the southeast corner
of Hatch Road and Boise Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-676

A RESOLUTION AMENDING A PORTION OF THE EAST MC HENRY NEIGHBORHOOD ZONING AND DEVELOPMENT POLICY AND ADOPTING A SPECIFIC TRAFFIC MITIGATION FEE.

WHEREAS, on June 10, 1980, the City Council, by motion, adopted a Zoning Development Policy for the East McHenry Neighborhood, an area bounded by Briggsmore Avenue on the north, McHenry Avenue on the west, MID Lateral No. 4 on the southeast and Coffee Road on the east, and

WHEREAS, the one-mile stretch of East Orangeburg Avenue between McHenry Avenue and Coffee Road generally acts as a substandard-width major street link between two major hospitals resulting in a high level of desirability for development of business/professional offices, particularly medical offices, and

WHEREAS, based upon recent experience and past actions by both the Planning Commission and the City Council, there is a perceived move toward approval of some business/professional office zoning and development along portions of said stretch of East Orangeburg Avenue, and

WHEREAS, professional offices along the subject one-mile length of East Orangeburg Avenue have been found to constitute reasonable use of the land, being compatible with remaining residential and institutional uses provided that positive steps are taken to enhance traffic flows along the major street, and

WHEREAS, an informal public hearing was held by the Planning Commission on Monday, March 5, 1990, in the City Council Chambers, City Hall, 801 11th Street, at which hearing evidence both oral and documentary was received and considered, and
WHEREAS, by Resolution No. 90-27 adopted on March 5, 1990, the Planning Commission recommended to the City Council the adoption of an "Amendment to Portion of East McHenry Neighborhood Zoning and Development Policy" to provide for business/professional office zoning and development of approximately 10.6 acres of land along East Orangeburg Avenue between McHenry Avenue and Coffee Road, as shown on the map attached hereto, marked Exhibit "A", and incorporated herein by reference, and

WHEREAS, the Planning Commission, by its Resolution No. 90-27, further recommended that specific items as set forth in said resolution and quoted herein should be included as policy to be applied relating to said rezoning and development, and

WHEREAS, additional land developed with office uses along this stretch of East Orangeburg Avenue creates the need to provide positive traffic flow enhancement including but not limited to left-turn lanes and on-street parking restrictions, and

WHEREAS, the City Council of the City of Modesto is empowered by California Constitution Article XI Section 7 to make all necessary local police laws and regulations and to ensure that local traffic impacts are mitigated, and

WHEREAS, said proposed "Amendment to Portion of East McHenry Neighborhood Zoning and Development Policy" and proposed mitigation fee was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto California, on August 7, 1990, at 7:30 p.m., and
WHEREAS, said public hearing was held at said time and place, evidence both oral and documentary was received and considered, after which the Council found and determined that the East McHenry Neighborhood Zoning and Development Policy should be upgraded to reflect and provide guidance for the changes recommended by the Planning Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in relation to the proposed amendment to a portion of the East McHenry Neighborhood Zoning and Development Policy, that based on the oral and documentary evidence introduced at the public hearing regarding the items recommended by the Planning Commission in its Resolution No. 90-27 below, the Council finds and determines as follows:

1. Certain areas along East Orangeburg Avenue are recognized as having a potential for business/professional office development. Zoning should be via Professional Office, P-O, zoning except that Planned Development, P-D, zoning might be deemed appropriate to assure compliance with the items following:
   a. Shared access openings onto public streets and reciprocal on-site access between properties shall be provided wherever possible to lessen the adverse traffic impacts generated by more intensive zoning and development.
   b. Site plans for specific properties shall include graphic demonstrations that consideration has been given to the potential for development and/or compatibility on adjoining properties.
   c. Planned Development, P-D, or Professional Office, P-O, zoning shall be applied as necessary. Zoning and/or development of some properties may be delayed in order to achieve Items a. and b. above. Each individual parcel must not be assumed to possess its own exclusive street access pursuant to more intensive zoning and development.

2. Additional land developed with office uses along this stretch of East Orangeburg Avenue brings need to provide positive traffic flow enhancement including but not limited to left-turn
lanes and on-street parking restrictions. At least a portion of the costs to provide this traffic flow enhancement should be borne by the developer of these higher traffic generating uses. These costs should be enforced as conditions of plan approval and collected at time of construction.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that an amendment to a portion of the East McHenry Neighborhood Zoning and Development Policy is hereby approved as shown on the map attached hereto, marked Exhibit "A", and incorporated herein by reference, to allow Professional Office, P-O, or Planned Development, P-D, zoning on 10.6 acres of land along East Orangeburg Avenue, and the items as recommended by the Planning Commission by its Resolution No. 90-27 and quoted above are hereby approved and shall hereafter be included as a portion of the policy to be applied relating to rezoning and development.

BE IT FURTHER RESOLVED, in relation to the proposed mitigation fee, that based on the oral and documentary evidence introduced at the public hearing, the Council finds and determines that:

1. The purpose of the fees is to finance municipal public improvements to reduce the impacts caused by the amendment of the East McHenry Neighborhood Zoning and Development Policy to allow increased business/professional office zoning.

2. The fees collected pursuant to this resolution shall be used to finance the installation of a median two-way left turn lane on East Orangeburg Avenue between McHenry Avenue and Coffee Road.

3. As the zoning in the East McHenry Neighborhood Zoning and Development Policy changes from residential to business/professional office zoning, the amount of traffic and congestion on East Orangeburg Avenue will increase, as set forth in a memo from the Transportation Planner dated February 16, 1990, and incorporated herein. As set forth in that report, the installation of a continuous two-way left-turn lane along East Orangeburg Avenue from McHenry Avenue to Coffee Road will be needed to mitigate the increase in congestion and traffic.
4. The estimated cost of the above-described mitigation is set forth in the memo of the Traffic Operations Manager dated May 8, 1990, and incorporated herein. The revised East McHenry Neighborhood Zoning and Development Policy anticipates 10.6 acres plus the additional 0.9 acres of recently approved office zoning for a total of 11.5 acres which will convert from residential to business/professional office uses. There should be an equal apportionment of the cost of mitigation among the properties within the East McHenry Neighborhood which have professional office or office planned development zoning.

5. This method of allocating the traffic mitigation fee to the development creating the need for traffic mitigation bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees.

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

1. That it hereby adopts a traffic mitigation fee of $.08 per square foot of land for all parcels within the Professional Office or Office Planned Development Zoning which are in the East McHenry Neighborhood, said fee to become effective on September 1, 1990.

2. The traffic mitigation fee shall be charged and paid to the Building Department at the time of issuance of a building permit on those parcels.

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

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

   b. To reimburse the City of Modesto for designated public facilities constructed by the City with funds from other sources, unless the City funds were expended to remedy existing deficiencies as identified in the Recht Hausrath report identified by this resolution or were obtained from grants or gifts;
c. To reimburse developers who have designed and constructed any public facility for which a facilities fee is being collected where the cost of such design and construction exceeds the capital facilities fee which otherwise would have been due; and

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

4. A separate fund shall be set up into which all the fees collected herein will be deposited. Fees in the capital facilities funds shall be expended only for those purposes relating to the installation of a median two-way left-turn lane on East Orangeburg Avenue between McHenry Avenue and Coffee Road and the alleviation of traffic and congestion.

5. This resolution shall become effective on the 1st day of September, 1990.

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

a. The fees established by this resolution will be collected in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City. The traffic mitigation fee will be used to better utilize existing resources and will not result in additional road construction by the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August 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
AMENDMENT TO PORTION OF EAST McHENRY NEIGHBORHOOD ZONING & DEVELOPMENT POLICY

E. Orangeburg Ave. between McHenry and Coffee Rd.

R-1 to P-D for P-0 uses

R-1 to P-0

R-1 to P-0

R-1 to P-0

R-1 to P-0

R-1 to P-0

EXHIBIT "A"
TO: Assistant Planner Cannell
FROM: Traffic Operations Manager
SUBJECT: Orangeburg Restriping Estimate

Per your April 3, 1990 memo (attached), we have prepared cost estimates for installing a median two-way left-turn lane (TWLTL) on Orangeburg between McHenry and Coffee. Based on your intimation that such an installation might be implemented on a piecemeal basis, the attached estimate provides a cost estimate breakdown on a block-by-block basis. Be advised that the installation cannot be implemented on a strictly piecemeal basis. For any block front, you will have to add about 160 feet of transition striping on either end of any changed segment, with the sole exception of doing the whole one-mile length at once, or at least one-half mile increments. The estimated cost of providing both of the necessary transitions is around $3,400 per changed segment.

Obviously, the estimates cannot include costs associated with pavement damage, which would compound each time a "temporary" transition section was installed and then ground out for a subsequent transition section.

Other factors worth considering are the "economy of scale" that goes with larger thermoplastic projects; and the nuisance/safety factors associated with striping patterns that jump back and forth between two basic patterns. If the whole one-mile segment were one project, the estimated $39,000 cost (not including transitions) would drop to around $25,000 (with no transitions needed). Even taking one-half mile segments, McHenry to Sunrise and Sunrise to Coffee, would eliminate transitions and provide some "economy of scale."

From the Traffic Engineering perspective, we prefer at least a one-half mile stretch on Orangeburg be restriped at a time.

Firoz Vohra

FV:MVD:wpc
cc: Transportation Planner
A RESOLUTION ACCEPTING THE WATERLINE ON M.I.D. LATERAL NO. 6, STANDIFORD AVENUE AND DALE ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the waterline on M.I.D. Lateral No. 6, Standiford Avenue and Dale Road has been completed by Cimarron Construction in accordance with the contract agreement dated February 27, 1990.

NOW, THEREFORE, BE IT RESOLVED that the waterline on M.I.D. Lateral No. 6, Standiford Avenue and Dale Road be accepted from said contractor, Cimarron Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $60,710.97 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-678

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR RESIDENTIAL ALLEY-PAVING PROJECT NO. 16

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

SECTION 1. The plans and specifications for the residential alley paving Project No. 16
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 23, 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 7th day of August, 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:

JUDY L. HALL, Acting City Clerk
BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing golf course turf maintenance equipment, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 27, 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 7th day of August, 1990, by Council member 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: Council members: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Council members: None

ABSENT: Council members: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR THE 1990 STREET SLURRY SEALS

WHEREAS, Resolution No. 90-631, adopted by the Council of the City of Modesto on July 3, 1990, approved the plans and specifications for the 1990 street slurry seals and authorized the calling for bids; and

WHEREAS, the bids received for the 1990 street slurry seals were opened at 11:00 a.m. on July 26, 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 Graham Contractors, Inc. in the amount of $181,994.78 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, Inc. in the amount of $181,994.78 be accepted and the execution of a contract 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 7th day of August, 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: Judy C. Hall, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY TO RENEW THE CITY'S BOILER AND MACHINERY COVERAGE EFFECTIVE 7/15/90 THROUGH 7/15/91

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance Company to renew the City's boiler and machinery coverage effective 7/15/90 through 7/15/91 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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: JUDY C. HALL, Acting City Clerk
WHEREAS, the City of Modesto, California (the "City") is a municipal corporation duly organized and existing under the Constitution and laws of the State of California;

WHEREAS, the Stanislaus Waste-To-Energy Financing Agency (the "Agency") has previously issued its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 (the "Certificates"), which Certificates were issued to refund the California Pollution Control Financing Authority Solid Waste Facility Adjustable Rate Revenue Bonds (Stanislaus Waste Energy Company Project), Series 1985 (the "Bonds");

WHEREAS, the Agency now desires to issue its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 A (the "Series 1990 A Certificates") for the purpose of paying a portion of the arbitrage rebate obligation in connection with the refunding of the Bonds;

WHEREAS, the Series 1990 A Certificates represent undivided and proportionate interests in lease payments to be made by the Agency pursuant to a Lease Agreement, dated as of May 1, 1990, as amended by a First Supplemental Lease Agreement, dated as of August 1, 1990, between the Agency and Ogden Martin Systems of Stanislaus, Inc. (the "Company"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement, dated as of May 1, 1990, as amended by a First Supplemental Sublease Agreement, dated as of August 1, 1990, between the Company and the Agency;

WHEREAS, as a prerequisite to the issuance of the Series 1990 A Certificates by the Agency, the City, by its authorized officer, must consent to the execution and delivery of the Series 1990 A Certificates and must certify that to the best of its knowledge no events have occurred or are occurring that constitute defaults, or with the passage of time would constitute a default, under the Service Agreement (as that term is defined in the Trust Agreement, dated as of May 1, 1990, as
amended by a First Supplemental Trust Agreement, dated as of August 1, 1990 (collectively the "Trust Agreement") by and among The Bank of New York (the "Trustee"), the Company and the Agency;

WHEREAS, in connection with the execution and delivery of the Series 1990 A Certificates the City, together with the County, wishes to acknowledge and confirm certain warranties, representations and covenants contained in the Purchase Agreement relating to the Series 1990 A Certificates between Prudential-Bache Securities, Inc., dba Prudential-Bache Capital Funding, the Company and the Agency (the "Purchase Contract"); and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

SECTION 1. Declaration of Council. The City Council hereby specifically finds and declares that the actions authorized hereby constitute, and are with respect to, public affairs of the City and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. Written Statement Pursuant to Section 2.03(c)(1) of the Trust Agreement. The City Council hereby authorizes the City Manager or his designee to execute, on behalf of the City, the statement required by Section 2.03(c)(1) of the Trust Agreement regarding consent to the execution and delivery of the Series 1990 A Certificates and the absence of default under the Service Agreement.

SECTION 3. Acknowledge and Confirm Purchase Contract. The form of Purchase Contract presented to this meeting and on file with the Clerk of the City Council is hereby approved. The Mayor of the City, the City Manager of the City, and any other City officer or official of the City authorized by the City Manager, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and
deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. Attestation and Seal. The Clerk of the City Council is hereby authorized and directed to attest the signature of the authorized signatory, and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of the Purchase Contract, the Rebate Instructions or other related certificates, as necessary.

SECTION 5. Further Actions. The Mayor, members of the City Council, the City Manager, and any other officer or official of the City authorized by the City Manager, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the execution and delivery of the Series 1990 A Certificates. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 6. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 7th day of August, 1990, by the following votes:

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

NOES: Councilmembers - None

ABSENT: Councilmembers - None

ABSTAIN: Councilmembers - None

ATTEST: [Signature]

Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

City Attorney

3192002/97
A RESOLUTION AUTHORIZING SUBMISSION OF PROJECTS AS CANDIDATES FOR THE STATE-LOCAL PARTNERSHIP PROGRAM.

WHEREAS, the State-Local Partnership Program is a relatively new State program to provide assistance to local agencies in funding transportation projects that increase capacity, extend service or extend useful life of the facilities, and

WHEREAS, the attached list of projects were selected because they met the program guidelines for local funding and were approved in the 90/91 CIP. The program guidelines require that local matching funds be from strictly local sources such as uniform developer fees (CFF). Gas tax funds cannot be used for the City's share under this program, and

WHEREAS, this program could provide up to $2.36 million in State funding for the listed projects. The exact amount available will depend upon the value of project applications submitted statewide and the amount appropriated by the State Legislature for the program, and

WHEREAS, the attached list of projects are eligible for up to 50% State funding under this program. Program guidelines require a resolution from the local governing body authorizing submission of the projects for the program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that authorization is hereby granted to submit the projects identified on Exhibit "A", attached hereto and incorporated herein by reference, as candidates for the State-Local Partnership Program (SB300).

BE IT FURTHER RESOLVED that the City Manager or his designated representative is hereby authorized to execute any and all required documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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]

(SEAL)

APPROVED AS TO FORM:

By [Signature]

STAN T. YAMAMOTO, City Attorney
<table>
<thead>
<tr>
<th>Agency</th>
<th>Location</th>
<th>Type of Work</th>
<th>Project Cost</th>
<th>Sources of Local Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto</td>
<td>Carpenter Rd. (Maze Blvd. to Kansas Ave.)</td>
<td>Widen to 4 lanes</td>
<td>1,131,900</td>
<td>Uniform Developer Fees</td>
</tr>
<tr>
<td></td>
<td>Claus Rd. (750’ S. of Dry Crk.Scenic Dr.)</td>
<td>Widen Bridge &amp; Approaches</td>
<td>1,927,200</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intersection of Mitchell Rd. &amp; Finch Rd.</td>
<td>Replace Traffic Controller</td>
<td>55,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intersection of Orangeburg Av. &amp; Kearay Av.</td>
<td>Install Traffic Signals</td>
<td>121,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intersection of Pelandale Ave. &amp; Sisk Rd.</td>
<td>Install Traffic Signals</td>
<td>130,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intersection of Coffee Rd. &amp; Orangeburg Ave</td>
<td>Upgrade Traffic Signals</td>
<td>132,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Citywide</td>
<td>Computerize Traff. Contr.Sys.</td>
<td>1,224,000</td>
<td></td>
</tr>
</tbody>
</table>

Exhibit "A"

WHEREAS, the City of Modesto Fire Department Capital Facilities Fee Fund (Fund No. 132) needs an advance from the General Fund (Fund No. 010) to finance furnishings and equipment for Fire Station No. 9, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1990-91 to amend the General Fund (Fund No. 010) to provide the advance of $113,761 to the Fire Department Capital Facilities Fee Fund (Fund No. 132),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of $113,761 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Fire Department Capital Facilities Fee Fund (Fund No. 132), and appropriated in the following accounts:

- $36,629 132-180-P996-6000 Fire Stn #9 Station Equipment
- $69,132 132-180-P997-6000 Fire Stn #9 Engine Equipment
- $ 8,000 132-180-P998-6000 Fire Stn #9 Safety Equipment

BE IT FURTHER RESOLVED that the loan is to be repaid from Fire Department Capital Facilities Fee revenue.

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 7th day of August, 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: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-685

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM CONTINGENCY RESERVE TO PROVIDE ADDITIONAL FINANCING FOR FIRE STATION #9

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

FROM: Contingency Reserve $155,115
TO: Fire Station #9 $155,115

Transfer needed to provide additional financing for Fire Station #9 because completion date is earlier than originally anticipated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-686

A RESOLUTION ORDERING THE REES-TORRID REORGANIZATION TO THE CITY OF MODESTO (UNINHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 90-42 dated July 25, 1990, approved the proposed Rees-Torrid 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 Rees-Torrid Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Rees-Torrid Reorganization is uninhabited 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 Woodland Avenue Fire Protection District; (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus Local Agency Formation Commission on July 25, 1990, certified that it considered the contents of the Environmental Review Initial Study and the Negative Declaration prepared by staff as to the environmental impact of the subject Reorganization, and although the approval of this proposal could have a significant effect on the environment, measures have been included in the project which mitigate its effect on the environment, and responsibility for reporting and monitoring to ensure CEQA compliance shall be with the City of Modesto, and
WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is to allow future single-family development, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the Local Agency Formation Commission has authorized this Council to approve this annexation without notice and hearing and without an election,

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

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 as amended have been complied with.

2. That the area or territory designated as the Rees-Torrid Reorganization is more particularly described on Exhibit "A" attached hereto and made a part 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 Woodland Avenue 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 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 7th day of August, 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: JUDY L. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department, Engineering
Rees Torrid Reorganization
To the City of Modesto

DESCRIPTION

All that certain real property situated in the north half of Section 25, T.3S., R.8E., MDB&M in the County of Stanislaus, State of California, described as follows:

Beginning at the northeast corner of Lot Two (2) as shown on that certain map entitled Pleasant Homes filed for record the 17th day of August, 1922 in Volume Nine (9) of maps at page sixty-seven (67) Stanislaus County records said corner being on the south right of way line of Torrid Avenue, (a 50 foot wide avenue), thence along the east line of said Lot 2, also being the existing city limits of Modesto, South 00° 52' East, a distance of 235.24 feet to the southerly line of said Lot 2, thence along said southerly line and city limits line South 75° 27' West, a distance of 169.82 feet to the west line of the east half of said Lot 2, thence along said west line North 00° 52' West, a distance of 275.32 feet to the said south right of way line of Torrid Avenue, thence continuing on aforesaid course North 00° 52' West, a distance of 25 feet to the centerline of said Torrid Avenue being also the existing city limits of Modesto, along said centerline and city limits line North 89° 06' East, a distance of 165.00 feet to the prolongation of the said east line of Lot 2, thence along said east line and city limits line South 00° 52' East 25.00 feet to the point of beginning.

Containing 1.06 acre.

EXHIBIT "A"

Approved as to description

ON 6-8-90

BY Liz Miller
MODESTO CITY COUNCIL
RESOLUTION NO. 90-687

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL
TRANSPORTATION CLAIM TO THE STANISLAUS AREA ASSOCIATION OF
GOVERNMENTS (SAAG).

WHEREAS, money is available from the Local Transportation Fund for
use by the City of Modesto in carrying out various activities related to
transportation, and

WHEREAS, annually these funds are allocated by the Stanislaus Area
Association of Governments (SAAG) in accordance with established priorities,
and

WHEREAS, the City of Modesto's claim has been prepared in accordance
with established priorities and provides for the use of $3,764,513 from the
Local Transportation Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that submission of the City of Modesto's Annual Transportation Claim by the
City Manager to the Stanislaus Area Association of Governments (SAAG) in the
amount of $3,764,513 for the fiscal year 1990-91 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION NO. 90-688

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Financial Analyst
Budget Officer

The specifications for the classifications of Financial Analyst (Range 435), as shown on the attached Exhibit "A", and Budget Officer (Range 435), 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. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following

080390

1-1

10179CA2
Budget Analyst

The revised specifications for the classification of Budget Analyst (Range 431), 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 3. EFFECTIVE DATE. This resolution shall become effective on and after August 7, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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: ___JUDY C. HALL______, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By __STAN T. YAMAMOTO, City Attorney__
FINANCIAL ANALYST

DEFINITION

To perform responsible technical and analytical work; to perform complex financial analyses; and to provide highly responsible staff support to the Director of Finance.

DISTINGUISHING CHARACTERISTICS

This is a single position class in the Finance Department. The incumbent exercises considerable latitude and discretion in performing highly technical and complex analyses.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

May exercise supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES – Duties may include, but are not limited to:

Perform complex revenue and other financial analysis studies used in financial and budgetary planning.

Provide revenue projections; investigate and recommend additional sources of funding.

Compile, organize and analyze data on new and existing programs; perform complex statistical analysis, conduct surveys and prepare proposals, including financial policy and procedure requirements.

Investigate, interpret, analyze and prepare recommendations related to improvements of budgetary and accounting information systems.

Coordinate a variety of projects both within the department and City and with outside agencies or institutions.

Represent the Finance Director before Council and at interdepartmental, community and professional meetings.

Confer with members of the public to explain financial policies and programs and to respond to complaints and requests for information.

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Advanced principles, methods and practices of municipal finance, budgeting, and accounting.

Federal, state and local laws, regulations, and policies governing the financial administration of city government.

Principles and practices of organization and public administration.

Statistical methods.

Technical report writing procedures and methods of graphic presentation.

Ability to:

Analyze problems, identify options, project consequences of proposed actions and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations and policies.

Collect, compile, analyze and interpret statistical and financial data.

Prepare and present a variety of financial and budgetary reports and analyses.

Work with and control sensitive, confidential information.

Develop, install and utilize management information systems.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in financial and budgetary analysis, including at least one year of experience comparable to that of Budget Analyst in the City of Modesto.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, business administration or a related field. A Master's degree is desirable.
DEFINITION

To plan and direct the preparation of the City's capital improvement and operating budgets; to perform highly complex technical and analytical work; to provide staff assistance to the Finance Director; and to perform other duties as required.

DISTINGUISHING CHARACTERISTICS

This is a single position class in the Budget Analyst series. The incumbent supervises staff who prepare capital improvement and operating budgets for the City and personally performs the most complex and technically difficult work, exercising considerable latitude and discretion.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES

Plans, organizes and supervises the City's annual operating and multi-year capital improvement budget process; reviews budget manuals and approves changes.

Recommends and implements changes in budget format, procedures and processes, including the development of alternative budget systems; recommends and implements management information systems.

Prepares multi-year forecasts of revenues and expenditures.

Analyzes actual revenues and expenditures in comparison to budget estimates and allocations; prepares and presents reports.

Oversees the preparation of all budget documents including preliminary and final budget packages.

Participates in the review of capital improvement budgets, operating budgets, supplemental budget requests and mid-year budget adjustments; participates in budget presentation to council, commissions, and groups.

Performs a variety of complex statistical and financial analyses including cost/benefit and program cost analysis.

Reviews and analyzes pending and new legislation to determine fiscal impact to the City.

Consults with management on various operating and CIP budget issues; conducts studies and prepares and presents recommendations.

Reviews department budget requests and changes to ensure compliance with applicable laws, rules, regulations and policies.

Performs related duties as assigned.

072690 254/WPJD

Exhibit "B"
QUALIFICATIONS

Knowledge of:

Principles and practices of supervision and training.
Principles and practices of budget preparation and administration.
Principles and practices of organization, administration and personnel management.
Pertinent Federal, state and local laws, regulations and policies.
Principles and practices of municipal accounting.
Principles and techniques of financial and statistical analysis.
Technical report writing styles.
Modern office procedures, methods and equipment.

Ability to:

Prepare operating and capital improvement budgets.
Conduct feasibility studies, analyze and review data and develop forecasts, trends, and recommendations.
Estimate and project revenues and expenditures.
Prepare and present a variety of financial, budgetary, statistical and narrative reports and analyses.
Work with and control sensitive, confidential information.
Supervise, train and evaluate assigned staff.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain effective working relationships with others.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in financial and budgetary analysis, including at least one year of experience comparable to that of Budget Analyst in the City of Modesto.
Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, business administration or a related field. A Master's degree is desirable.
DEFINITION

To assist the Finance Director in formulating the City's annual operating and multi-year capital improvement budgets; to evaluate all phases of the budget progress during execution phase; to analyze cost, revenue, and relevant economic data; and to recommend improvements to budget systems and procedures.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Budget Officer.

May exercise direct supervision over technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Review and update the City's budget manual and supplemental procedures; originate communication and distribute budget preparation materials to departments; ensure the timely submission of all source information and review input for completeness and accuracy.

Coordinate budget related matters with departments and provide training and guidance when necessary.

Prepare enterprise fund and internal service fund budgets.

Calculate cost and revenue forecasts; maintain statistical and economic data influencing estimates; prepare worksheets, schedules and exhibits comprising the formal budget documents.

Evaluate the budget during the execution phase; identify variances requiring corrective action.

Prepare staff reports and special analyses as required.

Verify availability of funds to finance intended departmental and Council actions; research and evaluate potential revenue sources.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities; develop and test new budget techniques and concepts.

Participate in the selection of staff; provide or coordinate staff training; may serve as leadworker over other professional staff.

Act in the absence of the Budget Office.

Serve as liaison with the accounting department to insure that internal controls are maintained and that the budget is prepared in accordance with generally accepted accounting principles.
EXAMPLES OF DUTIES (continued)

Conduct special projects in the budget area at the direction of the Budget Officer or Finance Director; assume full responsibility for completion of such projects which may require extensive work with other departments or outside organizations.

Insure that staff work is complete for all budget related items placed on the Council agendas.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and practices of budget preparation and administration.
- Principles and practices of organization, administration and personnel management.
- Pertinent Federal, State, and local laws, codes and regulations.
- Principles of supervision, training and performance evaluation.
- Principles and practices of accounting in a municipal government.
- Technical report writing styles.
- Basic statistical techniques.
- Modern office procedures, methods and computer equipment.

Ability to:

- Assist in the preparation of operating and capital improvement budgets.
- Conduct feasibility studies, analyze and review fiscal data in order to develop forecasts, trends and analysis.
- Estimate and project revenues and expenditures.
- Prepare completed staff work for oral and written presentations.
- Work and control sensitive, confidential information on assignments.
- Supervise, train and evaluate assigned staff.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain cooperative working relationships with those contacted in the course of work.
Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience:**

One year of responsible budget preparation or analysis experience.

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.
A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 90-607
ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY
SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE
CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "G"
entitled "City of Modesto Class Range Table Management And Confidential
Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607,
is hereby amended as shown on the amended Exhibit "G" entitled "City of
Modesto Class Range Table Management And Confidential Non-Sworn Classes
Effective August 7, 1990", which is attached hereto and made a part hereof as
though set forth in full herein. Said amended Exhibit "G" reallocates two
existing Budget Analyst positions to Financial Analyst and Budget Officer at
salary range 435 and designates a reduction in the current classification of
Budget Analyst from salary range 432 to salary range 431.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after August 7, 1990.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
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<tr>
<th>RANGE</th>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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</table>
| 407   | Word Processing Technician I  
Administrative Clerk II (Confidential) |
| 408   | |
| 409   | |
| 410   | |
| 411   | Word Processing Technician II  
Microfilm Services Supervisor |
| 412   | |
| 413   | Senior Personnel Clerk |
| 414   | |
| 415   | Senior Word Processing Technician  
Secretary |
| 416   | |
| 417   | |
| 418   | Custodian Supervisor  
Legal Secretary |
| 419   | |
| 420   | Claims Representative  
Benefits Coordinator  
Legal Services Technician  
Office Services Supervisor  
Deputy City Clerk  
Executive Secretary |

Exhibit "G"
## MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 7, 1990

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<tr>
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<tr>
<td>422</td>
<td>Office Supervisor</td>
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<tr>
<td>423</td>
<td>Word Processing System Supervisor</td>
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| 424   | Assistant Planner  
        | Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
        | Administrative Analyst I  
        | Executive Assistant  
        | Legal Services Supervisor |
| 426   | Warehouse Supervisor  
        | Museum Supervisor |
| 427   | Events Supervisor |
| 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 |

072790

1359/WPPER
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| 432   | Plant Mechanic Supervisor  
|       | Recreation Supervisor II  
|       | Historical Buildings Supervisor  
|       | Assistant Civil Engineer  
|       | Senior Accountant |
| 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 |
| 435   | Management Analyst  
|       | Deputy City Attorney I  
|       | Senior Personnel Analyst  
|       | Public Information Officer  
|       | Public Services Supervisor  
|       | Budget Officer  
|       | Financial Analyst |
| 436   | Senior Planner  
|       | Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
|       | Asst. Water Quality Control Supt.  
|       | Associate Civil Engineer  
|       | Transportation Planner  
|       | Housing Program Supervisor |
| 439   | Deputy City Attorney II |

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| 440   | Principal Accountant  
Purchasing Officer |
| 441   | Community Development Program Manager  
Sr. Deputy City Attorney I  
Airport Manager  
Solid Waste Program Manager  
Transit Manager  
Streets Maintenance Supt.  
Parking & Traffic Supt.  
Parks Maintenance Supt.  
Risk Manager  
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  
Sr. Deputy City Attorney II |
| 446   | Senior Civil Engineer  
Traffic Engineer |
| 447   | Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. |
| 448   |       |
| 449   |       |
| 450   | Deputy Director Public Works - Engineering  
Deputy Director Public Works - Operations  
Deputy Director Public Works - Transportation |
| 451   | Assistant City Attorney |

072790
A RESOLUTION ACCEPTING IMPROVEMENTS IN CALIFORNIA CHARDONNAY UNIT NO. 1 AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman and Broad of Northern California, subdividers of California Chardonnay Unit 1 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $591,200.00 and $295,600.00 respectively to guarantee improvements in California Chardonnary Unit 1 and;

WHEREAS, the Director of Public Works in a memorandum dated July 31, 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 California Chardonnay Unit 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $591,200.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $295,600.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 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: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF NORTHWEST MOTOR WELDING FOR FURNISHING A
DIESEL BUS ENGINE

WHEREAS, Resolution No. 90-641, adopted by the Council of the City of
Modesto on July 10, 1990, approved the plans and specifications for the
purchase of two rebuilt diesel bus engines

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two diesel bus engines

were opened at 11:00 a.m. on July 30, 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
Northwest Motor Welding in the amount of $7,650

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Northwest Motor Welding in the amount of $7,650
be accepted and the execution of a contract by the City's designated officials
be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 14th day of August, 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: [Signature]
JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF BESSST, INC. FOR FURNISHING A DIESEL BUS ENGINE

WHEREAS, Resolution No. 90-641, adopted by the Council of the City of Modesto on July 10, 1990, approved the plans and specifications for the purchase of two rebuilt diesel bus engines 

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two diesel bus engines were opened at 11:00 a.m. on July 30, 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 Besst, Inc. in the amount of $6,539 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Besst, Inc. in the amount of $6,539 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 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: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-693

A RESOLUTION ACCEPTING THE REROOFING OF THE SENIOR CITIZENS CENTER AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the reroofing of the Senior Citizens Center has been completed by A & B Roofing in accordance with the contract agreement dated May 15, 1990.

NOW, THEREFORE, BE IT RESOLVED that the reroofing of the Senior Citizens Center be accepted from said contractor, A & B Roofing; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $24,205 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 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: __________________________

JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROMA DESIGN GROUP FOR ADDITIONAL COSTS FOR VILLAGE ONE SPECIFIC PLAN FINAL EIR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and ROMA Design Group for additional costs for Village One Specific Plan Final EIR be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 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: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-695

A RESOLUTION AMENDING THE 1990-91 ANNUAL BUDGET OF THE
CITY OF MODESTO TO TRANSFER FIFTEEN THOUSAND ($15,000)
DOLLARS FROM THE GENERAL FUND (FUND NO. 010) TO THE
SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130).

WHEREAS, on October 10, 1989, the City Council approved financing
two teams of consultants to prepare a Specific Plan, Environmental Impact
Report (EIR), and Financing Plan for Village I, and

WHEREAS, additional funding is now needed in the amount of Fifteen
Thousand and no/100ths ($15,000) Dollars for additional services, and

WHEREAS, the sum of Fifteen Thousand and no 100/ths ($15,000)
Dollars is available in the Unappropriated Fund Balance of the General Fund
(Fund No. 010), and

WHEREAS, said sum will not be required for operating costs of the
City during the 1990-91 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special
Fund for Capital Outlays (Fund No. 130) for additional services for the
Village I Specific Plan Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 1990-91 Annual Budget be amended to transfer Fifteen Thousand and
no/100ths ($15,000) Dollars from the Unappropriated Fund Balance of the
General Fund (Account No. 010-800-8000-8003) to the Special Fund for Capital
Outlays (Account No. 130-140-P894-6000).

BE IT FURTHER RESOLVED that the Director of Finance 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 14th day of August 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: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO.90-696

A RESOLUTION APPROVING MEMBERSHIP TO THE INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE FOR STANISLAUS COUNTY.

WHEREAS, the Integrated Waste Management Act of 1989 requires the establishment of a local task force to assist in coordinating the development of city source reduction and recycling elements, and

WHEREAS, pursuant to Section 40950 of the Public Resources Code, the membership of the task force shall be determined by the board of supervisors and a majority of the cities within the county which contain a majority of the population in the county and may include representatives of the solid waste industry, environmental organizations, general public, special districts, and affected governmental agencies, and

WHEREAS, pursuant to Section 40950 of the Public Resources Code, to ensure a coordinated and cost-effective regional recycling system, the task force shall do all of the following:

(1) Identify solid waste management issues of countywide or regional concern.

(2) Determine the need for solid waste collection systems, processing facilities, and marketing strategies that can serve more than one local jurisdiction within the region.

(3) Facilitate the development of multijurisdictional arrangements for the marketing of recyclable materials.

(4) To the extent possible, facilitate resolution of conflict and inconsistencies between or among city source reduction and recycling elements.

and

WHEREAS, the task force shall develop goals, policies, and procedures which are consistent with guidelines and regulations adopted by the board, to guide the development of the siting element of the countywide integrated waste management plan, and
WHEREAS, at its meeting of August 14, 1990, the Council considered membership, as presented by City staff, to said task force.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, pursuant Section 40950 of the Public Resources Code, membership to the Integrated Waste Management Local Task Force for Stanislaus County is hereby approved as set forth on the list marked Exhibit "A" attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 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: Judy S. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
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<thead>
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<th>Name</th>
<th>Title</th>
<th>Organization</th>
<th>Address</th>
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<tbody>
<tr>
<td>Robert G. Crowther</td>
<td>Mayor</td>
<td>City of Modesto</td>
<td>1716 Morgan Road</td>
<td>(209) 525-4163</td>
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<td>Proctor &amp; Gamble</td>
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<tr>
<td>Carla den Dulk</td>
<td></td>
<td>Stanislaus County Administration</td>
<td>1100 H Street</td>
<td>(209) 525-4494</td>
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<td>Richard Gilson</td>
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<td>Tanislaus Disposal Association</td>
<td>722 Mono Dr.</td>
<td>(209) 527-3781</td>
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<tr>
<td>Jerry Irons</td>
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<td>Stanislaus County Department of</td>
<td>1100 H Street</td>
<td>(209) 525-4550</td>
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<td>Public Works</td>
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<tr>
<td>Richard Lang, Councilmember</td>
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<td>City of Modesto</td>
<td>1100 H Street</td>
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<tr>
<td>Dale Davis</td>
<td>(Alternate member; may note in Mr. Lang's absence)</td>
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<tr>
<td>Jeff McKay, Councilmember</td>
<td></td>
<td>City of Ceres</td>
<td>37 No. Central Ave.</td>
<td>(209) 537-8911</td>
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<tr>
<td>Anne McKissen</td>
<td></td>
<td>Stanair Community Service District</td>
<td>1006 Hackberry Ave.</td>
<td>(209) 537-8911</td>
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<tr>
<td>Jack Patterson</td>
<td></td>
<td>City of Turlock</td>
<td>804 Magnolia St.</td>
<td>(209) 537-8911</td>
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<tr>
<td>Harry Burriss</td>
<td></td>
<td>City of Hughson</td>
<td>1006 Hackberry Ave.</td>
<td>(209) 537-8911</td>
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<td>Richard Lang</td>
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<td>City of Modesto</td>
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<td>Luigi Hahn</td>
<td></td>
<td>Stanislaus County Administration</td>
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<td>(209) 525-4494</td>
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EXHIBIT "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 90-697

A RESOLUTION GRANTING A VARIANCE TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO RELATING TO EXPOSED AGGREGATE SIDEWALK STANDARD AT 1215 "I" STREET. (GEORGE REED, INC.)

WHEREAS, Section 7-1.301 of the Modesto Municipal Code provides that the Council shall approve standard drawings and specifications for sidewalks in the City of Modesto, and

WHEREAS, the Council has adopted Standard Specifications of the City of Modesto which include standard drawings and specifications for sidewalks, and

WHEREAS, George Reed, Inc., has requested a variance from said Standard Specifications to deviate from the sidewalk requirement in the downtown area to permit temporary construction of plain sidewalk finish to the property at 1215 "I" Street, and

WHEREAS, City staff has considered said request and recommends that said request for variance to provide for temporary construction of plain sidewalk finish to the property at 1215 "I" Street, should be approved, and

WHEREAS, at its meeting of August 14, 1990, the Council considered said request and staff recommendation and determined that the requested exception should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an exception is hereby granted to Section 3.27, Exposed Aggregate Sidewalk, of the Standard Specifications of the City of Modesto, to allow temporary construction of plain sidewalk finish to the property at 1215 "I" Street.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August 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: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-698

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE 110 FOOT AERIAL APPARATUS (LADDER TRUCK) FOR THE FIRE DEPARTMENT

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

SECTION 1. The plans and specifications for the purchase of one 110 foot aerial apparatus (ladder truck) for the Fire Department copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 24, 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 21st day of August, 1990, by Councilmember [Name], who moved its adoption, which motion being duly seconded by Councilmember [Name], was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: ___________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS INC. FOR THE DRY CREEK BIKE AND PEDESTRIAN BRIDGE PROJECT

WHEREAS, Resolution No. 90-599, adopted by the Council of the City of Modesto on June 26, 1990, approved the plans and specifications for the Dry Creek bike and pedestrian bridge project and authorized the calling for bids; and

WHEREAS, the bids received for the Dry Creek bike and pedestrian bridge project were opened at 11:00 a.m. on July 19, 1990, and later tabulated by the Director of Planning for the consideration of the Council; and

WHEREAS, the Director of Planning has recommended that the bid of Western Stone Products Inc. in the amount of $245,713.70 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products Inc. in the amount of $245,713.70 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-700

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $75,000 FROM CONTINGENCY RESERVE TO FUND THE DRY CREEK BIKE AND PEDESTRIAN BRIDGE PROJECT

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

FROM: Contingency Reserve $75,000
       (143 800 8000 8003)
TO:   Dry Creek Bike/Pedestrian Bridge $75,000
       (143 140 P946 6000)

Funds needed to provide additional financing for the Dry Creek Bike and Pedestrian Bridge Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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:     Irizarry, Lang, Muratore, Patterson

NOES:      Councilmembers:     None

ABSENT:    Councilmembers:     Bird, Dobbs, Mayor Whiteside

ATTEST:    NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF ORANGE COUNTY NURSERY FOR FURNISHING BARE ROOT TREES

WHEREAS, Resolution No. 90-640, adopted by the Council of the City of Modesto on July 10, 1990, approved the plans and specifications for the purchase of bare root trees and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of bare root trees were opened at 11:05 a.m. on July 30, 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 Orange County Nursery in the amount of $28,332 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Orange County Nursery in the amount of $28,332 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF 25 POLICE VEHICLES FROM LOVE CHEVROLET IN FOLSOM

WHEREAS, the Police Department has requested vehicles to replace vehicles that have exceeded the mileage for efficient operation; and

WHEREAS, staff feels the City should continue to purchase Chevrolet Caprices as they offer a better value for the dollar due to less down time and greater performance; and

WHEREAS, the price offered by Love Chevrolet is the lowest price the City can find for Chevrolet police vehicles.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of 25 Police vehicles is hereby waived.

BE IT FURTHER RESOLVED that purchase of 25 Police vehicles from Love Chevrolet in the amount of $330,632.50 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING AN AGREEMENT WITH BROWN AND CALDWELL TO PROVIDE AN ODOR CONTROL EVALUATION AND TEST STUDY FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, control of odor is required by the City's NPDES discharge permit; and

WHEREAS, Brown and Caldwell was selected by the City in 1988-89 to evaluate the use of Ferrous Chloride for odor control at the Wastewater Treatment Plant and is acquainted with City needs and expectations and has qualified expert staff; and

WHEREAS, it is essential that this odor control study be continued to coincide with the peak of the canning season (September 1) as this time of year represents peak conditions most likely to cause plant odors, and staff feels Brown and Caldwell is the logical choice for continuing with this study.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of odor control evaluation and test study at the City's Wastewater Treatment Plant is hereby waived.

BE IT FURTHER RESOLVED that an agreement with Brown and Caldwell to provide an odor control evaluation and test study for the Wastewater Treatment Plant for the total price of $120,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-704

A RESOLUTION EXTENDING THE CITY OF MODESTO'S HOUSING ELEMENT'S GOALS, POLICIES, AND PROGRAMS UNTIL SUCH TIME AS IT IS UPDATED.

WHEREAS, the City of Modesto's existing Housing Element was adopted in 1984 and covers the period from July 1, 1984 through July 1, 1989, and was prepared and adopted pursuant to State law, and

WHEREAS, State law governing the preparation and adoption of Housing Elements has been changed to stagger the adoption deadlines for updating Housing Elements by geographic region to better accommodate the review of Housing Elements by the State Department of Housing and Community Development, and

WHEREAS, Government Code Section 65588(b), establishing the deadline for the adoption of updated Housing Elements, now requires that the City of Modesto adopt an updated Housing Element by July 1, 1992, and

WHEREAS, the change of deadlines for the adoption of updated Housing Elements has resulted in a technical gap in the period of time covered by the City's Housing Element,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to State law the Goals, Policies, and Programs of the Modesto Housing Element are hereby extended to cover the period of time until the Housing Element is updated.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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:  Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Bird, Dobbs

ATTEST:  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-705

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,000 FROM CONTINGENCY RESERVE FOR CITY'S CONTRIBUTION TO THE U.C. CAMPUS COMMITTEE FOR THE STANISLAUS/TUOLUMNE REGION

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

FROM: General Fund Contingency Reserve
(010 800 8000 8003) $10,000
TO: Professional Services & Other
(010 502 6502 0235) $10,000

On May 22, 1990, the Council agreed to support efforts of U.S. Campus Expansion Committee for the Stanislaus/Tuolumne Region if local sites were included in the final eight locations. Two sites, the Mape's Ranch and Don Pedro, are among the final eight sites considered for the new U.C. Campus, and local U.C. Expansion Committee is requesting the $10,000 to fund efforts to win approval for one of the local sites.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-706
EXTENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OUR CONSULTANTS, DELEUW, CATHER, FOR PLANNING REMOVAL OF UNION PACIFIC RAILROAD TRAINS FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the extended agreement between the City of Modesto and DeLeuw, Cather, for planning removal of the Union Pacific Railroad tracks from 9th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: ________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-707

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 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON TO R-1. (R. J. HILL COMPANY)

WHEREAS, on August 28, 1990, the City Council introduced Ordinance No. 2726-C.S. giving approval to a project relating to an amendment to Section 8-4-9 of the Zoning Map of the City of Modesto to prezone to Low Density Residential Zone, R-1, property located on the north side of Whitmore Avenue and east of Ustick 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 8-4-9 of the Zoning Map of the City of Modesto to prezone to Low Density Residential Zone, R-1, property located on the north side of Whitmore Avenue and east of Ustick Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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, 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 THE LOCAL AGENCY FORMATION
COMMISSION "CITY REORGANIZATION QUESTIONNAIRE" FOR THE
WHITMORE-GUTHERIE         REORGANIZATION.

WHEREAS, on ___August 28___, 1990, the City Council considered the
Local Agency Formation Commission "City Reorganization Questionnaire" for
the ____Whitmore-Gutherie_______ Reorganization, a copy of which
questionnaire is attached hereto, and

WHEREAS, at said meeting the City Council also considered including
a caveat that the annexation area should include only the northerly portion of
Whitmore Avenue beginning at the centerline and adjacent to the proposed
annexation site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the attached Local Agency Formation Commission "City Reorganization
Questionnaire" for the ____Whitmore-Gutherie_______ Reorganization, a copy of
which questionnaire is attached hereto, is hereby approved with the caveat
that the annexation area should include only the northerly portion of Whitmore
Avenue beginning at the centerline and adjacent to the proposed annexation
site.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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, 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
CITY REORGANIZATION QUESTIONNAIRE

1. Name of City ____________________________________ Modesto

2. Name of Proposed Reorganization ________________________________ Whitmore-Gutherie

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

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

5. Other comments the City would like to make.
   The City Council agreed that school impacts should be fully mitigated on the "MIRA" case. The Council directed City staff to work with the school districts serving Modesto to establish a policy to mitigate school impacts. A "grace" period was established for projects submitted as complete prior to September 1, 1990. This reorganization falls under this grace period.
   The City is the lead agency for environmental review on this reorganization and prezone. The Planning Commission recommended a Negative Declaration on August 6, 1990. The City Council certified the
   Negative Declaration on August 28, 1990.
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO THE PROPOSED
WHITMORE-GUTHERIE REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on August 28, 1990, the City Council adopted
Resolution No. 90-708 approving the Local Agency Formation Commission "City
Reorganization Questionnaire" for the Whitmore-Gutherie Reorganization to the
City of Modesto, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to the Whitmore-Gutherie Reorganization to the City of
Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-710

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CANAL CROSSING AT MID LATERAL NO. 4 AT CARPENTER ROAD

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

SECTION 1. The plans and specifications for the canal crossing at MID Lateral No. 4 at Carpenter Road copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 18, 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 28th day of August, 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. 90-711

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A REPLACEMENT POLICE PRISONER TRANSPORT VAN

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

SECTION 1. The plans and specifications for furnishing a replacement Police prisoner transport van, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 1, 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 28th day of August, 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. 90-712

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO WATER ADSORPTION-FILTER SYSTEMS, TO BE INSTALLED AT WELL #2 AND WELL #30

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

SECTION 1. The plans and specifications for furnishing two water adsorption-filter systems, to be installed at Well #2 and Well #30 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 17, 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 28th day of August, 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: _______________________
NOURRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR TRAFFIC SIGNAL CONSTRUCTION, STREET IMPROVEMENTS AND STRIPING MODIFICATIONS AT VARIOUS LOCATIONS

WHEREAS, Resolution No. 90-601, adopted by the Council of the City of Modesto on June 26, 1990, approved the plans and specifications for traffic signal construction and striping modifications at the following locations:

- Briggsmore Avenue at Lakewood Avenue
- Carpenter Road at Kansas Avenue
- Coffee Road at Norwegian Avenue
- Coffee Road between Briggsmore Avenue and Scenic Drive
- Coffee Road between Ensenada Drive and Spanos Court

and authorized the calling for bids; and

WHEREAS, the bids received for the traffic signal construction and striping modifications at the locations listed above, were opened at 11:00 a.m. on August 9, 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 Collins Electrical Company in the amount of $410,840 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company in the amount of $410,840 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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. 90-714

A RESOLUTION ACCEPTING THE MODESTO VERDE BLOCK WALL CONSTRUCTION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Modesto Verde block wall construction has been completed by Thomaswall, Inc. in accordance with the contract agreement dated December 12, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Modesto Verde block wall be accepted from said contractor, Thomaswall, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $80,071 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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
RESOLUTION NO. 90-715

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF TRAFFIC LINE PAINT FROM PERVO PAINT COMPANY

WHEREAS, the Traffic section of Transportation Division of the Public Works and Transportation Department has requested the purchase of traffic line paint; and

WHEREAS, informal bids were solicited, with Pervo Paint Company producing the paint with the necessary fast drying time.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of traffic line paint is hereby waived.

BE IT FURTHER RESOLVED that purchase of traffic line paint from Pervo Paint Company for a total cost of $40,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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 WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF SEWERAGE LIFT STATION FROM J.H. PILLOW COMPANY

WHEREAS, the Public Works and Transportation Department has requested the purchase of a sewerage lift station for the Jefferson Street project; and

WHEREAS, due to the critical time schedule in upgrading the Jefferson Street subtrunk, staff recommends installing a pre-packaged lift station in order to save both time and money; and

WHEREAS, after performing an engineering analysis, it was determined that the Smith and Loveless pump distributed by J.H. Pillow Company is a superior product and an excellent value.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a sewerage lift station is hereby waived.

BE IT FURTHER RESOLVED that purchase of a sewerage lift station from J.H. Pillow Company for a total cost of $70,109.31 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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 THE LOCAL AGENCY FORMATION COMMISSION "CITY REORGANIZATION QUESTIONNAIRE" FOR THE LEON-SOUTH REORGANIZATION, AND CERTIFYING REVIEW OF THE ENVIRONMENTAL ASSESSMENT AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PROPOSED REORGANIZATION.

WHEREAS, on August 28, 1990, the City Council considered the Local Agency Formation Commission "City Reorganization Questionnaire" for the Leon-South Reorganization, a copy of which questionnaire is attached hereto, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the attached Local Agency Formation Commission "City Reorganization Questionnaire" for the Leon-South Reorganization, a copy of which questionnaire is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the Leon-South Reorganization.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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)
**CITY REORGANIZATION QUESTIONNAIRE**

1. Name of City ____________________ Modesto ____________________________________________________________________________

2. Name of Proposed Reorganization ____________________ Leon-South ______________________________________________________________________

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

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

5. Other comments the City would like to make.

   The City Council agreed that school impacts should be fully mitigated based on the "MIRA" case. The Council directed City staff to work with the school districts serving Modesto to establish a policy to mitigate school impacts. A "grace" period was established for projects submitted as complete prior to September 1, 1990. This reorganization falls under this grace period.

   The City is the lead agency for environmental review on this reorganization and prezone. The Planning Commission certified a Negative Declaration on August 6, 1990.

   ____________________________________________

   639WPL2-8
A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA (CALTRANS) FOR PLANNING FOR EXPENDITURE OF CAPITAL FACILITIES FEES IN THE STATE TRANSPORTATION IMPROVEMENT PLAN

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the State of California (Caltrans) for planning for expenditure of Capital Facilities Fees in the State Transportation Improvement Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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. 90-719

A RESOLUTION APPROVING A NEW COMMUNICATIONS AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the new communications agreement between the City of Modesto and Stanislaus County be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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 AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. CHARLES R. AND MRS. JEANNETTE G. MAINO FOR THE ACQUISITION OF .456 ACRES OF THEIR PROPERTY NEEDED FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Charles R. and Mrs. Jeanette G. Maino for the acquisition of .456 acres of their property needed for Dry Creek Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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 AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MOHAMMED ZUBAIR AND ABIDA ZUBAIR FOR THE ACQUISITION OF THEIR LEASEHOLD INTEREST IN THE TRANSPORTATION CENTER SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mohammed Zubair and Abida Zubair for the acquisition of their leasehold interest in the Transportation Center site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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. 90-722

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO THE ACQUISITION OF
LEASEHOLD INTEREST IN THE TRANSPORTATION CENTER SITE.

WHEREAS, the City Council, by Resolution No. 90-721 adopted on
August 28, 1990, approved an agreement with Mohammed Zubair and Abida Zubair
for the acquisition of their leasehold interest in the Transportation Center
site, and

WHEREAS, the City Council certifies that at said meeting of
August 28, 1990, it reviewed and considered the findings of the City of
Modesto Environmental Assessment Committee which resulted in a negative
declaration in regard to the environmental impact relating to the acquisition
of leasehold interest in the Transportation Center site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to the acquisition of leasehold interest in the
Transportation Center site.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August 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
A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA GARDENS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, P & R Enterprises, a general partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 6.111 acres, known as the California Gardens Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of June, 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 California Gardens 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 28th day of August, 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
A RESOLUTION ACCEPTING IMPROVEMENTS IN ORANGEBURG TERRACE SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Vinson Chase, subdividers of Orangeburg Terrace Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of $80,200.00 and $40,100.00 respectively to guarantee improvements in Orangeburg Terrace Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated August 20, 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 Orangeburg Terrace Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $80,200.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $40,100.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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. 90-725

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT E. AND JOANNE L. SARGENT FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1624 SHADDOX AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert E. and Joanne L. Sargent for water service to property outside City limits at 1624 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 28th day of August , 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 AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON OCTOBER 6, 1990, AT 824 KIERNAN AVENUE, AND OCTOBER 8, 1990, AT 501 NORTH JEFFERSON.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on October 6, and October 8, 1990, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus/Unclaimed Property Listing," is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus/Unclaimed Property Listing," which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, October 6, 1990, at a large facility located at 824 Kiernan Avenue, and on Monday, October 8, 1990, at 501 North Jefferson, City Corporation Yard, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution.
No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS AND THE MODESTO CITY SCHOOLS DISTRICT TO PROVIDE ADULT CROSSING GUARDS AT SHACKELFORD SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus, and the Modesto City Schools District to provide adult crossing guards at Shackelford School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 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 APPROVING APPROPRIATION TRANSFER OF $3,000 FROM CONTINGENCY RESERVE TO PAY HALF THE COST OF A CROSSING GUARD AT SHACKELFORD SCHOOL

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

FROM: General Fund Contingency Reserve (010 800 8000 8003) $3,000
TO: Services, Professional and Other (010 160 1601 0235) $3,000

To pay for half the cost of a crossing guard at Shackelford School. Cost will be shared by the Modesto City Schools District and County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___day of August, 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: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-729

A RESOLUTION SUPPORTING THE LEAGUE OF CALIFORNIA CITIES
PREPARATION OF AN ACTION PLAN RELATING TO A STATEWIDE
WATER POLICY.

WHEREAS, the cities of California are now struggling to fulfill the
water needs of their constituents in the midst of an unprecedented four year
drought, and

WHEREAS, a prosperous California is dependent upon quality water
being available on a predictable basis statewide, and

WHEREAS, California agriculture, the most bountiful and diverse in
the nation, is struggling with issues of water availability, pricing and
quality, and

WHEREAS the current drought, the degradation of the Bay Delta, the
loss of substantial quantities of water to Southern California from the
Colorado River, and minimal water reclamation efforts have compounded the
water availability problem to a virtual crisis state, and

WHEREAS, to date, water management, availability, and use policies
have been dealt with in an often fragmented manner,

WHEREAS, the Annual League of California Cities Conference will be
held in Anaheim, California, on October 23, 1990, and the Council of the City
of Modesto desires to support a statewide action plan for addressing water
related issues,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto, that it does hereby support the proposition that the League of
California Cities provide for the preparation of a Statewide Action Plan for
addressing water related issues including availability, quality, and
reclamation; and that the League include, as part of the annual conference,
sessions relating to this matter beginning in 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-730

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ROCKWELL STORM DRAIN REPLACEMENT - 1990

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

SECTION 1. The plans and specifications for rockwell storm drain replacement - 1990 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 27, 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 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-731

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE UNION AVENUE RAILROAD CROSSING

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

SECTION 1. The plans and specifications for the Union Avenue railroad crossing copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 27, 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 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-732

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HUGHES, HEISS AND ASSOCIATES TO PROVIDE RECRUITMENT SERVICES FOR THE POSITION OF CITY MANAGER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hughes, Heiss and Associates to provide recruitment services for the position of City Manager be, and it is hereby approved.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-733

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $30,000 TO PROVIDE FUNDS FOR RECRUITMENT SERVICES FOR THE POSITION OF CITY MANAGER

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) $30,000.00

TO: City Manager's Selective Process (010 502 6502 0235) $30,000.00

The Council needs to implement recruitment proceedings to fill the position of City Manager. Funds are needed to meet expenses incurred relating to the recruitment process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ______ day of September, 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: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-734

A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR SEWER SERVICE TO SCHOOLS, AND SUPERSEDING RESOLUTION NO. 88-546.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that "the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, including school districts, private schools...", and

WHEREAS, under this section, it will be the practice to establish, by resolution, a flat-rate for sewer service to schools, and

WHEREAS, a flat-rate sewer service charge to schools is fair and equitable to both the City and the schools in respect to providing sewer service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that flat-rate sewer service charges for schools be established according to the following formula:

A. Domestic Use -- ADA x c.f./pupil/month x 12 months x $ .58

Where:

K-6 Schools -- 10 cu. ft./pupil/month
K-8 Schools -- 13 cu. ft./pupil/month
7-8 Schools -- 24 cu. ft./pupil/month
High Schools -- 36 cu. ft./pupil/month
College -- 36 cu. ft./pupil/month

BE IT FURTHER RESOLVED by the Council that annual flat-rate sewer service charges are hereby established for the schools in accordance with the formula set forth above based on the number of pupils enrolled in each school:
Empire Union School District

Capistrano Elementary K-5
Christine Sipherd Elementary K-5
Bernard Hughes Elementary K-5

Modesto City School District

Harriet Kirschen Elementary K-6
Elihu Beard Elementary K-6
Fred C. Beyer High 9-12
Grace Davis High 9-12
Downey High 9-12
Ensen Elementary K-6
Catherine Everett Elementary K-6
Franklin Elementary 2-6
John C. Fremont Elementary K-6
William H. Garrison Elementary and Joseph M. Kelly Center K-6
Lakewood Elementary K-6
La Loma Junior High 7-8
Alberta Martone Elementary K-6
Modesto High 9-12
John Muir Elementary K-6
Robertson Road Elementary K-6
Roosevelt Junior High 7-8
Rose Avenue School Elementary K-6
Sonoma Elementary K-6
Elliott Alternative Education Center 9-12
Mark Twain Junior High 7-8
Wilson Elementary K-6
Burbank Elementary K-6

Salida Union School District

Mildred Perkins Elementary K-5

Stanislaus Union School District

Chrysler Elementary K-6
Eisenhut Elementary K-6
Muncy Elementary K-6
Prescott Junior High 7-8
Agnes Baptist Elementary K-6

Sylvan Union School District

Coleman F. Brown Elementary K-6
Sherwood Elementary K-6
Somerset Junior High 7-8
Standford Elementary K-6
Stockard Coffee Elementary K-6
Sylvan Elementary K-6
Woodrow Elementary K-6

082390 4271CA
BE IT FURTHER RESOLVED that the flat-rate sewer service charges established hereby shall be due and payable to the City on November 1st of each year.

BE IT FURTHER RESOLVED that the determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

BE IT FURTHER RESOLVED that all other property owned or controlled by the schools and connected to the City sewer system shall be charged for the City sewer service on a regular flat-rate basis.

BE IT FURTHER RESOLVED that the City Council reserves the right to amend this resolution at any time.

BE IT FURTHER RESOLVED that Resolution No. 88-546 is hereby superseded.

BE IT FURTHER RESOLVED that this resolution shall become effective on November 1, 1990.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk

(SEAL)
A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO SCHOOLS, AND SUPERSEidding RESOLUTION NO. 87-639.

WHEREAS, Section 11-1.11 of the Modesto Municipal Code provides that "the Council shall have the power to establish by agreement or resolution the rates to be charged for providing water services to government agencies, including school districts, private schools . . . on a basis that is fair and equitable to all the parties concerned," and

WHEREAS, under this section it has been the practice to establish flat rates for water service to schools by resolution, and

WHEREAS, there have been revisions to the water rate schedule applicable to the general public established by the Modesto Municipal Code thereby causing increases in the water rates making it desirable to update the charges for water service to schools, and

WHEREAS, a flat-rate water service charge to schools is fair and equitable to both the City and the schools in respect to providing water service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that flat-rate water service charges for schools be established according to the sum of the following two formulas:

A. Domestic Use--ADA x c.f./pupil/month x 12 months x $2.90/1000 c.f.

Where:

Schools K - 6 -- 10 cu. ft./pupil/month
Schools K - 8 -- 13 cu. ft./pupil/month
Schools 7 - 8 -- 24 cu. ft./pupil/month
High School & College -- 36 cu. ft./pupil/month
B. Irrigation

140,000 cu. ft./acre/year x no. of acres x $2.90/1000 c.f.

BE IT FURTHER RESOLVED by the Council that annual flat-rate water service charges are hereby established for the following schools in accordance with the formulas set forth above based on the number of pupils enrolled in each school, and the area irrigated from the City water system:

<table>
<thead>
<tr>
<th>School</th>
<th>Grade Range</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Catholic High School</td>
<td>9-12</td>
<td>9.940</td>
</tr>
<tr>
<td>Empire Union School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christine Sipherd Elementary</td>
<td>K-5</td>
<td>7.622</td>
</tr>
<tr>
<td>Capistrano Elementary</td>
<td>K-5</td>
<td>6.022</td>
</tr>
<tr>
<td>Bernard Hughes Elementary</td>
<td>K-5</td>
<td>1.165</td>
</tr>
<tr>
<td>Modesto City School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elihu Beard Elementary</td>
<td>K-6</td>
<td>6.269</td>
</tr>
<tr>
<td>Fred C. Beyer High</td>
<td>9-12</td>
<td>28.122</td>
</tr>
<tr>
<td>Grace Davis High</td>
<td>9-12</td>
<td>19.937</td>
</tr>
<tr>
<td>Enslin Elementary</td>
<td>K-6</td>
<td>1.425</td>
</tr>
<tr>
<td>Catherine Everett Elementary</td>
<td>K-6</td>
<td>6.929</td>
</tr>
<tr>
<td>John C. Fremont Elementary</td>
<td>K-6</td>
<td>1.580</td>
</tr>
<tr>
<td>William H. Garrison Elementary and Joseph M.</td>
<td>K-6</td>
<td>5.960</td>
</tr>
<tr>
<td>Kelly Center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lakewood Elementary</td>
<td>K-6</td>
<td>7.008</td>
</tr>
<tr>
<td>Alberta Martone Elementary</td>
<td>K-6</td>
<td>5.100</td>
</tr>
<tr>
<td>Modesto High</td>
<td>9-12</td>
<td>6.604</td>
</tr>
<tr>
<td>John Muir Elementary</td>
<td>K-6</td>
<td>5.751</td>
</tr>
<tr>
<td>Robertson Road Elementary</td>
<td>K-6</td>
<td>5.610</td>
</tr>
<tr>
<td>Roosevelt Junior High</td>
<td>7-8</td>
<td>1.979</td>
</tr>
<tr>
<td>Rose Avenue Elementary</td>
<td>K-6</td>
<td>6.304</td>
</tr>
<tr>
<td>Sonoma Elementary</td>
<td>K-6</td>
<td>5.609</td>
</tr>
<tr>
<td>Modesto High (North Campus)</td>
<td>9-12</td>
<td>1.463</td>
</tr>
<tr>
<td>Harriette Kirschen Elementary</td>
<td>K-6</td>
<td>2.600</td>
</tr>
<tr>
<td>Salida Union School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mildred Perkins Elementary</td>
<td>K-5</td>
<td>1.874</td>
</tr>
<tr>
<td>Stanislaus Union School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eisenhut Elementary</td>
<td>K-6</td>
<td>5.158</td>
</tr>
<tr>
<td>Muncy Elementary</td>
<td>K-6</td>
<td>1.461</td>
</tr>
<tr>
<td>Prescott Junior High</td>
<td>7-8</td>
<td>7.147</td>
</tr>
<tr>
<td>Agnes Baptist Elementary</td>
<td>K-6</td>
<td>5.000</td>
</tr>
</tbody>
</table>

082390 -2- 3242CA
School                           Grade Range  Acres
Sylvan Union School District
C. F. Brown Elementary         K-6           6.826
Sherwood Elementary            K-6           6.855
Somerset Junior High           7-8           17.644
Standiford Elementary          K-6           6.876
Stockard Coffee Elementary     K-6           8.250
Sylvan Elementary              K-6           8.011
Woodrow Avenue Elementary      K-6           6.957

Yosemite Community College District
Modesto Junior College (East Campus)  College  19.243

BE IT FURTHER RESOLVED that the determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

BE IT FURTHER RESOLVED that the flat-rate water service charges established hereby shall be due and payable to the City in full on November 1st of each year.

BE IT FURTHER RESOLVED that the Schools shall promptly notify City of any changes in area irrigated from the City water system, and that charges shall be immediately revised in accordance with said changes. Failure to promptly notify City may be cause for immediate requirement of metering of the premises.

BE IT FURTHER RESOLVED that all other property owned or controlled by the Schools and connected to the City water system shall receive water from the City water system on a regular metered basis.

BE IT FURTHER RESOLVED that the City Council reserves the right to amend this resolution at any time.
BE IT FURTHER RESOLVED that Resolution No. 87-639, is hereby superseded.

BE IT FURTHER RESOLVED that this resolution shall become effective on November 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 90-736

A RESOLUTION APPROVING THE REQUEST OF HUBBARD STRUCTURES FOR REFUND OF $1,301.90 FOR OVERPAYMENT OF BUSINESS LICENSE TAX AND BUSINESS LICENSE REGISTRATION

BE IT RESOLVED by the Council of the City of Modesto that the request of Hubbard Structures for refund of $1,301.90 for overpayment of Business License Tax and Business License Registration is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: MORRINE COYLE, City Clerk
RESOLVED, by the City Council (the "Council") of the City of Modesto, County of Stanislaus, State of California, that the proceedings pursuant to Resolution of Intention No. 88-149, as adopted by this Council on February 23, 1988, be, and the same are hereby, abandoned.

IT IS HEREBY ORDERED that the City Clerk shall record a certified copy of this resolution with the County Recorder of the County of Stanislaus with the request that same be indexed, as provided in Section 3117 of the Streets and Highways Code of the State of California, in the book containing the index of the Maps of Assessment and Community Facilities Districts.

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: None.

ATTEST: NORINNE COYLE
City Clerk

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO
City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-738

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL
BUDGET OF THE CITY OF MODESTO TO ESTIMATE AND APPROPRIATE
ADDITIONAL REVENUE FOR DEVELOPER'S CONTRIBUTION TOWARD AN
ENVIRONMENTAL IMPACT REVIEW AND GENERAL PLAN AMENDMENT
STUDY ON THE COLLEGE WEST NEIGHBORHOOD.

WHEREAS, it has been determined that Michael Clayton and Associates
entered into an agreement with the City of Modesto to prepare the General Plan
Amendment and Environmental Impact Review for the College West Neighborhood, and

WHEREAS, Resource Development, Inc. entered into an agreement with
the City of Modesto to pay for the consultant and staff costs of the proposed
General Plan Amendment and Environmental Impact Review relating to the College
West Neighborhood, and

WHEREAS, Resource Development has already contributed Eighty-eight
Thousand Four Hundred and Ninety-five ($88,495) Dollars for said project, College West EIR study. The scope of the EIR was expanded and approved by the City Council in April 1990. It is now necessary to estimate an additional revenue of Eighty-one Thousand Four Hundred and Forty-eight ($81,448) Dollars to be paid by Resource Development and to increase the project appropriation amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91:
SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue: 130-510-9510-4099.01</td>
<td>Developer's Contribution-Resrc Inc.</td>
<td>$81,448</td>
</tr>
<tr>
<td>Expenditures: 130-140-P900-6000</td>
<td>College West EIR Study</td>
<td>$81,448</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance 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 4th day of September, 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: NORTINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-739

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS TO DESIGN A NEW WATER SEWER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM.

WHEREAS, in March of 1990, City staff contracted with Westin Engineers to produce a Water Production and Sewer Collection (SCADA) System Feasibility Report, and

WHEREAS, their recommendation is to proceed with a basic SCADA system that is expandable, and

WHEREAS, the present sewer SCADA equipment has reached its capacity and new equipment is required, and

WHEREAS, improvements are needed both in the water and the sewage collection supervisory control and data acquisition systems, and

WHEREAS, a report to the City Manager from the Acting Public Works and Transportation Director, dated August 20, 1990, states the specific improvements needed in said systems, 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 after consideration of the report to the City Manager from the Acting Public Works and Transportation Director, dated August 20, 1990, stating the specific improvements needed in said water and sewage collection supervisory control and data acquisition systems, a copy of which report is on file in the office of the City Clerk, the Council hereby authorizes City staff to issue a request for proposals to design a new water/sewer Supervisory Control and Data Acquisition (SCADA) System.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 90-740

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BARTKIEWICZ, KRONICK AND SHANAHAN AS SPECIAL COUNSEL FOR THE TURLOCK IRRIGATION DISTRICT DRINKING WATER SUPPLY STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bartkiewicz, Kronick and Shanahan as special counsel for the Turlock Irrigation District Drinking Water Supply Study be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-741

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TERRY D. HAMILTON AND SHARON M. HAMILTON, RICHARD C. HAMILTON AND MARY K. HAMILTON FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 425 W. HATCH ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Terry D. and Sharon M. Hamilton, and Richard C. and Mary K. Hamilton, for sewer service to property outside City limits at 425 W. Hatch Road, located on the north side of Hatch Road between Cascade and Dallas be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk
A RESOLUTION APPROVING AN EASEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE AN 18" WATER PIPELINE ACROSS THEIR RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement agreement between the City of Modesto and Southern Pacific Transportation Company to construct, maintain and operate an 18" water pipeline across their right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODesto CITY CouNCIL
RESOLUTION NO.90-743

A RESOLUTION GRANTING THE REQUEST OF PAUL HOLTZCLAW, ON BEHALF OF P & R ENTERPRISES, FOR A REFUND OF AN APPLICATION FEE FOR AMENDMENT TO P-D(463).

WHEREAS, in 1989, the Planning Commission and City Council approved P-D(463) for zero lot line single-family dwelling units and duplexes on the south side of Briggs Avenue at Spencer Avenue, and

WhereAS, the approval of P-D(463) included provisions for a seven-foot high masonry wall at the end of the cul-de-sac with a seven-foot double-boarded fence along the remainder of the south property line, and

WHEREAS, the applicant’s engineer looked at several alternatives in an attempt to make the seven-foot high wall work, but all proposals appeared to damage the existing irrigation and fence line, and

WHEREAS, on August 1, 1990, P & R Enterprises submitted an application to amend P-D(463) to allow a six-foot high wall and six-foot high double-boarded fence along the south property line which would minimize damage to the old irrigation line because of the shallow post depth needed for a six-foot high fence, and

WHEREAS, the applicant paid a $620.00 application fee for amendment to P-D(463) under protest, and

WHEREAS, the amendment was approved because a seven-foot high masonry wall and double-boarded fence would require deeper posts or larger concrete footings which would likely damage the old existing irrigation line along the south property line, and

WHEREAS, by letter dated August 23, 1990, P & R Enterprises protested the payment of the $620.00 application fee and requested a refund of
said fee on the basis that the original application fee and submittal of P-D(463) for Plan Check required the review of M.I.D.'s Engineers and City of Modesto Engineers for a masonry wall to be placed on the south property line and neither agency visualized the inherent problem of the construction and placement of a seven-foot high wall and seven-foot double-boarded fence on top of an existing irrigation line, and

WHEREAS, applicant feels penalized by having to pay the $620.00 application fee for amendment to P-D(463), and

WHEREAS, said request was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on September 4, 1990, at 7:30 p.m., and

WHEREAS, the City Council, at said hearing, after hearing evidence both oral and documentary, found and determined that the request of Paul Holtzclaw, on behalf of P & R Enterprises, to refund the $620.00 application fee, should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of Paul Holtzclaw, on behalf of P & R Enterprises, to refund the $620.00 application fee paid for amendment to P-D(463), is hereby granted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September 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: NOLLINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JERRY MATSUNAGA FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE WHEN A REPLACEMENT IS APPOINTED

WHEREAS, Jerry Matsunaga was appointed a member of the Human Relations Commission on April 16, 1985; and

WHEREAS, Jerry Matsunaga has tendered his resignation from the Human Relations Commission effective when a replacement is appointed; and

WHEREAS, Jerry Matsunaga has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Jerry Matsunaga from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Jerry Matsunaga 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 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-745

A RESOLUTION ACCEPTING FINANCIAL CONTRIBUTIONS FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE AND THE CITY OF KHMELNITSKY FOR EXPENSES INCURRED BY THE MODESTO-KHMELNITSKY BUSINESS DELEGATION TO TRAVEL TO KHMELNITSKY.

WHEREAS, the Mayor of Khmelnitsky has invited Mayor Whiteside, or a Councilmember, if she is unavailable, to travel to Khmelnitsky with a business delegation of individuals with expertise in the specific areas of travel/tourism, hotel management, food industry, electronics/computers, the restaurant business, and a representative from RACOR, and

WHEREAS, all Sister Cities' financial matters are taken care of by The International Friendship Committee, and the Committee has in the past paid for members to attend conferences and official functions in the United States as well as in the host countries, and

WHEREAS, the International Friendship Committee will pay the airfare for the Mayor from San Francisco to Moscow, and all USSR in-country expenses will be paid for by our Sister City, Khmelnitsky,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts financial contributions from The International Friendship Committee and the City of Khmelnitsky on behalf of the Modesto-Khmelnitsky Business Delegation, for expenses incurred by the Modesto-Khmelnitsky Business Delegation to travel to Khmelnitsky.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 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. 90-746

A RESOLUTION ADOPTING A POLICY ESTABLISHING A "HOUSE SEWER LINE REPAIR COST-SHARE PROGRAM" FOR REPAIR OF THE HOUSE SEWER LINE WITHIN THE PUBLIC RIGHT OF WAY WHERE PUBLIC IMPROVEMENTS EXIST.

WHEREAS, Section 5-6.13 (f) of the Modesto Municipal Code, provides that each user shall be responsible for the construction, maintenance and repair of the house sewer line, and

WHEREAS, the Council recognizes that the house sewer line may require repair within the public right of way where public improvements exist, and

WHEREAS, the Council recognizes that said public improvements are required by the City of Modesto Public Works Engineering Standard Specifications, and

WHEREAS, the Council recognizes that the cost of making said repairs within the public right of way where public improvements exist can be significant for property owners, and

WHEREAS, the Council agrees that it would be in the best interest of the property owner and the City to mitigate said repair costs by sharing in the cost with the property owner when the repair is located in the public right of way where public improvements exist and providing an installment payment plan to extend the time within which payment is required for the property owner's share of the repair costs.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that should a house sewer line be required to be repaired within the public right of way of the City of Modesto where public improvements exist then and in that event a policy is hereby established for the purpose of implementing a "House Sewer Line Repair Cost-share Program" for sharing the repair costs incurred by those property owners required to repair the house sewer line within the public right of way, a copy of said policy is attached hereto marked Exhibit "A" and included herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1990, the 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

(SEAL)

APPROVED AS TO FORM:

BY STAN T. YAMAMOTO, City Attorney
EXHIBIT "A"

PURPOSE:

To establish a "House Sewer Line Repair Cost-share Program", including an installment payment plan, as outlined below, for repair costs incurred by those property owners required to repair the house sewer line within the public right of way where public improvements exist.

BACKGROUND:

Section 5-6.13 (f) of the Modesto Municipal Code provides that each user shall be responsible for the construction, maintenance and repair of the house sewer line. The Council recognizes that the cost of repairing the house sewer line within the public right of way where public improvements exist can be significant for property owners. To ensure timely repair and maintenance of house sewer lines and to prevent potential health hazards, the Council agrees that it would be in the best interest of the property owner and the City to mitigate said repair costs by sharing in the cost of said repairs located within the public right of way where public improvements exist.

POLICY:

In the event that a house sewer line requires repair within the public right of way where street improvements exist, the City will share in 50% of said repair costs within the public right of way for said house sewer line for all properties inside the City limits where existing street improvements must be removed to repair the house sewer line. The remaining repair cost, 50% within the right of way and 100% on private property, shall be paid by the property owner. Requests to participate in the "Cost-share Program" may be disallowed in those cases where the house sewer line has been installed in violation of the City of Modesto Public Works Engineering Standard Specifications or when a property owner or occupant has put unacceptable material into the house sewer line causing a blockage or break, as determined by the City Engineer.

The City offers an installment payment plan for payment of the property owner's 50% share. An installment payment loan request shall be approved by the City only if the following criteria are met:

1. The property is single-family residential and located within the City limits of Modesto.
2. The criteria for the "House Sewer Line Repair Cost-share Program" as specified above is met.
3. The damage to the house sewer line is located within the public right of way where public improvements exist.
The approved loan shall be repaid to the City of Modesto in equal monthly payments spread over a period of two (2) years at an interest rate of Twelve percent (12%) per annum.

The owner's property will be encumbered with a lien for the amount of the loan for the house sewer line repair including any applicable interest charges. In addition, the property owner shall pay a lien release charge in the amount of Nine dollars and no/100 ($9.00) which shall be included in the loan payments for purposes of releasing said property lien when payment is received in full by the City of Modesto for said loan.

By adopting this policy it is not the intent of the Council to alter the provisions for responsibility, repair and maintenance of the house sewer line as established by Section 5-6.13 (f) of the Modesto Municipal Code.
RESOLUTION NO. 90-747

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

WHEREAS, the Public Works and Transportation Department, Service Division, has requested the purchase of twenty used, four-door and two-door 1990 sedans to replace vehicles that have high mileage and are frequently down for repairs; and

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

WHEREAS, the City has selected Bay Cities Auto Auction in Hayward as an additional source because two auction sources for vehicles will provide a greater inventory for selecting the best vehicles.

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

BE IT FURTHER RESOLVED that purchase of twenty used, four-door and two-door 1990 sedans from Golden Gate Auction and Bay Cities Auto Auction for a total cost not to exceed $259,000, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 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, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMA GALE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-748

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC., TO PROVIDE ARCHITECTURAL/
ENGINEERING SERVICES FOR THE DOWNTOWN TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Parsons Brinckerhoff Quade &
Douglas, Inc., to provide architectural/engineering services for the Down-
town Transportation Center
be, and it is hereby approved.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,000 FROM CONTINGENCY RESERVE TO COMPLETE A STRUCTURAL EVALUATION OF HANGAR #1 AT THE MODESTO CITY-COUNTY AIRPORT

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

FROM: Airport Contingency Reserve (631 800 8000 8003) $3,000

TO: Outside Repair and Maintenance (631 480 5412 0223) $3,000

Funds are needed to complete a structural evaluation of Hangar #1 at the Modesto City-County Airport.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION EXPRESSING SUPPORT FOR "THE GREAT COVER-UP II", A DAY WHEN VOLUNTEER CITIZENS WILL JOIN WITH VARIOUS GROUPS AND AGENCIES TO PAINT OVER GRAFFITI IN THE CITY OF MODESTO.

WHEREAS, "The Great Cover-Up" is a once a year project developed by Senator Dan McCorquodale and administered by his staff to paint over graffiti in the City of Modesto, including block walls near major streets and other surfaces containing a high concentration of graffiti, and

WHEREAS, Saturday, October 13, 1990, has been designated as the day for "The Great Cover-Up II" project, when approximately 300 citizen volunteers will paint over graffiti found on private property in various locations around the City of Modesto, and

WHEREAS, City staff will participate in the project by providing Senator McCorquodale's staff with a list of properties within the City that need work and by identifying ownership of said properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council does hereby support "The Great Cover-Up II" and the efforts of Senator McCorquodale, his staff, and the citizen volunteers who will paint over graffiti in the City of Modesto, and hereby authorizes City staff to participate in the project by providing Senator McCorquodale's staff with a list of properties within the City that need work and by identifying ownership of said properties.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 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, 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 APPROPRIATION TRANSFER OF $1,000 FROM CONTINGENCY RESERVE FOR EXPENSES IN THE EVENT CALLED "THE GREAT COVER-UP II"

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

FROM: Contingency Reserve
(01 800 8000 8003) $1,000

TO: Real Property Maintenance and Repair Supplies
(01 020 0212 0360) $1,000

Funds are needed to increase the City's Graffiti Removal Program budget to offset expenses for "The Great Cover-Up" graffiti removal project.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION CITY REORGANIZATION QUESTIONNAIRE" FOR THE FLORENCE-PANAMA REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that the attached Local Agency Formation Commission "City Reorganization Questionnaire" for the Florence-Panama Reorganization, is hereby approved.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
CITY REORGANIZATION QUESTIONNAIRE

1. Name of City _______________________ Modesto

2. Name of Proposed Reorganization ___________________ Florence-Panama

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

Yes

4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?

No.

5. Other comments the City would like to make.

The City is in the process of amending its Zoning Ordinance to require prezoning of all annexations. If this reorganization obtains LAFCO approval before the new ordinance requiring prezoning is in effect, then the present conversion table would apply. The conversion table automatically converts the County zoning to comparable zoning in the City. This annexation area would be zones City R-3 under the conversion table.

The Modesto City School District submitted a letter requesting denial of this project until such time that the proponent agrees to fully mitigate the school impacts. The school district cited the 1988 "MIRA" case from San Diego that allows denial of projects based on unmitigated school impacts. Local agencies can require mitigation measures for school impacts on projects that are legislative decisions, such as rezones, prezones, General Plan amendments, and annexations. The case does not apply to quasi-judicial decisions such as tentative maps, site plans, or conditional use permits.

On July 3, 1990, the City Council considered the school impact issue and agreed that the school impact should be mitigated. On August 21, 1990, the Council considered a policy for the mitigation of school impacts from residential development in conjunction with a legislative decision. A continuance was granted to allow the Building Industry Association and Modesto School District to modify the wording to their satisfaction. Staff expects the policy will be brought back to the Council for adoption before the end of September.

Stanislaus LAFCO will be the lead agency for environmental review since no prezoning was required or submitted. The school mitigation policy will not apply if LAFCO accepts the reorganization as complete prior to the policy being adopted.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-752

AMENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT AND DEL ESTE WATER COMPANY FOR THE SURFACE WATER STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto Irrigation District and Del Este Water Company for the surface water study be, and it is hereby approved.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-753

A RESOLUTION APPROVING APPROPRIATION TRANSFER of $56,000 FROM SEWER FUND RESERVE TO ADD A SENIOR CIVIL ENGINEER POSITION

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

FROM: Sewer Fund Reserve (621-800-8000-8003) $56,000
TO: Salaries, benefits, training, equipment pool rental) 621-480-5212-110, 160, 290, 218) $56,000

Funds are needed to add one additional Senior Civil Engineer position to provide technical and management expertise for the storm drainage program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___ day of September, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Whiteside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 90-754

A RESOLUTION APPROVING APPROPRIATION TRANSFER of $46,894 FROM THE WATER RESERVES TO PROVIDE FUNDS FOR A PUMP MECHANIC POSITION AND RELATED EQUIPMENT

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

FROM: Water Contingency Reserves $46,894

TO: Salaries and Wages, Fringe Benefits, Equipment Pool Rental, Repair and Maint., Laundry and Cleaning, Pipe Locators.

$46,894

A pump mechanic position and related equipment are needed to maintain or improve the level of service in the Water Division. These items are needed before scheduled supplemental budget requests in September-October.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___ day of September, 19___, 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, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Irizarry and Patterson

ABSENT: Councilmembers: None

ATTEST: __________________________

NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-755

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN LETTER
OF INTENT AND ANY OTHER DOCUMENTS RELATING TO THE
APPLICATION FOR FUNDING UNDER THE STATE'S DRINKING WATER
BOND LAW.

WHEREAS, the City of Modesto has the authority to construct,
operate, and maintain the City of Modesto potable water system, and

WHEREAS, the City of Modesto desires to assure that the City of
Modesto potable water system meets minimum safe drinking water standards.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that, pursuant and subject to all of the terms and provisions of the
California Safe Drinking Water Bond Law and all amendments thereto,
application be made to the California Department of Water Resources ("DWR")
for funding to assure that the City of Modesto potable water system meets
minimum safe drinking water standards.

BE IT FURTHER RESOLVED that the City Manager or his authorized
designee of said City of Modesto is hereby authorized and directed to cause
the necessary data to be prepared, investigations to be performed, and
application to be signed and filed with the California Department of Water
Resources ("DWR").
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 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, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-756

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $13,500 FROM CONTINGENCY RESERVE FOR INTERIM LIBRARY FUNDING TO COVER THE PERIOD FROM JULY 1 THROUGH SEPTEMBER 30, 1990

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

FROM: Contingency Reserve (010 800 8003) $13,500
TO: Stanislaus County Library Contribution (010 502 6502 0460) $13,500

Additional funding required to maintain library services under the current staffing and hours through September 30, 1990.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
HORRINE COYLE, City Clerk
A RESOLUTION OF THE MODESTO CITY COUNCIL MAKING FINDINGS, ADOPTING A MITIGATION MONITORING PROGRAM, AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT, SPECIFIC PLAN, AND FINANCING PLAN

WHEREAS, the City of Modesto's General Plan, the Modesto Urban Area General Plan adopted April 16, 1974 and amended from time to time, establishes land use categories for all the land within the City's Sphere of Influence, including areas outside the current sewer service area classified "Urban Reserve"; and

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

WHEREAS, on October 3, 1989, the Modesto City Council adopted Urban Growth Management policies that reflected recommendations of the Tier I and II Urban Growth Policy Review Committee; and

WHEREAS, the Urban Growth Management policies call for future development of the City's "Urban Reserve" to be planned as "villages" using Specific Plans; and

WHEREAS, these growth management policies require that the village planning process address environmental concerns; address the cost of growth so that new growth pays for itself; analyze citywide capital improvement needs; and provide the public with a comprehensive development plan instead of sewer extensions; and

WHEREAS, these growth management policies also require that the village planning process address Modesto's long-term employment needs and jobs/housing balance by designating from 10 to 15 percent of the land for business park development; and that it include an affordable housing program using a variety of techniques including but not limited to housing trusts, inclusionary zoning, and density bonuses as needed to provide affordable housing; and

WHEREAS, in October of 1989, the City of Modesto initiated the process to prepare a Specific Plan for Village One, the first village to be developed in the Urban Reserve, and assigned the lead agency responsibility for overall guidance of the Village One planning program to the Modesto Planning Commission; and
WHEREAS, in October of 1989, the City of Modesto hired two consulting firms, ROMA Design Group and Economic Planning Systems, to help the Planning Commission and city staff prepare the Village One General Plan Amendment, Specific Plan, Financing Plan, and Environmental Impact Report ("EIR"); and

WHEREAS, a "Scoping Session," attended by representatives of various local agencies and city departments, was held on October 27, 1989 to identify issues that should be addressed by the Village One Specific Plan and Village One Specific Plan EIR; and

WHEREAS, the City of Modesto issued a Notice of Preparation on February 22, 1990 announcing that the City of Modesto was preparing an EIR for the Village One Specific Plan and seeking the input of state and local agencies in the identification of issues that should be addressed in the Village One EIR; and

WHEREAS, on April 30, 1990, the Draft Village One Specific Plan and Draft Village One Financing Plan was presented to a joint meeting of the City Council and Planning Commission; and

WHEREAS, the Draft Village One Specific Plan and Draft Village One Financing Plan reflected the concerns and issues of the City Council, Planning Commission, area residents, city staff and other agency staff involved in the many meetings held with these groups and consultants between October 10, 1989 and April 30, 1990; and

WHEREAS, the Draft Village One EIR ("Draft EIR") was available for public review and comment beginning June 15, 1990 for the 45 day review period required by law; and

WHEREAS, the Draft Village One General Plan Amendment (text and map) were included in Appendix C of the Draft EIR as part of the project description, and has been available for public review and comment since that date; and

WHEREAS, a duly noticed public hearing was held jointly by the City Council and Planning Commission to receive comments on the Draft EIR on July 23, 1990, at which time all interested persons were heard; and

WHEREAS, public agencies, individuals, and groups submitted written comments on the Draft EIR, that are included in the draft of the Village One Final EIR ("Final EIR"); and

WHEREAS, the Final EIR, which responds to all the comments received during the review period including those received during the joint City Council/Planning Commission public hearing of July 23, 1990, was presented to the City Council and Planning Commission at August 27, 1990 joint Village One planning meeting; and
WHEREAS, the Village One Draft General Plan Amendment, Draft Specific Plan and Draft Financing Plan have been available for public review and comment since April 30, 1990; and

WHEREAS, changes to the April 30th Village One Draft Specific Plan and Draft Financing Plan have been revised by consultants and staff to address issues raised during the public review of these documents, and to accommodate mitigation measures identified in the Final EIR; and

WHEREAS, the Planning Commission, following a duly noticed public hearing on September 4, 1990, recommends that the City Council certify the Final EIR as complete and adequate.

WHEREAS, Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines require the City Council certify that the Final EIR as having been completed in compliance with CEQA, and that it has reviewed and considered the information contained in the Final EIR prior to making a decision on the project; and

WHEREAS, the City Council at a duly noticed public hearing held for the purpose of receiving comments on the Village One General Plan Amendment, did hear and consider comments concerning the Village One Final EIR.

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final EIR and hereby certifies that the Village One Final EIR (the Draft EIR, and Responses to Comments - Draft Village One EIR, which together comprise the Final EIR on file in the City Clerk's Office and incorporated by reference) is complete and adequate and has been completed in compliance with CEQA.

SECTION 2. The City Council adopts the findings required by Section 15091(a)(1) of the Guidelines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR, which are appended hereto as Exhibit B and on file in the City Clerk's Office and incorporated by reference and adopted.

SECTION 3. The City Council adopts the findings required by Section 1509(a)(3) of the Guidelines that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR, which are appended hereto as Exhibit C and are on file in the City Clerk's Office and are incorporated by reference and adopted.

SECTION 4. The City Council adopts the Mitigation Monitoring Program required by Section 21081.6 of the Public Resources Code for the monitoring and
SECTION 5. The City Council hereby approves the "Final Environmental Impact Report -- Village One Specific Plan" and directs the Planning and Community Development Director to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the project.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 11th day of September, 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

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO

Attachments:

Exhibit B Findings of Changes or Alterations to Reduce Impacts
Exhibit C Findings of Infeasible Mitigation Measures and Alternatives
4.1 LAND USE

Impacts on Adjacent Farmland

Development of the project could have spill-over effects on adjacent farm/ranch land. This is considered to be a potentially significant impact.

Mitigation Measures

Implementation of Mitigation Measures 4.1.3(a) through 4.1.3(c) will reduce this impact to a less-than-significant level.

4.1.3(a) The City shall adopt a Right-To-Farm Ordinance.

4.1.3(b) Provide buffers between existing agricultural uses planned to remain and new residential areas.

Existing agricultural uses planned to remain are located north of Sylvan Avenue and east of the Santa Fe Rail line. However, only those uses north of Sylvan are located adjacent to proposed new residential uses.

4.1.3(c) When ownership of property is transferred, the City shall require all deeds to parcels in or adjacent to an agricultural zone to bear a statement that: agriculture is the preferred use and that "residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke, and other impacts, that grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications and uses, as normal and necessary; and that grantee acknowledges the need to avoid activities that conflict with nearby farm uses."

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The above mitigation measures will assist in reducing urban/agricultural impacts by maintaining a separation between the two categories of uses, and by informing new residents of the presence of agricultural activities.

Potential Urban/Agricultural Use Conflicts
Land use conflicts between new urban development and existing on site uses could occur during the period prior to build out of the Village One Specific Plan and after buildout. This is considered to be a potentially significant impact.

Mitigation Measures

4.1.4(a) Maintain buffers between the existing industrial operations on the east side of Claus Road and new residential uses.

4.1.4(b) Maintain buffers between the ranchette area and new residential uses.

4.1.4(c) Establish truck routes such that truck traffic from the Pure-Gro facility and other industrial and agricultural uses will not be routed through residential neighborhoods.

4.1.4(d) Upon annexation of the site to the City of Modesto, require submittal to the City of an emergency response plan for the Pure-Gro facility, as required by state law, including measures to respond to a spill or other accident on the site or during transportation of materials.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The above mitigation measures that will be implemented in the Village One Specific Plan area will maintain a distance between agricultural uses and the impacts resulting from the conversion of former agricultural/open space areas to urban development.

Land Use Conflicts Between Existing and New Development

Land use conflicts between new urban development and existing adjacent uses could occur. This is considered to be a potentially significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.1.5 will reduce this impact to a less-than-significant level.

4.1.5 Prior to development of the proposed high school/Community Park, the City of Modesto and/or the Modesto School District shall acquire a buffer area on the site for a distance of at least 350 feet, and prohibit agricultural pesticide spraying and other chemical use within 350 feet of any school or park uses, in order to protect the health of the high school students and park users.
Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The buffer that will be acquired as a result of this mitigation measure will insure that students attending the high school and people using the community park will not be subjected to agricultural sprays and other detrimental effects associated with adjoining agricultural activities.

4.2 POPULATION, EMPLOYMENT AND HOUSING

Population and Employment

The project would result in an increase in population of 22,000 people, approximately 3,000 people less than projected for the site under the Modesto Urban Area General Plan, and would result in employment on the project site at buildout of a total of approximately 5,570 jobs. Growth due to the project would have significant physical impacts on the environment due to increased traffic, demand on public services, and related changes. This is considered a significant impact.

Mitigation Measures

4.2.1 See mitigation measures for traffic, noise, air quality, and public services impacts.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Village One is intended to be virtually self-mitigating by incorporating a wide range of environmentally sensitive design and policy features.

Cumulative Housing Affordability

The project would contribute to a cumulative impact on affordable housing. This is a significant cumulative impact.

The proposed Specific Plan would not provide a full proportional share of the estimated project need for affordable housing. To the extent that any development leaves some of the need for affordable housing unmet, the
goals become less attainable citywide. The project could contribute to a cumulative lack of affordable housing to meet the need.

Mitigation Measures

4.2.5 At the time of the Modesto Urban Area General Plan Housing Element Update, reevaluate Specific Plan affordable housing goals for conformity with the updated Housing Needs Determination and new Housing Element policies.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. This mitigation measure is intended to insure that the Village One affordable housing program remains consistent with the City's overall housing goals and resources.

4.3 URBAN DESIGN AND VISUAL QUALITY

Block Views of Mountains/Farmlands

As the Village One project is built, it will eliminate existing views of the valley and the distant mountains from adjacent areas, and reduce the area's visual open space. This will change the existing new from one of agricultural land, to one of urbanization, and is considered a potentially significant impact.

Mitigation Measures

4.3.2(a) Implementation of the policies proposed in the Specific Plan Community Design Element would reduce this impact to a less-than-significant level.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Adoption and implementation of the design and visual quality standards of the Community Design Element will guarantee the highest design and visual quality consistent with urban uses.
Light and Glare Impacts

The use of night lighting on the Village Center development may result in undesirable light and glare to adjacent residences, particularly Key Observation Points A and B directly adjacent to the Village Center. This is considered a potentially significant impact.

Mitigation Measures

4.3.3(a) Implementation of mitigation measures contained in the Community Design Element of the Specific Plan (Chapter 7) would reduce this impact to a less-than-significant level.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Policies and design standards incorporated into the Village One Specific Plan will prevent light and glare from impacting adjoining properties.

4.4 TRAFFIC & CIRCULATION

Daily Traffic Impacts Existing and Phase 1

The impacts of Phase 1 development on daily traffic volumes are indicated on Figure 18 and Table 21. The most significant impact of Phase 1 of the project on daily volumes would be on the Briggsmore Expressway, where volumes would increase by approximately 3,600 vehicles at Oakdale Road and 500 vehicles at Mc Henry Avenue. The volume/capacity ratios in Table 21 are revised for this section of Standiford east of McHenry to 0.64 for existing conditions and 0.68 for existing plus Phase 1 conditions. Traffic volumes on Standiford Avenue would increase by 1,200 daily vehicles at McHenry Avenue, resulting in an increase in V/C from 1.11 to 1.18. The increase in daily traffic on Standiford Avenue is a significant impact.

Mitigation Measures

4.4.1 Widening of Standiford Avenue from two lanes to four lanes is the suggested mitigation. Since this condition is an existing deficiency, the widening of Standiford between Dale and Prescott is not considered a project mitigation and will be funded separately as an FAU project by the City of Modesto.

Findings
Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

**Peak Hour Impacts - Phase 1**

The addition of peak hour traffic generated by Phase 1 of the Village One Specific Plan to existing conditions would result in a decrease in Level of Service at each of the study area intersections, as shown in Table 22. All five of the intersections would operate at Level of Service F under the existing roadway configurations. This is *a significant impact*.

**Mitigation Measures**

The implementation of mitigation measures associated with Phase 1 development at Village One shown below and on Figure 19 would reduce this impact to a less-than-significant level.

**Roadway Segment Improvements:**

4.4.2(a) Widening of Oakdale Road on the north and south approaches to the Briggsmore Expressway to provide six through lanes.

4.4.2(b) Widening of the Briggsmore Expressway to provide six through lanes on the east and west approaches at Oakdale Road and four through lanes form the east approach at Oakdale Road to Claus Road.

4.4.2(c) Widening of Claus Road on the north and south approaches to the Briggsmore Expressway to four lanes.

4.4.2(d) Widening of Roselle Avenue from the Briggsmore Expressway to Sylvan Avenue to provide four through lanes.

4.4.2(e) Widening of Sylvan Avenue from Oakdale Road to Claus Road to provide four through lanes.

**Intersection Improvements:**
4.4.2(f) Widening of the eastbound and westbound approaches of the Briggsmore/Oakdale intersection. This would provide a second left-turn lane in the eastbound and westbound directions.

4.4.2(g) Widening of the eastbound, southbound, and westbound approaches of the Briggsmore/Roselle intersection. This would provide two exclusive eastbound left-turn lanes, and an exclusive southbound right-turn lane.

4.4.2(h) Widening of the northbound, southbound, and westbound approaches of the Oakdale/Floyd intersection. This would provide a second northbound left-turn lane, a second southbound left-turn lane, and a second westbound left-turn lane.

4.4.2(i) Widening of the eastbound approach of the Oakdale/Sylvan intersection. This would provide an exclusive eastbound right-turn lane.

4.4.2(j) The provision of left turn lanes on all four approaches of the Sylvan/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the northbound approach of the Sylvan/Roselle intersection is recommended. This would provide a second northbound left-turn lane.

4.4.2(k) The provision of left turn lanes on all four approaches of the Floyd/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the eastbound and westbound approaches of the Floyd/Roselle intersection. This would provide an exclusive eastbound and westbound right-turn lane.

**Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

**Transit Impacts - Phase 1**

It is estimated that Phase 1 of the project would generate approximately 750 additional transit riders to Modesto's Intracity Transit system on a daily basis. The development of additional routes, to serve Village One as shown in the Specific Plan, would be required to serve the project area. This considered a significant impact.
Mitigation Measures

The following mitigation measures would reduce this impact to a less-than-significant level.

4.4.3 Expand transit service to serve the Village One Specific Plan area.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

Year 2010 Without Village One-Peak Hour Impacts

The future peak hour traffic levels generated by adding cumulative traffic to existing conditions would result in an increase in service level at three of the nine study area intersections. This is considered a significant impact.

Mitigation Measures

4.4.4(a) None identified.

Programmed Mitigation Measures

The suggested cumulative improvements in the study area are shown on Figure 21. They include the elements described below. Implementation of Mitigation Measures 4.4.4(b) through 4.4.4(d) would reduce cumulative impacts to a less-than-significant level.

4.4.4(b) Widening of Oakdale Road from north of the Briggsmore Expressway to south of Sylvan to provide six through lanes. The widening of Oakdale Road between the Briggsmore Expressway and Merle is funded through an assessment district. Any additional widening along Oakdale Road would be conducted by individual property owners as projects are developed. Any widening by property owners would be in accordance with the city’s major street standards, which now require only 100 feet of right-of-way for a four-lane major street. If a six-lane street section is adopted for Oakdale Road, an additional 24 feet of right-of-way would be required.
4.4.4(c) Widening of the north and south approaches of the Briggsmore/Roselle intersection. This would provide a second through lane in the northbound and southbound directions. This section of Roselle, south of Briggsmore, has sufficient width to provide for a five-lane section (two through lanes in each direction and northbound left-turn lane) as suggested. This mitigation measure would require additional signage and pavement striping.

4.4.4(d) Widening of the east approach of the Briggsmore/Claus intersection. This would provide a second through lane in the eastbound and westbound direction. The widening of the Briggsmore Expressway from two to four lanes, between Roselle Avenue and Claus Road, is included in the Capital Facilities Fee program.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

Cumulative Daily Traffic Impacts

The most significant impact of cumulative traffic on daily volumes would be on the Oakdale Road, Sylvan-Standiford, and the Briggsmore Expressway, as shown in Table 24. The daily volumes on Oakdale Road would increase over existing conditions by approximately 25,000 vehicles north of Sylvan Avenue and 1,100 vehicles south of the Briggsmore expressway. The Sylvan-Standiford corridor would experience increases in volumes of approximately 16,000 vehicles west of Oakdale Road and 1,000 vehicles west of McHenry Avenue. Finally, the Briggsmore Expressway would experience increases of 18,000 daily trips west of Oakdale Road and 19,000 daily trips west of McHenry Avenue. The impacts of cumulative development on daily traffic volumes are indicated on Figure 20. These increases in daily traffic represent a significant impact.

Mitigation Measures

Implementation of Mitigation Measures 4.4.4(a) through 4.4.4(d) above and shown on Figure 21 would reduce these cumulative impacts to a less-than-significant level.
Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

**Cumulative Peak Hour Impacts**

The addition of peak hour traffic generated by cumulative traffic and the buildout of the Village One Specific Plan to existing conditions would result in an increase in service level at all of the nine study area intersections. This is considered a significant impact.

**Mitigation Measures**

**Roadway Segment Improvements:**

4.4.7(a) Widening of Oakdale Road on the north and south approaches to Sylvan Avenue to provide six through lanes.

4.4.7(b) Widening of the Briggsmore Expressway from Oakdale Road to Roselle Avenue to provide six through lanes.

4.4.7(c) Widening of Oakdale Road from Sylvan Avenue to Pelandale to provide six through lanes.

**Intersection Improvements:**

4.4.7(d) Widening Claus Road from Briggsmore to Sylvan to six through lanes.

4.4.7(e) Widening of the northbound and eastbound approaches of the Briggsmore/Claus intersection. This would provide a second left-turn lane in the northbound and eastbound directions.

4.4.7(f) Widening of the northbound approach of the Briggsmore/Roselle intersection. This would provide an exclusive right-turn lane in the northbound direction.

4.4.7(g) Widening of the northbound and southbound approach of the Oakdale/Sylvan intersection. This would provide a second left-turn lane in
the northbound and southbound directions as well as an exclusive right-turn lane in the southbound direction.

4.4.7(h) Widening of northbound, southbound and westbound approaches of the Floyd/Roselle intersection. This would provide a second through lane in each direction on the westbound approach as well as an exclusive right-turn lane on the northbound and southbound approaches.

4.4.7(i) Widening of the eastbound westbound and southbound approaches of the Sylvan/Roselle intersection. This would provide an exclusive right-turn lane on the eastbound and westbound approaches, as well as an exclusive right-turn lane on the southbound approach.

4.4.7(j) Widening of the southbound northbound and westbound approaches of the Floyd/Claus intersection. This would provide a second left-turn lane on the southbound and northbound approaches an exclusive right-turn lane on the southbound approach a second left-turn lane on the westbound approach and an exclusive right-turn lane on the westbound approach.

4.4.7(k) Realignment of the Sylvan/Claus intersection to provide for a connection to the Kiernan-Claribel Expressway. This would involve the construction of a fourth leg on the east side of the intersection with a separate left-turn and through lane. Additional widening would be required on the northbound southbound and eastbound approaches. This would provide a second northbound left-turn lane an exclusive southbound left-turn lane and a second eastbound left-turn lane.

4.4.7(l) None required.

4.4.7(m) Widening of Roselle Avenue on the north and south approaches to Sylvan Avenue to provide four through lanes.

4.4.7(n) Widening of the eastbound and northbound approaches of the Oakdale/Floyd intersection. This would provide an exclusive right-turn on the eastbound and northbound approaches.

4.4.7(o) Widening of the northbound and southbound approaches of the Oakdale/Briggsmore intersection. This would provide a second left-turn lane in the northbound and southbound direction.
Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

Buildout Transit Impacts

It is estimated that the build-out of Village One would generate approximately 850 additional transit riders to Modesto's Intracity Transit system on a daily basis. The development of additional routes to serve Village One, as shown in the Specific Plan, would be required. This is considered a significant impact.

Mitigation Measures

Implementation of the following mitigation measure will reduce this impact to a less-than-significant level.

4.4.8 Develop additional transit routes as shown in the Specific Plan to serve the Village One Specific Plan area.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

4.5 CLIMATE AND AIR QUALITY

Construction Impacts

Local ambient air quality would be expected to temporarily decrease as a result of construction-related emissions in the Modesto Village area. In the absence of project-specific data regarding the extent and timing of construction activities, the short-term construction-related increase in emissions of PM10,
Mitigation Measures

4.5.1(a) Require watering of exposed earth surfaces at least twice daily during clearing, grading, earthmoving, and other site preparation activities.

4.5.1(b) Use tarpaulins or other effective covers for haul trucks which travel on public streets.

4.5.1(c) All clearing, grading, earth moving, and excavation activities should cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust from being generated.

4.5.1(d) Face masks should be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.

4.5.1(e) The area disturbed clearing, grading, earth moving or excavation operations should be minimized so as to prevent excessive amount of dust.

4.5.1(f) All inactive portions of construction sites should be seeded and watered until ground cover has been reestablished.

4.5.1(g) Vehicle speed should be limited to 15 mph in unpaved areas.

4.5.1(h) Use of petroleum-based dust palliatives shall meet the road oil requirements of Stanislaus County APCD Rule 409.5, Cutback Asphalt.

4.5.1(i) Streets which are adjacent to the project shall be swept as needed to remove silt which may have accumulated from construction activities so as to prevent excessive amounts of dust.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The above mitigation measures will insure that PM10, NOx, ROG, and CO generated during the construction phase of the project is reduced to a minimum.
4.6 NOISE

Noise and Land Use Compatibility-Traffic

The Specific Plan shows single- and multifamily residences exposed to an Ldn of greater than 60 dBA. Noise levels inside the housing would exceed 45 dBA with windows open for ventilation. This is considered to be a significant impact.

Mitigation Measures

Implementation of Mitigation Measures 4.6.1(a), (b), and (c) would reduce this impact to a less than significant level.

4.6.1(a) Seven-foot walls are proposed for by the Specific Plan for Claus and Oakdale where residential areas will back up onto those streets.

4.6.1(b) As a general guideline, a 6- to 8-foot high soundwall should be required to provide the 5 dBA of noise reduction necessary at the 70 dBA contour distance.

A noise barrier could be an earth berm, an earth berm with a solid wood soundwall. To be effective as a noise barrier, the wall must have a minimum surface weight of 3 to 4 pounds per square foot and be constructed airtight over the face and at the base of the wall.

4.6.1(c) All multifamily housing located within the 65 dBA Ldn contour distance shall be designed such that the indoor Ldn, shall not exceed 45 dBA. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatments incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. A report shall be prepared following the requirements of Title 24, Part 2, of the California Administrative Code for all multi-family housing within the 60 dBA contour distances. A similar report shall be provided for single-family housing in the City of Modesto when located within the 65 dBA contour.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The above mitigation measures have been incorporated into the policies and design standards of the Village One Specific Plan to insure that interior noise levels remain within acceptable standards.
Noise and Land Use Compatibility -- ATSF Railroad

The maximum noise levels generated by trains passing the project site range from 85-95 dBA at a distance of 200 feet. Noise levels inside bedrooms facing the railroad tracks would exceed 50 dBA. This is considered to be a significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.6.2 would reduce this impact to a less-than-significant level.

4.6.2 All single- and multi-family housing located within 400 feet of the railroad tracks shall be reviewed to ensure that the designs would result in maximum A-weighted indoor noise levels not exceeding 50 dBA as railroad trains pass by. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatment incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. This information shall be included in the acoustical reports required above.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The above mitigation measures have been incorporated into the policies and design standards of the Village One Specific Plan to insure that interior noise levels remain within acceptable standards.

4.7 GEOLOGY AND SOILS

Other Geological Hazards - Expansive Soils

Project development could be affected if expansive soils cause damage to foundations. This is considered to be a potential significant impact.

Mitigation Measures

The implementation of Mitigation Measure 4.7.2 would reduce this impact to a less than-significant level.
4.7.2 The significant effects of expansive soils can be controlled by recognition of the condition and appropriate design. Detailed site specific soil and foundation investigations should be performed by a registered Civil Engineer practicing in Geotechnical Engineering to evaluate soil conditions and develop design mitigation for expansive soils in accordance with California's 1973 Uniform Building Code adopted by the City of Modesto.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Soil reports, normally required in conjunction with tentative maps, will alert an applicant to design changes necessary to address expansive soils.

Other Geologic Hazards - Hardpan

Project implementation could be subject to soil constraints due to hardpan underlying the San Joaquin-Madera Association. This is considered to be a significant impact.

Mitigation Measure

The implementation of Mitigation Measure 4.7.4 would reduce this impact to a less-than significant level.

4.7.4 Limitations on landscaping created by shallow soils, and underlying hardpan can be reduced through overexcavation or ripping of areas to be landscaped to a depth adequate for plant survival followed by the importation of topsoil and the use of drought-tolerant or shallow-rooted landscaping. If soils are high in salinity (as is the case with dairy operations, and irrigated agricultural) following overexcavation or ripping of the hardpan, gypsum can be added to chemically modify the hardpan soils to reduce impacts.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Soil reports required in conjunction with tentative maps and other major infrastructure projects will identify when this mitigation measure will be needed to insure the long-term survival of street trees and other landscaping.
4.8 HYDROLOGY

Drainage Impacts

Increased surface runoff would be generated due to project development. This is considered to be a significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.8.3(a) would reduce this impact to a less-than-significant level.

4.8.3(a) Implement the proposed positive drainage facilities plan for the project area.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Positive drainage is a City standard for new development, which requires that storm water be safely conveyed stormwater away from buildings and structures.

Water Quality

Increases in impermeable surfaces generated by proposed development could affect water quality. This is considered to be a potentially significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.8.4(a) would reduce this impact to a less-than-significant level.

4.8.4(a) Implement stormwater retention basin to collect flows and allow for percolation through the soil profile into the groundwater table.

Maintaining stormwater flows on site and allowing for groundwater recharge would prevent the need for discharge into any surface water avoiding potential stormwater treatment.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. A 30 acre stormwater retention basin is included.
as a part of the Village One Specific Plan and will insure that urban runoff will be treated by biological and soil percolation, and will not be polluting any streams or rivers.

**Pure-Gro - Water Quality**

Any potential contamination identified on the Pure-Gro Chemical Plan could potentially impact the proposed project area. This is considered to be a potentially significant impact.

**Mitigation Measures**

Implementation of Mitigation Measures 4.8.6(a) and 4.8.6(b) would reduce this impact to a less-than-significant level.

4.8.6(a) If contamination is identified while the plant is in operation, the appropriate agencies (including but not limited to the County, RWQCB and the State Department of Health Services) shall be notified by the site owners to help determine the proper remediation activities in accordance with all applicable federal, state and local regulations.

If contamination were to be identified during the operating life of the plant, appropriate remediation activities would be required to mitigate the potential impacts in the proposed project area, including impacts to human health.

4.8.6(b) Should the facility be closed to accommodate proposed development planned for the site, a Phase I site assessment shall be implemented by project developers to identify the potential for any contamination on the site. Based on the results of the Phase I investigation, further studies may be required by the developer to further quantify the extent of any identified potential for contamination. All studies would be required to be in compliance With applicable federal state and local regulations.

Prior to redevelopment of the Pure-Gro facility the appropriate investigations should be performed to attempt to identify any potential contamination on the site which could affect human health and the environment.

**Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Should the property occupied by the Pure-Gro facility be subject to a development proposal, the above mitigation measure will insure that any on-site contamination will be addressed before development.
4.9 VEGETATION AND WILDLIFE

Destruction and Disruption of Raptor Nests

Development of this project may result in the destruction or disruption of raptor nests on the project site. This is considered to be a potentially significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.9.1 will reduce this impact to a less-than-significant level.

4.9.1 Prior to development, breeding season surveys will be conducted by a qualified biologist to determine the presence or absence of active raptor nests. This will include, but not be limited to, a survey for tree twig nests, tree cavity nests, ground nests, and burrow nests that may be used by raptors.

All identified raptor nest sites on the site will be designated to be avoided during their breeding cycle. The breeding cycle begins with nest building and ends with the fledgling of young. Additionally, disruption to the nest sites and the surrounding foraging habitat will also be avoided.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of this mitigation measure will identify and prevent raptor nests from being disturbed during the breeding season.

Impacts to Wetlands

Development of this project may result in the net loss of wetland habitat values and acres. This is considered to be a potentially significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.9.4 will reduce this impact to a less-than-significant level.

4.9.4 Project-specific wetland delineations, to determine the existence and extent of COE or DFG jurisdictional wetlands, will be conducted by a qualified
biologist utilizing the methodology outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Unified Federal Method). The wetland delineation will be submitted to COE for verification.

Prior to the start of any construction activities that affect any delineated wetlands, the acquisition of appropriate COE permit(s) will be required. Additionally, the development and implementation of a mitigation plan will be required to ensure that no net loss of wetlands occurs.

If construction or other activities will result in impacts to the bed, channel, or bank of a river, stream, lake, or riparian/streambed corridor (the riparian corridor extends as far as the 100-year floodplain), then the acquisition of a DFG Streambed Alteration Agreement will be required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Within the Village One area there are only few such locations that contain the soils and plants that could be considered "wetland" in character. These have been identified through the EIR process, no development will be allowed without the review by the COE/DFG. The appropriate permits will be required if the sites are subject to the jurisdiction of either of these agencies.

Cumulative Loss of Wildlife Habitat Values and Acres

The development or this project will contribute to the overall cumulative loss of wildlife habitat as a result of project and other future development in the region. This is considered to be a significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.9.5 will reduce this impact to a less-than-significant level.

4.9.5 The City of Modesto will develop and implement a citywide wildlife habitat preservation and restoration plan that will be directed at providing, in perpetuity, a variety of wildlife habitats.

The preserved and restored habitats will be of sufficient size and will be provided with an adequate buffer zone from developments. Focus will also be on providing breeding and foraging habitat, and contiguous migration and movement corridors between habitat preserves and other areas that provide wildlife habitat such as river and stream corridors.
Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City will revise its Open Space and Conservation Elements to implement a wildlife preservation and restoration plan that will preserve a variety of wildlife habitats for future generations.

Cumulative Loss of Foraging Habitat for Raptors

The development of this project will contribute to the overall cumulative loss of foraging habitat for raptors as a result of this and future development in the City of Modesto. This is considered to be a significant impact.

Mitigation Measures

Implementation of Mitigation Measure 4.9.5 would reduce this impact to a less-than-significant level.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City will revise its Open Space and Conservation Elements to implement a wildlife preservation and restoration plan that will preserve a variety of wildlife habitats for future generations.

4.10 PUBLIC SERVICE AND UTILITIES

Fire Service Impacts

Portions of Village One project area are outside the 1.5-mile radius for the nearest fire stations. This is considered to be a potentially significant impact.

Mitigation Measures

4.10.1 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a fire station and a police substation.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as
identified in the Final EIR. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

**Cumulative Fire Services Impact**

Portions of cumulative development could be located outside the 1.5-mile radius for the nearest fire stations. This is considered to be a potentially significant impact.

**Mitigation Measures**

The following mitigation measure will reduce cumulative impacts to a less-than-significant level:

4.10.2 The City should consider adopting a mitigation fund to offset cumulative impacts on fire protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.

**Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Fees collected from this project will provide funds to purchase fire facilities and equipment.

**Police Services Impacts**

The proposed project would result in an increased population of approximately 22,000 persons. The need for 41 additional police personnel would be created. This would be considered to be a potentially significant impact.

**Mitigation Measures**

4.10.3 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a police substation with appropriate staffing to serve the Village One Specific Plan population.

**Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as
identified in the Final EIR. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

**Cumulative Police Services Impact**

Cumulative development (within the City's Sphere of Influence) would result in an increased population of approximately 191,000 persons. The need for 382 additional police personnel would be created. This would be a potentially significant impact.

**Mitigation Measures**

The following mitigation measure will reduce cumulative impacts to a less-than-significant level:

4.10.4 *The City should consider adopting a mitigation fund to offset cumulative impacts on police protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.*

**Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. This is a cumulative impact associated with the full development of the City's sphere of influence. Programs to address the funding needed to maintain City operations will be reviewed and implemented before future villages are approved so that necessary public facilities can be provided.

**Cumulative Solid Waste Impacts**

Cumulative development would generate a demand for approximately 410 tons per day average. This would account for approximately 50 percent of the daily capacity of the Waste-to-Energy Plant. This is considered to be a significant impact.

**Mitigation Measures**

The following mitigation measures will reduce this impact to a less-than-significant level.
4.10.6(a) Negotiate contracts with the City’s refuse disposal contractors to implement curbside recycling programs for newspaper, glass, and organic materials.

4.10.6(b) Require on-site drop-off areas for recycling in commercial/retail, office and multifamily residential developments

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. City programs for trash collection and recycling will be extended to Village One as the area develops.

Cumulative Parks and Recreation Services

Cumulative development will result in a demand for an additional 540 acres of public parks. This is considered to be a significant impact.

Mitigation Measures

The following mitigation measures will reduce cumulative impacts to a less-than-significant level:

4.10.8 Developers will pay Parks Capital Facilities Fees which are based on meeting the General Plan park standards for cumulative development.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City’s Capital Facilities Fees for parks will insure that adequate funds for new park facilities are collected as the City grows.

Water Supply Impacts

The proposed project would result in an increased water demand of approximately 1,100 acre-feet per year. This would create a further reduction of the City’s groundwater table and would be considered to be a potentially significant impact.

Mitigation Measures
The following mitigation measures will reduce this impact to a less-than-significant level.

4.10.9(a) New water sources shall meet or exceed the California Department of Health Services Title 22 regulations for water quality.

4.10.9(b) The use of City water supplies for commercial agricultural uses shall be prohibited.

4.10.9(c) New wells shall be sited and be of sufficient size to accommodate areas of approximately one square mile.

4.10.9(d) Prior to design and construction of water transmission lines, the Public Works Department shall be consulted regarding potential expansion of the water system and alternative sources of water.

4.10.9(e) New development shall meet fire flow requirements as established by the Fire and Public Works Department.

4.10.9(f) All main transmission lines shall be looped and lines of lesser diameter shall be looped to the extent feasible.

4.10.9(g) The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.

4.10.9(h) New developments shall be required to minimize water consumption by using low-flow showerheads and faucets, and the principles of xeriscape in landscape plantings.

4.10.9(i) All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.

4.10.9(j) Necessary water conduits shall be extended across the entire frontage of a developing area to allow for coordinated provision of services as adjacent areas are developed.

4.10.9(l) To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. As storage facility will be located within a portion of the storm drainage basin.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as
identified in the Final EIR. Implementation of City standards will insure that the water supply provided to Village One will be safe and meet health standards. Implementation of conservation mitigation measures will reduce per capita consumption water and insure that present water sources are more effectively used. While the water plan developed jointly by the City and MID, will insure future water supplies by either direct use of treated surface water supplies, or by indirect means such as groundwater augmentation with untreated surface water.

**Cumulative Water Supply Impacts**

Cumulative development would generate a demand for approximately 6,250 acre-feet per year. This would create a further reduction of the City's groundwater table and would be considered to be a *potentially significant impact*.

**Mitigation Measures**

4.10.10 Mitigation Measures 4.10.9(a) through 4.10.9(l) will reduce this impact to a less-than-significant Level

**Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of conservation mitigation measures will reduce per capita consumption water and insure that present water sources are more effectively used. While the water plan developed jointly by the City and MID, will insure future water supplies by either direct use of treated surface water supplies, or by indirect means such as groundwater augmentation with untreated surface water.

**Wastewater Impacts**

Village One wastewater flows have been conservatively estimated at 2.1 mgd or approximately four percent of the capacity of the City's wastewater treatment facility. Treatment facility capacity is 50 mgd. These flows will be a substantial addition to the City's wastewater collection, treatment, and river discharge demands, especially during winter months. This is considered to be a *significant impact*.

**Mitigation Measures**
4.10.11(a) The Lakewood and Sonoma trunklines shall be extended northerly through the site to Sylvan Avenue.

4.10.11(b) The storm drainage system shall not be cross-connected to the sanitary sewer system.

4.10.11(c) One pump station shall be required to serve the northerly portion of the business park area located east of Claus Road.

4.10.11(d) Necessary sewer conduits shall be extended across the entire frontage of a developing area.

4.10.11(e) To the extent possible, the sewer system shall use gravity systems.

4.10.11(f) Developers of land shall be responsible for the extension of collection lines not specifically funded by the Capital Improvement Program for the Village One area.

4.10.11(g) Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Fees collected for new development will insure that there are funds available in the future to expand the City's sewage treatment facilities.

Cumulative Wastewater Impacts

Cumulative development wastewater flows would be an estimated 20 mgd or approximately 40 percent of the City's wastewater treatment facilities. These flows will be a substantial addition to the City's wastewater collection, treatment, and river discharge demands, especially during winter months. This is considered to be a significant impact.

Mitigation Measures

4.10.12(a) The storm drainage system for new development shall not be cross-connected to the sanitary sewer system.

4.10.12(b) Necessary sewer conduits shall be extended across the entire frontage of a developing area.
4.1O.12(c) To the extent possible, the sewer system shall use gravity systems.

4.1O.12(d) Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Compliance with City standards will address this issue. In addition, conservation measures implemented to reduce water consumption will also lead to a reduction in per capita effluent that requires treatment. The prevention of cross connections to the drainage system will also reduce the volume of effluent that requires treatment.

Cumulative School Impacts

An increased population of 48,300 school children would result from cumulative development housing construction. Of this total, 30,600 would be children in grades K-6; 4,600 would be grades 7 8; and 13,100 would be high school students. This is considered to be a significant impact.

Mitigation Measures

The following mitigation measures will reduce this impact to a less-than-significant

4.1O.13(a) Developers in future villages shall finance school facilities necessary to accommodate new students.

4.1O.13(b) Developers shall notify the School Districts as far in advance as possible of specific building plans. This would allow enough lead time for the District to begin application for any relevant funding sources and to coordinate facility expansion/construction, if possible.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. City policy requires that school facilities be financed as a part of the village planning process.
4.11 FISCAL IMPACTS

Fiscal Impacts

The Specific Plan would have a significant impact on the City budget at project buildout. This negative net balance is considered to be a significant impact.

Mitigation Measures

4.11.1 Development of the Specific Plan would have a significant impact on the City budget. To mitigate this impact, the City should consider establishing a special district to help finance some of the operating costs associated with the Specific Plan. Such a district could be established to help fund specific services (such as police services) or ongoing maintenance costs (such as parks, street trees, or street maintenance) that have been identified in the fiscal analysis as major City expenditures associated with the project.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The fiscal impact of Village One development is based on a variety of assumptions about the mix and pace of Village One development. Because of the uncertain nature of these assumptions, it will be necessary to carefully monitor the effect that Village One development will have on the City’s operating budget. If operating budget deficits occur as expected, the City Council will need to exercise the options described in the Village One Financing Plan to address any operating budget shortfalls. These include the formation of various districts to raise funds to cover operation and maintenance needs.
1 LAND USE

Loss of Farmland

Loss of approximately 860 acres of agricultural land designated as prime Farmlands, 560 acres of agricultural land designated as land of Unique Importance, and 235 acres of agricultural land designated as land of Local Importance would occur as a result of development of the project site. This is considered to be a significant impact.

Mitigation Measures

4.1.1 No mitigation measures are available to reduce the impact of the loss of farmland resources.

Findings

The loss of 860 acres of agricultural land have been identified as unavoidable and cannot be mitigated. The City of Modesto is situated on and completely surrounded by agricultural land. There is no alternative that would completely avoid the loss of agricultural lands. However, the soils east of Modesto, in the area of Village One, are known to be less valuable for agriculture than other areas within the City's Sphere of Influence. As a result, the proposed project is environmentally superior to other locations surrounding the City that contain much better agricultural soils.

The City of Modesto has run out of land for urban development within its current boundaries. In deciding to carryout this project that will result in the unavoidable loss of agricultural soils, the City Council seeks to balance the loss of agricultural soils with the need to provide land for future growth and expansion. The additional growth is necessary to provide housing and jobs to its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Cumulative Loss of Farmland

Development of the project would contribute to future development and continuing cumulative loss of prime farmland on the site and in the surrounding areas. This is considered to be a significant cumulative impact.

Mitigation Measures

4.1.2 No mitigation measures are available to reduce the impact of the cumulative loss of farmland resources.

Findings
The Village One Final EIR identifies the additional loss of agricultural land that will take place in the event that the City expands in other areas within its Sphere of Influence. Because the City of Modesto is situated on and completely surrounded by agricultural land, this future loss of agricultural land is unavoidable and cannot be mitigated. There are no alternatives that would completely avoid the loss of agricultural lands and accommodate future population and economic growth. However, the soils east of Modesto are known to be less valuable for agriculture than other areas within the City's Sphere of Influence. As a result, the City's growth policies have given priority to these areas which are environmentally superior to other locations surrounding the City that contain much better agricultural soils.

In deciding to carry out the Village One project that will contribute to the unavoidable, cumulative loss of agricultural soils, the City Council seeks to balance the loss of agricultural soils with the need to provide land for future growth and expansion. The additional growth is necessary to provide housing and jobs to its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

4.5 CLIMATE AND AIR QUALITY

Decreased Regional Air Quality

Buildout of the Village One Specific Plan could contribute to violation of the state ambient 8-hour Carbon Monoxide standard. This is considered a significant impact.

Mitigation Measures

4.5.2 Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.

Findings

The Final EIR indicates that the Village One project will have a significant impact on regional air quality that is, to some extent, unavoidable. As a pedestrian-oriented community specifically designed to reduce dependence on the automobile for many daily trips, the proposed mitigation measure is the project itself since it is the environmentally superior alternative. However, the project is not self-mitigating because even in a pedestrian-oriented community some air quality degradation is unavoidable. In determining to carry out the proposed project, the City Council seeks to balance the impact on air quality with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.
Cumulative Air Quality Impacts

Air pollution emissions associated with buildout of Village One would exacerbate the existing ozone, PM10, and carbon monoxide violations in the Modesto area. This is considered to be a significant impact.

Mitigation Measures

4.5.3(a) Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.

4.5.3(b) Employers located within the Village One Specific Plan area should be required to provide transit incentives, such as bus passes, should limit the amount of employee parking; employers should charge for employee parking to encourage ridesharing and alternatives modes of transportation.

4.5.3(c) All fireplaces and wood stoves in residential units shall be equipped with EPA-approved inserts to control emissions.

Findings

The Final EIR indicates that the Village One project will contribute to decreased air quality on a cumulative basis. Although mitigation measures have been proposed and will be implemented, it is unclear to what extent they will limit air quality impacts over time as the entire area continues to grow and develop. As a result the cumulative air quality impacts from the Village One project are, to some extent, unavoidable. As noted above, Village One is specifically designed to function with less dependence on the automobile and provide greater opportunities for nonpolluting forms of transportation than is typical of conventionally designed communities. For this reason, it is considered the environmentally superior alternative in spite of the potential cumulative air quality degradation.

In deciding to carry out the proposed project, the City Council seeks to balance the impact on air quality with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

4.6 Noise

Traffic Noise Increases – Project Related
Traffic resulting from the proposed project would result in a 3 to 4 dBA increase in the Ldn at existing residences along Sylvan Avenue west of Roselle and Floyd Avenue west of Roselle. This is considered to be a significant impact.

Mitigation Measures

These noise impacts are significant and potentially unavoidable.

4.6.4 The housing along Sylvan and Floyd front on the streets. Driveway access makes it very difficult to shield these homes from street noise with noise barriers. A possible mitigation measure would be to reduce the speed on Sylvan from approximately 50 to 55 mph to 35 to 40 mph. If this were done, then the increase in traffic noise resulting from project could be offset by the reduction in noise resulting from the reduction in speed. The travel speeds along Floyd is currently 30 to 35 mph and a reduction in speed would, therefore, not be feasible.

Findings

The Final EIR indicates that some of the existing homes fronting on Floyd and Sylvan will experience a perceptible increase in noise as a result of increased traffic from the Village One project. Existing driveways make the installation of soundwalls infeasible and the mitigation measure to reduce the speed of traffic on Floyd and Sylvan is not considered feasible given the permanent role of these streets in carrying traffic from the project and surrounding area. To this extent this impact is considered unavoidable given these conditions. It is not, however, unlike the situation that exists in many areas in the City where homes are located on busy streets. There are an estimated 87 homes located along these streets that will be affected by the increase in noise.

In deciding to carryout the proposed project, the City Council seeks to balance the impact on from increased noise on a relatively few homes with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Traffic Noise Increases -- Cumulative Related

Cumulative projects in the area would result in traffic noise level increases of greater than 3 dBA at existing residences. This is considered to be a significant impact.

Mitigation Measures

4.6.5(a) The front yards of the ranchettes could be shielded in certain cases by the use of front yard fences or walls. These would need to be evaluated on a case-by-case
basis to determine whether or not access requirements to driveways could be retained without substantially compromising the mitigation provided by the noise barriers. Continuous roadside sound walls are not feasible because of the driveway access requirements.

4.6.5(b) Cumulative traffic volumes were not available for Lakewood Drive without the bridge. The retention of the existing street network could substantially reduce this cumulative noise impact. Noise barriers along Lakewood are not feasible because of the driveway access requirements and the close proximity of the yards to the roadway.

Findings

The Final EIR identifies a perceptible increase in ambient noise levels experienced by existing homes in and surrounding the Village One project as a significant impact. Mitigation measures that involve the installation of soundwall or soundbarriers were proposed but are not considered feasible due to the existing driveways serving these homes. The lack of feasible mitigation measures means that these impacts are unavoidable. It should be noted that the 3 dBA increase, while perceptible, does not mean that all of these residences will be exposed to sound levels that exceed the 65 dBA exterior standard or that interior noise levels will exceed the 45 dBA noise standard. The increase in ambient noise levels that will be experienced by these residents is typical of changes in the noise environment that accompanies general urban development. At present there are only a few homes in the area that will experience the construction related noise impacts for the entire duration of the project buildout.

In deciding to carryout the proposed project, the City Council seeks to balance the impact on from an increase in ambient noise levels for existing residents with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Construction Noise Impacts

During the buildout of the Specific Plan area, construction noise levels would periodically generate greater than a 10 dBA increase in noise at existing residences. This impact is considered to be significant. Construction of the proposed developments would involve grading and utility work, foundation and building erection activities, and grading and paving. These activities would require the use of hammers, saws, nail guns, graders, scrapers, front loaders, pavers, trucks, and other ancillary equipment associated with construction. Trucks would be required to deliver and remove material from the site and to pump concrete. Piledrivers would not be required for this project. During the various phases of construction, average noise levels could be as high as 75 dBA when measured 50 feet from the
center of construction activities. When construction is occurring near one of the existing residences, at times average noise levels could increase by as much as 15 to 25 dBA over existing noise levels, a significant short-term noise impact.

Mitigation Measures Mitigation Measures 4.6.6(a) through (c) would substantially reduce the noise impacts but would not reduce the construction noise impacts to a less-than-significant level.

4.6.6(a) Noise-generating construction equipment, including truck traffic coming to and from the site for any purpose, should be limited to the hours of 7:00 AM to 7:00 PM per the Modesto Municipal Code. Trucks should be restricted to Briggsmore, Claus, Oakdale, and Sylvan. Furthermore, no individual piece of equipment shall produce a noise level exceeding 85 dBA at any point outside the boundaries of the project.

4.6.6(b) All construction equipment powered by internal combustion engines should be properly muffled and maintained.

4.6.6(c) All stationary noise-generating construction equipment, such as air compressors, should be located as far as practical from existing residents. Such equipment should be acoustically shielded where possible using wooden screens or other available barriers such as construction trailers. "Quiet" construction equipment, particularly air compressors, shall be selected whenever possible. The prudent selection of such equipment, along with the use of proper mufflers, should result in maximum construction-related noise generated by a particular piece of equipment of no more than 85 dBA when measured at a distance of 50 feet from a piece of equipment operating at its noisiest mode.

Findings

Noise generated during the construction phase of the Village One project, estimated to last for from five to seven years for residential - commercial development, is identified as a significant impact. Although mitigation measures are suggested and will be implemented to help reduce construction noise, they may not fully reduce noise levels to a less than significant level. As a result, this impact is considered to be unavoidable.

In deciding to carry out the proposed project, the City Council seeks to balance the impact on from construction related noise with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.
Alternatives to the Project

No Build Alternative

Development would be limited to large lot residential uses and farming outside the City without urban services. Some development, including the pending Galleria center, would occur under the county's jurisdiction.

Findings

The No Build Alternative would cause no dramatic changes to the current use of the site. However, incremental changes could occur if random growth takes place under county jurisdiction and as schools and other facilities expand into this area. As the project area would continue to be served by septic systems, the potential growth could adversely impact the groundwater quality of this and surrounding areas, including existing areas of the City.

The City of Modesto has run out of land for urban development within its current boundaries. Additional growth is necessary to provide housing and jobs to its residents. Planned growth with adequate roads, sewer systems, and other infrastructure, is preferable to random, haphazard growth and development. While the No Build Alternative would avoid, at least temporarily the loss of agricultural land, impacts on air quality, and increased noise levels experienced by a relatively few homes, it would prevent the City of Modesto from responding constructively to the growth pressures of the area and would result in scattered, more costly, incremental development that would have an even greater cumulative effect on farmlands, air quality and noise conditions. The No Build Alternative would also prevent the City from providing its share of regional housing needs, and taking steps to improve the community's jobs/housing balance.

General Plan Neighborhood Zoning and Development Prototype Alternative

The Modesto Urban Area General Plan establishes a Neighborhood Zoning and Development Prototype or general standard and has been used to guide the development of each neighborhood area. The Neighborhood Prototype specifies the mix of uses and their relationship to the internal and external street system. Developed during the 1970's, with period adjustments, the Neighborhood Prototype relies heavily on the automobile for transportation and the automobile dominates the relationship between land use and streets.

Findings

This alternative would result in the same loss of farmlands, and have greater impacts on the region's air quality. This is because the Neighborhood Zoning and Development Prototype relies almost exclusively on the automobile for
transportation. Village One is seen as a means to move the community away from the automobile-based sameness that has characterized the Neighborhood Prototype. The Village One Plan is considered environmentally more sensitive, while at the same time accommodating nearly the same population as the area would have under the Neighborhood Prototype.
CITY COUNCIL
RESOLUTION NO. 90-758

A RESOLUTION OF THE MODESTO CITY COUNCIL AMENDING THE MODESTO URBAN AREA GENERAL PLAN BY ADOPTING THE VILLAGE ONE GENERAL PLAN TEXT AND MAP AMENDMENT, MAKING FINDINGS OF OVERRIDING CONSIDERATIONS REGARDING ENVIRONMENTAL IMPACTS, AND CERTIFYING COPIES THEREOF

WHEREAS, a General Plan for the City of Modesto entitled "Modesto - Ceres-Empire Area General Plan," as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and

WHEREAS, thereafter, as recommended by the Planning Commission, said General Plan has been amended by Modesto City Council Resolutions:

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)
No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)
No. 72-1042, adopted on October, 1972 (Interim Open Space Plan)
No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)
No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)
No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)
No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)
No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)
No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)
No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)
No. 78-854, adopted on August 14, 1978 (Conservation Element)
No. 78-855, adopted on August 14, 1978 (Noise Element)
No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)
No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)
No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)
No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)
No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)
No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)
No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)
No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)
No. 84-462, adopted on July 10, 1984 (Amendment to Housing Element)
No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)
No. 86-1297, adopted on November 26, 1986 (Circulation Element)
No. 86-1298, adopted on November 26, 1986 (Circulation Element)
No. 86-1299, adopted on November 26, 1986 (Circulation Element)
No. 86-1300, adopted on November 26, 1986 (Circulation Element)
No. 86-1301, adopted on November 26, 1986 (Circulation Element)
No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)
No. 89-579, adopted on May 23, 1989 (Circulation Element)
No. 89-6322, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Brete Harte)
No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)
No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map - Chrysler-99 Neighborhood)
No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)
No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire-General Plan)

WHEREAS, the City of Modesto's General Plan, the Modesto Urban Area General Plan adopted April 16, 1974 and amended from time to time, establishes land use categories for all the land within the City's Sphere of Influence, including areas outside the current sewer service area classified "Urban Reserve"; and

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

WHEREAS, on October 3, 1989, the Modesto City Council adopted Urban Growth Management policies that reflected recommendations of the Tier I and II Urban Growth Policy Review Committee; and

WHEREAS, the Urban Growth Management policies call for future development of the City's "Urban Reserve" to be planned as "villages" using Specific Plans; and
WHEREAS, these growth management policies require that the village planning process address environmental concerns; address the cost of growth so that new growth pays for itself; analyze citywide capital improvement needs; and provide the public with a comprehensive development plan instead of sewer extensions; and

WHEREAS, these growth management policies also require that the village planning process address Modesto's long-term employment needs and jobs/housing balance by designating from 10 to 15 percent of the land for business park development; and that it include an affordable housing program using a variety of techniques including but not limited to housing trusts, inclusionary zoning, and density bonuses as needed to provide affordable housing; and

WHEREAS, in October of 1989, the City of Modesto initiated the process to prepare a Specific Plan for Village One, the first village to be developed in the Urban Reserve, and assigned the lead agency responsibility for overall guidance of the Village One planning program to the Modesto Planning Commission; and

WHEREAS, in October of 1989, the City of Modesto hired two consulting firms, ROMA Design Group and Economic Planning Systems, to help the Planning Commission and city staff prepare the Village One General Plan Amendment, Specific Plan, Financing Plan, and Environmental Impact Report ("EIR"); and

WHEREAS, a "Scoping Session," attended by representatives of various local agencies and city departments, was held on October 27, 1989 to identify issues that should be addressed by the Village One Specific Plan and Village One Specific Plan EIR; and

WHEREAS, the City of Modesto issued a Notice of Preparation on February 22, 1990 announcing that the City of Modesto was preparing an EIR for the Village One Specific Plan and seeking the input of state and local agencies in the identification of issues that should be addressed in the Village One EIR; and

WHEREAS, on April 30, 1990, the Draft Village One Specific Plan and Draft Village One Financing Plan was presented to a joint meeting of the City Council and Planning Commission; and

WHEREAS, the Draft Village One Specific Plan and Draft Village One Financing Plan reflected the concerns and issues of the City Council, Planning Commission, area residents, city staff and other agency staff involved in the
many meetings held with these groups and consultants between October 10, 1989 and April 30, 1990; and

WHEREAS, the Draft Village One EIR ("Draft EIR") was available for public review and comment beginning June 15, 1990 for the 45 day review period required by law; and

WHEREAS, the Draft Village One General Plan Amendment (text and map) were included in Appendix C of the Draft EIR as part of the project description, and has been available for public review and comment since that date; and

WHEREAS, a duly noticed public hearing was held jointly by the City Council and Planning Commission to receive comments on the Draft EIR on July 23, 1990, at which time all interested persons were heard; and

WHEREAS, public agencies, individuals, and groups submitted written comments on the Draft EIR, that are included in the draft of the Village One Final EIR ("Final EIR"); and

WHEREAS, the Final EIR, which responds to all the comments received during the review period including those received during the joint City Council/Planning Commission public hearing of July 23, 1990, was presented to the City Council and Planning Commission at August 27, 1990 joint Village One planning meeting; and

WHEREAS, the Village One Draft General Plan Amendment, Draft Specific Plan and Draft Financing Plan have been available for public review and comment since April 30, 1990; and

WHEREAS, changes to the April 30th Village One Draft Specific Plan and Draft Financing Plan are recommended by consultants and staff to address issues raised during the public review of these documents, and to accommodate mitigation measures identified in the Final EIR; and

WHEREAS, the Planning Commission, held a duly noticed public hearing on September 4, 1990, and adopted Resolution No. 90-75 recommending that the City Council certify the Village One Final EIR and adopt the Village One General Plan Text and Map Amendment; and

WHEREAS, the City Council has adopted Resolution No. 757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines; and
WHEREAS, the Village One Final EIR identifies one or more significant environmental effects that cannot be mitigated to a level of less-than-significance, and

WHEREAS, Section 15093 of the CEQA Guidelines require that the City Council adopt a Statement of Overriding Considerations when approving a project that has one or more significant environmental effects that cannot be mitigated to a level of less-than-significance; and

WHEREAS, the City Council held a duly noticed public hearing on September 11, 1990, at 7:30 p.m. for the purpose of receiving public comment on the Village One General Plan Amendment, at which time all interested persons were heard, and all oral and written testimony considered.

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final EIR prior to approving the Village One General Plan Amendment.

SECTION 2. The City Council hereby finds that the proposed Village One General Plan Text and Map Amendment is internally consistent with the City of Modesto's General Plan, the 1974 Modesto Urban Area General Plan as amended from time to time.

SECTION 3. The City Council hereby adopts the Village One General Plan Text and Map Amendment, appended hereto as Exhibits B-1 for the Text Amendment and Exhibits B-2 for the General Plan Map Amendment and incorporated by reference.

SECTION 4. In adopting the Village One General Plan Text and Map Amendment, the City Council hereby adopts the Statement of Overriding Consideration, appended hereto as Exhibit B and hereby incorporated by reference.

SECTION 5. This resolution shall become effective 30 days from the date it was passed.

SECTION 6. The City Clerk is hereby authorized and directed to certify copies of said Amended General Plan Map to the Board of Supervisors of the County of Stanislaus.
The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 11th day of September, 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

NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO

Attachments:

Exhibit A-1 Village One General Plan Text Amendment
Exhibit A-2 Village One General Plan Map Amendment
Exhibit B Statement of Overriding Considerations
Draft of General Plan Text Amendment (Land Use Element, Page 16) Accompanying Village One Specific Plan; Addresses Urban Reserve, Growth Management and Village Concept:

Urban Reserve Designation

The purpose of the Urban Reserve designation (shown on the Land Use Map) is to prevent the premature conversion of land to urban uses and to ensure that future urban development within Modesto's Sphere of Influence is orderly, consistent with City policy, and supported by adequate public facilities. The Urban Reserve designation, a significant component of the City's Growth Management Policy, is applied to that portion of the City's Sphere of Influence which has not yet been formally classified for urban development but which will be used to meet the City's long-term urban development needs.

It is the City's policy that land designated Urban Reserve be used for agricultural uses until its use and development is established through the approval of a General Plan Amendment, prezoning, and annexation to the City, or alternatively, through the approval of a General Plan Amendment, Specific Plan and annexation in the case of the "villages" where the preparation of a Specific Plan prepared by the City will precede urban development.

Urban Growth Management Policy -- Village Expansion

Consistent with the City of Modesto's Urban Growth Policy and Modesto Citizen's Advisory Growth Management Act (Measure A), urban expansion into the Urban Reserve shall occur in comprehensively planned areas known as "villages." These villages which distinguish themselves from the traditional neighborhood planning areas by their generally larger size, wider mix of uses, self-supporting financing programs, and overall unique identity, shall be planned using "Specific Plans" as provided for in the Government Code (Sec. 65451 et. seq.).

Each village's Specific Plan and Financing Plan, together with any General Plan Amendment, and Environmental Impact Report shall be reviewed and approved by the City Council before submitting the matter of extending sewer service to the voters in a Measure A election, or in the case of the West Trunk Service Area, proceeding with annexation and development since no Measure A vote is required in this area. The general boundaries, phasing and sewer service priorities of each village shall be established by the City Council in conjunction with its annual Urban Growth Policy review.
Because of their size, shape and proximity to existing areas developed under the "Neighborhood Prototype" policy, the Village Expansion policy shall not apply to the northern portions of the McKinney Colony, Aqueduct, Northwest McHenry, Northeast McHenry, and Beyer Neighborhoods that are designated Urban Reserve.
MODESTO URBAN AREA GENERAL PLAN

APPROVED BY THE PLANNING COMMISSION ON MARCH 5, 1990
APPROVED BY THE CITY COUNCIL ON APRIL 24, 1990

LAND USE
RESIDENTIAL
URBAN RESERVE
COMMERCIAL
NEIGHBORHOOD CENTER
COMMUNITY CENTER
REGIONAL CENTER
GENERAL COMMERCIAL
INDUSTRIAL
MAJOR OPEN SPACES

PUBLIC AREAS
PUBLIC SCHOOLS
ELEMENARY
JUNIOR/HIGH/ MIDDLE SCHOOL
HIGH
CONTINUATION HIGH
PRIVATE SCHOOLS
ELEMETARY
HIGH
PARKS
COMMUNITY
NEIGHBORHOOD
GOVERNMENT OFFICES
FIRE STATIONS

CIRCULATION
FREeways
EXPRESSWAY
MAJOR STREET
COLLECTOR STREET
RAILROAD
HETCH HETCHY (RESERVOIR)
CANAL
FLOODWAY

THIS MAP ACCOMPANIES THE TEXT OF THE LAND USE AND CIRCULATION ELEMENTS AND SHOULD BE CONSIDERED AS AN INTEGRAL PART OF THE TEXT, NOT AS A SEPARATE ELEMENT.

APPROVED BY THE PLANNING COMMISSION ON MARCH 5, 1990
APPROVED BY THE CITY COUNCIL ON APRIL 24, 1990
STATEMENT OF OVER RIDING CONSIDERATIONS
VILLAGE ONE GENERAL PLAN TEXT AND MAP AMENDMENT

The California Environmental Quality Act (CEQA) requires that decision making bodies balance the benefits of proposed projects against their unavoidable environmental effects. When project benefits outweigh the unavoidable adverse effects, the adverse effects may be considered acceptable. Section 15093 of the CEQA Guidelines requires that the specific reasons for accepting adverse environmental effects be included in a Statement of Overriding Considerations when approving a project with one or more unavoidable significant environmental effects.

The Village One project, made possible by the approval of the Village One General Plan Text and Map Amendment, will result in the following unavoidable significant environmental effects: loss of farm land, cumulative loss of farmland, decreased regional air quality, cumulative air quality impacts, traffic related noise increases, cumulative noise increases, and construction phase noise increases. These effects are documented in the Village One Final EIR and were found by the City Council, pursuant to Section 15090 of the Guidelines, to be unavoidable as a result of not having mitigation measures or by mitigation measures that do not reduce their effects to a less-than-significant level.

In approving the Village One General Plan Text and Map Amendment, the City Council finds that the following benefits outweigh the unavoidable significant environmental effects identified in the Final EIR:

1. Need for Additional Land to Accommodate Urban Growth

In 1989 the City had an estimated 1,236 acres available within the City limits for urban growth and development. At the average rate of land absorption experience over the past decade, the City will run out of land by 1992. The orderly and planned development of the Village One area would add an additional 1,775 acres and permit continued growth and development of the community.

2. Direct and Indirect Economic and Employment Benefits

The development of Village One is expected to result in 7,888 person years of construction employment, and 1,667 new nonconstruction jobs when secondary employment multipliers are included. Village One total employment is expected to add $29,929,333 to the local economy from wages and salaries alone, and contribute $47,109,610 from to the region's economy when all forms of income are included.

3. Affordable Housing

By continuing to produce housing, Village One will help insure that Modesto's housing market is not artificially inflated by an absence of new housing. In
addition, the Affordable Housing Program sets a goal of 25 percent of Village One housing will be affordable to low and moderate income groups with 60 percent of these units to be affordable on a long-term basis. The Affordable Housing Program will utilize both public and private resources to accomplish these objectives.

4. Environmentally Superior Development

Village One represents an important departure from past development policies that characterize newer areas of Modesto. In this regard, the Village One project is an environmentally superior design, particularly when compared to the Neighborhood Prototype of the Modesto General Plan. Village One offers environmentally sound design and development principles including: potential for light rail, pedestrian-oriented design; bicycle lanes and pedestrian trails developed in conjunction with major and minor streets; metered water service; dual water system for public landscaping; greater open space and park facilities ranging from mini-parks to a community park; generous landscaping and landscaped medians on neighborhood connector streets and other major streets; includes a village center complete with shopping and public facilities (police, fire and library); offers nearby employment and a better future jobs/housing balance; and livable streets.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-759

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCKS 6012, 6016 AND 6728)

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

WHEREAS, the Superintendent of Streets did, on August 10, 1990, order the construction of alleys in certain blocks in the City of Modesto, giving notice requiring the construction of such improvements; and

WHEREAS, the Superintendent of Streets did set the 18th day of September, 1990, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-760

A RESOLUTION GRANTING THE APPEAL FILED BY NATIONAL MEDICAL ENTERPRISES, RELATING TO CONDITION NO. 2 OF PLANNING COMMISSION RESOLUTION NO. 90-66, WHICH GRANTED A REVISED DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE P-D(317).

WHEREAS, Ordinance No. 2080-C.S., which was introduced on September 8, 1981, finally adopted on September 22, 1981, and which became effective on October 22, 1981, granted P-D(317) to allow hospital and related facilities and a medical office building, and

WHEREAS, City Council Resolution No. 81-780, adopted on September 8, 1981, approved the development plan, subject to certain conditions, for P-D(317), and

WHEREAS, Section 10-2.1709 of the Municipal Code authorizes the Planning Commission to approve revisions to the development plan of a Planned Development Zone, and

WHEREAS, on August 1, 1988, the Planning Commission approved a comprehensive development plan for expansion of P-D(317), Doctors Medical Center, including two-and-four story "tower" additions and the Women and Children's Center nearing completion on the north side and on the east side of the hospital, and

WHEREAS, National Medical Enterprises, Inc., has filed an application for an amendment to P-D(317) for approval of a one-story 3,000 square foot addition to the emergency services portion of Doctors Medical Center on the north side of Orangeburg Avenue West of Florida Avenue, said building addition would be along the south side of the building complex near the center, and
WHEREAS, said matter was set for public hearing before the Planning Commission on August 20, 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, thereafter the Planning Commission adopted Resolution No. 90-66 which approved a revised development plan with conditions of approval for Planned Development Zone, P-D(317), and

WHEREAS, an appeal to Condition No. 2 of Planning Commission Resolution No. 90-66, relating to required road improvements was filed by Doctors Medical Center by letter dated August 28, 1990, and

WHEREAS, said appeal was set for public hearing before the City Council on September 18, 1990, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, after said public hearing, the Council of the City of Modesto found and determined that the appeal to Condition No. 2 of Planning Commission Resolution No. 90-66, relating to required road improvements on Sherwood Avenue, should be granted for the following reason:

Street improvements including curb, gutter, and sidewalk currently exist along Sherwood Avenue adjacent to Doctors Medical Center, and with only emergency and utility access to Sherwood Avenue, the Doctors Medical Center traffic impact on this portion of Sherwood Avenue is little enough so as not to warrant reconstruction of the roadbed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. APPEAL GRANTED. The appeal filed by Doctors Medical Center from required road improvements to Sherwood Avenue specified in Condition No. 2 of Planning Commission Resolution No. 90-66 which granted a revised Development Plan for Planned Development Zone, P-D(317), is granted for the reason set forth above, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Doctors Medical Center Modesto E.R. Expansion" as amended in red, stamped approved by the City Council on September 18, 1990.

2. The West Orangeburg Avenue and Florida Avenue frontages shall be improved to 80-foot modified major and 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.

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

4. Prior to start of construction, the developer shall dedicate 10-foot public utility easements along Florida Avenue as required by the utility companies and the Public Works and Transportation Director.

5. On-site drainage shall be approved by the Public Works and Transportation Director.

6. All conditions of City Council Resolution 81-780 as amended by Planning Commission Resolutions 84-198, 88-89, and 89-18, not in conflict with this action 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 18th day of September 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 90-761

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(477). (UNION SAFE DEPOSIT BANK)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Union Safe Deposit Bank on December 7, 1989, to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D, to allow an office/bank facility, property located on the northwest corner of Oakdale Road and East Orangeburg Avenue, described as follows:

P-O to P-D

All that certain real property situate in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of Section 22, a point lying on the centerline of 100.00 foot wide Oakdale Road; thence South 0°45'00" East along said centerline a distance of 1006.90 feet to the point of intersection of said centerline and the prolongation of the North line of Parcel "C" as shown on that certain map recorded in Volume 34 of parcel maps, at page 27, Stanislaus County Records, on June 23, 1983; thence leaving said centerline South 89°52'15" West along said prolongation a distance of 50.0 feet, to the Northeast corner of said Parcel "C", said corner being the point of beginning for this description; thence South 0°45'00" East along the East line of said Parcel "C" a distance of 266.44 feet to a tangent curve concave to the Northwest having a radius of 15.00 feet; thence Southwesterly 23.73 feet along said curve, through an angle of 90°39'35" to a tangent line; thence South 89°54'35" West along the South line of said Parcel "C" a distance of 215.28 feet; thence leaving said South line North 0°05'25" West, a distance of 281.44 feet to a point on the North line of said Parcel "C"; thence North 89°52'15" East, a distance of 227.21 feet along the North line of said Parcel "C" to the point of beginning.

Including also all the Western 50.0 feet of Oakdale Road and the Northern 35.0 feet of East Orangeburg Avenue and all immediately adjacent to the above described property.
WHEREAS, said application was set for a public hearing before the Planning Commission on August 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on August 20, 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. 90-70, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone for a financial institution conforms to accepted locational criteria and a location policy for such uses adopted by the City Council.

2. The proposed P-D zone for a financial institution will include traffic impact mitigation including important design considerations such as access restrictions, reciprocal accessways, and medians.

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 Sept. 18, 1990, at 7:30 p.m., and

WHEREAS, after a public hearing held on Sept. 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Union Safe Deposit Bank 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. 90-70 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2729-C.S. on the 18th day of September, 1990, reclassifying the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(477).
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(477), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Bank Building for Union Safe Deposit Bank" as amended in red, stamped approved by the Planning Commission on August 20, 1990.

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

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

4. The East Orangeburg Avenue frontage shall be improved to collector-major 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.

5. As traffic mitigation measures, the developer shall widen and restripe Oakdale Road north of Orangeburg to a width of 85 feet, a transition to a width of 80 feet, and relocate utilities, as shown in concept in Figure 6 of the Traffic Impact Study by DKS, dated June 1990, 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. As traffic mitigation measures, the developer shall widen and restripe Oakdale Road south of Orangeburg to a width of 74 feet, a transition to a width of 70 feet, and relocate utilities, as shown in concept in Figure 6 of the Traffic Impact Study by DKS, dated June 1990, 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. As traffic mitigation measures, the developer shall install a median on Oakdale Road north and south of Orangeburg in accordance with City Council Policy 3.016 ("A Policy on Curbed
8. As traffic mitigation measures, 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, the developer shall relocate and modify existing traffic signal control equipment as required at the Oakdale/Orangeburg intersection, including, but not limited to, signal mast arms, signal poles, detector loops, signal heads, signs, electrical conduits, and wiring. To the extent that the required signal modifications are determined by the Director of Public Works and Transportation to be included in those planned as part of the CFF signal modification projects list, the developer will be given credit up to, but not exceeding, the amount of his CFF payments for Traffic Signals.

9. 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. All street, intersection, traffic signal improvements and modifications shall be constructed in accordance with the approved plans.

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

12. 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.

13. The developer shall, in a manner approved by the City Attorney, provide a vehicular access way for on-site traffic circulation for the benefit of the property to the north and west, substantially as shown in red on the plot plan.

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

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

17. That the developer shall defend, indemnify, and hold harmless the City of Modesto and its agents, officers, and employees from any claim, action, and proceeding against the City of Modesto and its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City of Modesto and its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or 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(477):

The entire construction program be accomplished in one phase, construction to begin on or before August 20, 1992, and completion to be not later than August 20, 1993.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(477), becomes effective.

091190 -5- 10260CA2
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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, 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

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 90-762

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-O TO
P-D(477). (UNION SAFE DEPOSIT BANK)

WHEREAS, on September 18, 1990, the City Council introduced
Ordinance No. 2729-C.S. giving approval to a project relating to an
amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to
reclassify from Professional Office Zone, P-O, to Planned Development Zone,
P-D(477), property located on the northwest corner of Oakdale Road and East
Orangeburg Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 22-3-9 of the Zoning Map of
the City of Modesto to reclassify from Professional Office Zone, P-O, to
Planned Development Zone, P-D(477), property located on the northwest corner
of Oakdale Road and East Orangeburg Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 90-763

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ADDITIONAL RIP RAP REPAIR AT THE STORAGE PONDS ON JENNINGS ROAD

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

SECTION 1. The plans and specifications for additional rip rap repair at the storage ponds on Jennings Road, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 11, 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 18th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-764

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $30,000 TO PROVIDE FUNDS FOR ADDITIONAL RIP RAP REPAIR AT THE STORAGE PONDS ON JENNINGS ROAD

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

FROM: Sewer Reserves
(621 800 8000 8003) $30,000
TO: Additional Rip Rap Repair
(621 480 P836 6000) $30,000

This project was anticipated but not funded in the current Capital Improvement Program due to the uncertainty at that time of the amount of sewer funds available. Funds are now available to do this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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 DUKE EQUIPMENT CO. FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 90-679, adopted by the Council of the City of Modesto on August 7, 1990, approved the plans and specifications for the purchase of golf course turf maintenance equipment and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of golf course turf maintenance equipment were opened at 11:00 a.m. on August 27, 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 Duke Equipment Company in the amount of $44,807 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Duke Equipment Company in the amount of $44,807 be accepted and the execution of a contract 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 September, 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: ____________________________
MORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF JENKINS MACHINERY INC. FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 90-679, adopted by the Council of the City of Modesto on August 7, 1990, approved the plans and specifications for the purchase of golf course turf maintenance equipment

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of golf course turf maintenance equipment were opened at 11:00 a.m. on August 27, 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 Jenkins Machinery Inc. in the amount of $52,063 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Jenkins Machinery Inc. in the amount of $52,063 be accepted and the execution of a contract 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 September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-767

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

WHEREAS, Resolution No. 90-679, adopted by the Council of the City of Modesto on August 7, 1990, approved the plans and specifications for the purchase of golf course turf maintenance equipment and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of golf course turf maintenance equipment were opened at 11:00 a.m. on August 27, 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 H.V. Carter Company in the amount of $20,604 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H.V. Carter Company in the amount of $20,604 be accepted and the execution of a contract 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 September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-768

A RESOLUTION ACCEPTING THE BID OF HAZARD MANAGEMENT SERVICES, INC. OF MODESTO FOR FURNISHING AS ASPEROS INVENTORY MITIGATION REPORT

WHEREAS, Resolution No. 90-662, adopted by the Council of the City of Modesto on July 24, 1990, approved the plans and specifications for the asbestos inventory mitigation report

and authorized the calling for bids; and

WHEREAS, the bids received for the asbestos inventory mitigation report were opened at 11:00 a.m. on September 11, 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 Hazard Management Services, Inc. in the amount of $38,400 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hazard Management Services, Inc. of Modesto in the amount of $38,400 be accepted and the execution of a contract 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 September 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-769

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE 120-FOOT DRAINAGE BASIN EASEMENT IN BLOCK 5180 OF THE WEST CAMPUS BUSINESS CENTER NO. 1 SUBDIVISION 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 5180 in the City of Modesto, described in Exhibit "A" attached hereto, which is a portion of the Drainage Basin Easement in Block 5180 of the West Campus Business Center No. 1 Subdivision, in the City of Modesto, and

WHEREAS, the West Campus Business Center Owner's Association has requested the abandonment of a portion of the 120-foot Drainage Basin Easement in Block 5180 to an 80-foot easement, 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 120-foot Drainage Basin Easement in Block 5180 of the West Campus Business Center No. 1 Subdivision 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, a portion of the drainage basin easement vacated will no longer constitute a drainage basin easement.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 120-foot Drainage Basin Easement located in Block 5180 of the West Campus Business Center No. 1 Subdivision 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 18th day of September, 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By PHIL ANDERSON, Public Works and Transportation Department, Engineering
LD 90-C
Parcel 5180-1,2

VACATE AND ABANDON A PORTION OF THE DRAINAGE
BASIN EASEMENT IN BLOCK 5180

All that real property in the State of California, County of Stanislaus, City
of Modesto, being a portion of the North half of the Southeast quarter of
Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian,
described as follows:

PARCEL 5180-1

Commencing at the Southeastern corner of Lot 1 in Block 5180 of the WEST.
CAMPUS BUSINESS CENTER NO. 1 Subdivision, as per map filed October 15, 1980 in
Book 29 of Maps, Page 47, Stanislaus County Records; thence along the Eastern
line of said Lot 1, North 0°49' 29" West, 40.00 feet, to a point on a line
which is parallel with and 40.00 feet, measured at right angles, Northerly
from the Southern line of said Lot 1 and the true point of beginning of this
description; thence along said parallel line, South 89°10' 31" West, 520.00
feet, to a point on the Western line of Lot 2 in Block 5180 of said West
Campus Business Center No. 1 Subdivision; thence along said Western line of
Lot 2, North 0°49' 29" West, 20.00 feet, to a point on a line which is
parallel with and 60.00 feet, measured at right angles, Southerly from the
Southern line of said Lots 2 and 1; thence along said last mentioned parallel
line, North 89°10' 31" East, 520.00 feet, to a point on said Eastern line of
Lot 1; thence along the Eastern line of Lot 1, South 0°49' 29" East, 20.00
feet, to the point of beginning.

PARCEL 5180-1

Commencing at the Northeastern corner of Lot 4 in Block 5180 of said West
Campus Business Center No. 1 Subdivision; thence along the Eastern line of
said Lot 4, South 0°49' 29" East, 40.00 feet, to a point on a line which is
parallel with, and 40.00 feet, measured at right angles, Southerly from the
Northern line of said Lot 4, and the true point of beginning of this
description; thence along said parallel line, South 89°10' 31" West, 520.00
feet, to a point on the Western line of Parcel "A", as per map filed February
19, 1988 in Book 40 of Parcel Maps, Page 53, Stanislaus County Records; thence
along said Western line of said Parcel "A", South 0°49' 29" East, 20.00 feet,
to a point on a line which is parallel with and 60.00 feet, measured at right
angles, Southerly from the Northern line of Parcels "A" and "B" of said Parcel
Map filed in Book 40 of Parcel Maps, Page 53, and the Northern line of said
Lot 4 in Block 5180; thence along said last mentioned parallel line, North 89°
10' 31" East, 520.00 feet, to a point on said Eastern line of Lot 4; thence
along the Eastern line of Lot 4, North 0°49' 29" West, 20.00 feet, to the
point of beginning.

EXHIBIT A
CITY OF MODESTO
PUBLIC WORKS - TRANSPORTATION

VAN W. SWITZER, ACTING DIRECTOR
R.E.22055

By JERRY H. BUTLER, Deputy

RECOMMENDED BY:  DATE  BY

Vacate and Abandon a por. of the Drainage Basin Easement in Block 5180-LD90-C

FILE NUMBER  W. O. NO.  FLD. BK. & PG.

Aug. 1990  J. Christiansen

4-A-738
MODESTO CITY COUNCIL
RESOLUTION NO. 90-770

AMENDED
A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND RECHT, HAUSRATH AND ASSOCIATES FOR UNIT COSTS OF ONGOING SERVICES RELATING TO CAPITAL FACILITIES FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Recht, Hausrath and Associates for unit costs of ongoing services relating to Capital Facilities Fees 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 September, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-771

A RESOLUTION APPROVING HOURLY RATES FOR SERVICE, RECHT HAUSRATH AND ASSOCIATES FOR JULY 1, 1990 TO DECEMBER 31, 1991.

WHEREAS, a September 18, 1990, amendment to a June 5, 1990 agreement with Recht Hausrath and Associates calls for adjustment in the staff hourly rates as approved by the City Council by resolution from time to time, and

WHEREAS, "1990 Billing Rate Schedule", attached is the rate recommended for July 1, 1990 through December 31, 1991.

NOW, THEREFORE BE IT RESOLVED that the City Council approves the attached "1990 Billing Rate Schedule" for July 1, 1990 through December 31, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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: 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

091190 10263CA2
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<th>Role</th>
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<td>Principal (Including J.R. Recht)</td>
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<tr>
<td>Project Manager (Including C. Womun)</td>
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<td>Senior Economist</td>
<td>$60-70</td>
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<tr>
<td>Staff Economist (Including D. Amenta)</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 90-772

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ACCEPTING $65,000 IN GRANT FUNDS FOR THE DRY CREEK TRAIL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Parks and Recreation, accepting $65,000 in grant funds for the Dry Creek Trail 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 18th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-773

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE AND APPROPRIATE STATE GRANT REVENUE FOR A NEW CIP PROJECT, DRY CREEK PARK TRAIL.

WHEREAS, it has been determined that a State Grant was applied for and accepted in the amount of Sixty-five Thousand ($65,000) Dollars, and

WHEREAS, this State grant is for the construction of the Dry Creek Park trail under El Vista Avenue. This Grant requires no matching 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:

STATE PARKS AND RECREATIONS (170)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
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<tbody>
<tr>
<td>Revenue</td>
<td>State Grant Funds</td>
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<td>170-510-9510-3134</td>
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<tr>
<td>Expenditures</td>
<td>Dry Creek Park Trail</td>
<td>$65,000</td>
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<tr>
<td>170-310-P837-6000</td>
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<td></td>
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</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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_____

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-774

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT 
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT 
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE 
ENVIRONMENTAL IMPACT RELATING TO THE DRY CREEK TRAIL 
PROJECT.

WHEREAS, the City Council, by Resolution adopted on September 18, 1990, accepted $65,000 in State grant funds for the Dry Creek Trail Project and approved a project agreement for a pedestrian/bicycle trail under El Vista Avenue at Dry Creek, and

WHEREAS, the City Council certifies that at said meeting of September 18, 1990, it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in two negative declarations in regard to the environmental impact relating to the Dry Creek Trail 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 two Notices of Determination in regard to the environmental impact of the subject project relating to the Dry Creek Trail Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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. 90-775

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER AN INCREASE IN TIPPING FEES AT THE WASTE-TO-ENERGY FACILITY TO FUND AB 939, CONCERNING A SOURCE REDUCTION AND RECYCLING ELEMENT AND A HOUSEHOLD HAZARDOUS WASTE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 2, 1990, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an increase in tipping fees at the Waste-To-Energy facility to fund AB 939, concerning a source reduction and recycling element and a household hazardous waste program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1990, by Councilmember Muratore, 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
MOESTO CITY COUNCIL
RESOLUTION NO. 90-776

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PETER PALOMINO FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1810 LAS VEGAS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Peter Palomino for sewer service to property outside City limits at 1810 Las Vegas, located on the east side of Las Vegas between Glenn Avenue and Butte 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 September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-777

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM G. SCHMITZ FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1208 Houser Lane

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William G. Schmitz for water service to property outside City limits at 1208 Houser Lane, located on the south side of Houser Lane between Wilma Drive and Panama Drive be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-778

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES PROGRAM FOR A GRANT OF $25,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Center for Senior Employment/Senior Aides Program for a grant of $25,000 to provide services which are the sponsorship of the Senior Aides Program with funding from the National Council of Senior Citizens to place low income senior citizens into jobs under the 1990-91 Community Development Block Grant Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 90-779

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE VOLUNTEER CENTER OF STANISLAUS FOR A GRANT OF $15,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Volunteer Center of Stanislaus for a grant of $15,000 to provide coordination of one-to-one tutoring for low income persons under the 1990-91 Community Development Block Grant program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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 AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/SENIOR NUTRITION PROGRAM FOR A GRANT OF $25,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program/Senior Nutrition Program for a grant of $25,000 to provide continuation of a senior nutrition program to prevent cutbacks in service under the 1990-91 Community Development Block Grant Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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 AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/COMBINED SERVICES PROGRAM FOR A GRANT OF $5,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program/Combined Services Program for a grant of $5,000 to provide combined services for four nonprofit agencies for low income persons at 1020 15th Street, under the 1990-91 Community Development Block Grant Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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. 90-781

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITY SERVICE PROGRAM/MINOR HOME REPAIR PROGRAM FOR A GRANT OF $10,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program/Minor Home Repair Program for a grant of $10,000 to provide minor repairs of homes of low income senior citizens who are unable to do or secure these repairs themselves under the 1990-91 Community Development Block Grant Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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 AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS WOMEN'S REFUGE CENTER/HAVEN FOR A GRANT OF $7,500

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus Women's Refuge Center/Haven for a grant of $7,500 to provide bilingual service to battered/abused women and their children who need shelter under the 1990-91 Community Development Block Grant Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 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. 90-783

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO
P-O. (TIMOTHY S. FISHER/ARCHITECTURE PLUS)

WHEREAS, on September 25, 1990, the City Council introduced
Ordinance No. 2732___-C.S. giving approval to a project relating to an
amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to
reclassify from Low Density Residential Zone, R-1, to Professional Office
Zone, P-O, property located at 303 East Orangeburg Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 21-3-9 of the Zoning Map of
the City of Modesto to reclassify from Low Density Residential Zone, R-1, to
Professional Office Zone, P-O, property located at 303 East Orangeburg Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By _______________
STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR RESIDENTIAL ALLEY PAVING PROJECT NO. 16

WHEREAS, Resolution No. 90-678, adopted by the Council of the City of Modesto on August 7, 1990, approved the plans and specifications for the residential alley paving project No. 16 and authorized the calling for bids; and

WHEREAS, the bids received for the residential alley paving project No. 16 were opened at 11:00 a.m. on August 23, 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 George Reed, Inc. in the amount of $124,785 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of $124,785 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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. 90-785

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE RESIDENTIAL ALLEY PAVING ASSESSMENT REVENUE, INITIATE A TRANSFER FROM CDBG DIRECT GRANT FUNDS AND TO APPROPRIATE A NEW CIP PROJECT, RESIDENTIAL ALLEY PAVING PROJECT #16.

WHEREAS, whenever property owners request that their adjacent alleys be paved, the City has a policy which allows it to perform residential alley paving, and

WHEREAS, the cost of such alley paving is fully borne by the adjacent property owners, and

WHEREAS, it has been determined that five of the eight alleys in Residential Alley Paving Project #16 are located in target areas in West Modesto and are eligible for CDBG funding, and

WHEREAS, the Citizen Housing and Community Development Committee has approved the funding of these alleys, and

WHEREAS, the remaining three of the eight alleys will be funded by assessments levied on the adjacent property owners, which assessment is payable upfront or may be placed on the tax rolls over a three-year period, and an interest rate of 7% per year will apply to assessments placed on said tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, to provide financing for the Residential Alley Paving Project #16, the following adjustments shall be made to the Annual Budget of the City of Modesto, Fiscal Year 1990-91:
GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-510-9510-4054</td>
<td>Alley Improvements Assessments</td>
<td>$ 52,265</td>
</tr>
<tr>
<td>070-700-7000-7113</td>
<td>Transfer in from Fund 111</td>
<td>$ 85,000</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>113-700-7000-9070</td>
<td>Transfer out to Fund 070</td>
<td>$ 85,000</td>
</tr>
<tr>
<td>113-140-1454-0496</td>
<td>CDBG-Direct Grants</td>
<td>$(85,000)</td>
</tr>
<tr>
<td>070-430-G816-6000</td>
<td>Residential Alley Paving Proj. #16</td>
<td>$137,265</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 25th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-786

A RESOLUTION ACCEPTING A RIGHT OF ENTRY FROM SCENIC ROAD PROPERTIES TO FACILITATE CONSTRUCTION OF A BICYCLE BRIDGE WITH BIKE PATH FROM COVENA TO COFFEE/SCENIC AND KEWIN PARK TO EL VISTA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way entry from Scenic Road Properties to facilitate construction of a bicycle bridge with bike path from Covena to Coffee/Scenic and Kewin Park to El Vista be, and it is hereby accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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. 90-787

A RESOLUTION ACCEPTING A RIGHT OF ENTRY FROM GRANT CONSTRUCTION COMPANY TO FACILITATE CONSTRUCTION OF A BICYCLE BRIDGE WITH BIKE PATH FROM COVENA TO COFFEE/SCENIC AND KEWIN PARK TO EL VISTA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way entry from Grant Construction Company to facilitate construction of a bicycle bridge with bike path from Covena to Coffee/Scenic and Kewin Park to El Vista be, and it is hereby accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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. 90-788

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR PUBLIC RESOURCES ACCOUNT, YOUTH PROGRAM SUPERVISOR.

WHEREAS, the Legislature and Governor of the State of California have approved a grant for the project shown above, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the grant project, setting up necessary procedures, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application before submission of said application to the state, and

WHEREAS, said application contain assurances that the applicant must comply with, and

WHEREAS, the applicant will enter into an agreement with the State of California for subject project,

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

1. Approves the filing of an application for Public Resources Account assistance for the above project, and

2. Certifies that said agency understands the assurances and certification in the application form, and

3. Certifies that said agency has or will have sufficient funds to operate and maintain the project, and

4. Certifies that said agency has reviewed and understands the General Provision contained in the State/local agreement shown in the Procedural Guide.
BE IT FURTHER RESOLVED by the Council that the City Manager or Deputy/Acting City Manager is hereby appointed as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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

(S SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-789

A RESOLUTION REVISIONING THE POSITION CLASSIFICATION PLAN FOR
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was
adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of
the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, 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 Position Classification
Plan of the City of Modesto is hereby amended to create the following
classification:

Youth Program Supervisor

The specifications for the classification of Youth Program
Supervisor (Range 432), as shown on the attached Exhibit "A", which is hereby
made a part of this resolution by reference, is hereby approved and made a
part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after September 25, 1990.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of September 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

APPROVED AS TO FORM:

By
STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
YOUTH PROGRAM SUPERVISOR

DEFINITION

To plan and implement a study of recreational programs available to teenagers and young adults; to identify "at risk" youths; to identify unmet recreational needs; to identify, plan and implement recreational programs to address unmet needs; to secure sponsors and funding sources; to assist in promoting and supervising recreation programs; to advise teenagers and families; to serve as a community resource for teen programs; and to perform other duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Assistant Director of Parks and Recreation. Exercises direct supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

- Investigate, analyze, develop and prepare special studies; plan and conduct surveys; compile, analyze and interpret information and prepare recommendations.
- Research youth and young adult issues; identify and meet with teenagers who are involved in deviant or high risk behavior; investigate recreational and other programs of interest to this group.
- Recommend and develop recreational and other programs for teens and young adults; coordinate programs with schools, social service agencies, private agencies and the public; assist in implementing new and modified programs.
- Supervise, promote, implement and evaluate recreation activities in area of assignment.
- Recommend and assist in the implementation of goals and objectives; establish schedules and methods for recreation activities; implement policies and procedures.
- Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.
- Plan, prioritize, assign, supervise and review the work of staff involved in recreation activities.
- Maintain close contact with school officials and community groups regarding program offerings and coordination of services; establish contacts with community groups and private business in an effort to secure financial co-sponsorships.
EXAMPLES OF DUTIES (Continued)

Serve as a community liaison; coordinate citizens advisory groups and task forces.

Advise youths on available recreational, social and related programs and resources; refer youths to job training, educational programs and other services.

Answer questions and provide information to the public, outside agencies and City staff; investigate complaints and recommend solutions.

Attend City Council, commission board and community meetings.

Prepare and present agenda items to the City Council; prepare and present a variety of written and oral reports; prepare grant proposals; prepare a variety of reports, memoranda and letters.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods and techniques of conducting surveys; research methodologies.

Technical report writing procedures and grant proposal development.

Principles and practices of organization, administration, and management.

Evaluation and modification of social and recreational programs to meet community needs.

Language mechanics including English usage, grammar, punctuation and spelling.

Public relations, marketing and program coordination.

Recreational and social needs of teenagers and young adults.

Procedures for developing and implementing a variety of recreational, senior services and related activities and programs through community participation.

Multi-phase recreational, social and cultural programs for youths and adults.

Program content for specialized community recreation activities

Principles of supervision, training and performance evaluation.
Ability to:

Identify and understand community and individual needs and concerns in a variety of recreation areas and recommend programs to meet needs.

Prepare and present a variety of written and oral communications and reports.

Gather, compile, and analyze information and prepare effective recommendations.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Coordinate, organize, and implement recreation and leisure time activities and specialized events.

Supervise, train and evaluate assigned staff.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of responsible experience in youth, recreation or community service program management work.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration, recreation, education, counseling sociology or a related field.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-790

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", 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
September 25, 1990", which is attached hereto and made a part hereof as though
set forth in full herein. Said amended Exhibit "G" adds Youth Program
Servisor to the Class Range Table, salary range 432.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after September 25, 1990.

RESCINDED
1991-724

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September 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
<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 |
<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 |
| 435   | Management Analyst  
Deputy City Attorney I  
Senior Personnel Analyst  
Public Information Officer  
Public Services Supervisor  
Budget Officer  
Financial Analyst |
| 436   | Senior Planner  
Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
Asst. Water Quality Control Supt.  
Associate Civil Engineer  
Transportation Planner  
Housing Program Supervisor |
| 439   | Deputy City Attorney II |

092590
## CITY OF MODESTO
### CLASS RANGE TABLE
#### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective September 25, 1990

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<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>440</td>
<td>Principal Accountant&lt;br&gt;Purchasing Officer</td>
</tr>
<tr>
<td>441</td>
<td>Community Development Program Manager&lt;br&gt;Sr. Deputy City Attorney I&lt;br&gt;Airport Manager&lt;br&gt;Solid Waste Program Manager&lt;br&gt;Transit Manager&lt;br&gt;Streets Maintenance Supt.&lt;br&gt;Parking &amp; Traffic Supt.&lt;br&gt;Parks Maintenance Supt.&lt;br&gt;Risk Manager&lt;br&gt;Personnel Manager&lt;br&gt;Recreation Superintendent&lt;br&gt;Golf Superintendent</td>
</tr>
<tr>
<td>442</td>
<td>Supv. Building Inspector&lt;br&gt;Finance Data Processing Manager&lt;br&gt;Supv. Construction Inspector</td>
</tr>
<tr>
<td>443</td>
<td>Deputy Chief Bldg. Official</td>
</tr>
<tr>
<td>444</td>
<td>Water Quality Control Supt.&lt;br&gt;Principal Planner</td>
</tr>
<tr>
<td>445</td>
<td>Finance Division Manager&lt;br&gt;Sr. Deputy City Attorney II</td>
</tr>
<tr>
<td>446</td>
<td>Senior Civil Engineer&lt;br&gt;Traffic Engineer</td>
</tr>
<tr>
<td>447</td>
<td>Chief Building Official&lt;br&gt;Assistant to City Manager&lt;br&gt;Asst. Parks &amp; Recreation Dir.</td>
</tr>
<tr>
<td>448</td>
<td></td>
</tr>
<tr>
<td>449</td>
<td></td>
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<tr>
<td>450</td>
<td>Deputy Director Public Works - Engineering&lt;br&gt;Deputy Director Public Works - Operations&lt;br&gt;Deputy Director Public Works - Transportation</td>
</tr>
<tr>
<td>451</td>
<td>Assistant City Attorney</td>
</tr>
</tbody>
</table>

092590
MODESTO CITY COUNCIL
RESOLUTION NO. 90-791

A RESOLUTION APPROVING INCREASING BY $100,000 THE DISTRIBUTION OF $165,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS TO THE CITY OF MODESTO DEPARTMENT OF PARKS AND RECREATION TO PROVIDE HANDICAPPED ACCESSIBILITY TO RESTROOMS IN CITY PARKS.

WHEREAS, at its meeting of March 28, 1990, the City Council approved distribution of $165,000 of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation to make restrooms in City parks 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 51% 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, and

WHEREAS, the City of Modesto Department of Parks and Recreation has determined that an additional $100,000 is necessary to complete this handicapped barrier removal project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the added distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation, in the amount of $100,000, to make restrooms in five City parks...
accessible to the handicapped, as recommended by the Citizens Housing and Community Development Committee, from funds in the Fiscal Year 1990-91 budget, the five City parks are identified as follows:

Westside Neighborhood Park
Davis Community Park
Downey Community Park
Roosevelt Neighborhood Park
East La Loma Neighborhood Park

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-792

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $100,000 TO COVER HIGHER ESTIMATED COSTS OF MAKING RESTROOMS IN FIVE CITY PARKS ACCESSIBLE TO HANDICAPPED PERSONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

FROM: CDBG Direct Grants
(113 140 1454 0496) $100,000

TO: CDBG Restroom Remodel/Parks
(113 140 6158) $100,000

Transfer of funds are to cover higher estimated costs by Parks and Recreation Department and outside architect for making restrooms in five City parks accessible to handicapped persons under the Community Development Block Grant Program for 1990-91 program year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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 EXPRESSING APPRECIATION AND GRATITUDE TO GARTH LIPSKY UPON HIS RETIREMENT

WHEREAS, Garth R. Lipsky has served our community in the capacity of City Manager from December 29, 1973 to September 28, 1990; and

WHEREAS, he has provided leadership of the highest ethical standard and commitment to the elected officials, employees and citizens of the City of Modesto throughout his tenure; and

WHEREAS, he has administered, with unwavering dedication, the development and/or implementation of significant city programs, innovations and capital projects that ensure the provision of quality public services to Modestans; and

WHEREAS, he had distinguished himself in his career through his dedication and active participation in the International City Management Association, the League of California Cities City Managers' Department and the Central Valley Division City Managers' Association.

NOW, THEREFORE BE IT RESOLVED that the Modesto City Council adopt this resolution of appreciation and gratitude in recognition of the service of Garth R. Lipsky.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-794

A RESOLUTION APPROVING THE FINAL MAP OF THE CHRISTINE HEIGHTS UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Susan L. Schwartz and David A. Schwartz, husband and wife is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.513 acres, known as the Christine Heights Unit No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of 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. 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the
obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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. YAMANOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-795

A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 75-465.

WHEREAS, Section 3-2.1301(d) of the Modesto Municipal Code of the City of Modesto authorizes the Council to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are placed giving notice of said designations to the public,

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

SECTION 1. Truck routes are hereby designated as shown on the attached maps entitled "Modesto Truck Routes", marked Exhibit "A".

SECTION 2. The Public Works and Transportation Director is hereby directed to cause the truck routes to be marked and designated in accordance with the provisions of this resolution.

SECTION 3. The provisions of this resolution shall be subject to the provisions of Section 3-2.815 of the Modesto Municipal Code requiring the approval of the State Department of Public Works insofar as they pertain to the regulations of traffic upon State highways within the City.

SECTION 4. Resolution No. 75-465 adopted by the Council on April 14, 1975 is hereby rescinded.

RESCINDED
2001-46
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.
obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-796

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO THE DESIGNATION OF TRUCK
ROUTES IN THE CITY OF MODESTO.

WHEREAS, on September 25, 1990 the City Council adopted
Resolution No. 90-795 which approved the designation of truck routes in the
City of Modesto, and

WHEREAS, the City Council certifies that at its meeting of
September 25, 1990, it reviewed and considered the findings of the City of
Modesto Environmental Assessment Committee which resulted in a negative
declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to the approval of designated truck routes in the City of
Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember __L__a__n__g__, 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

APPROVED AS TO FORM:

By __L__a__n__g__

STAN T. YAMAMOTO, City Attorney

(SEAL)

ATTEST: __M__o__r__r__i__n__e__ C__o__y_l_e, City Clerk

-2-
MODESTO CITY COUNCIL
RESOLUTION NO. 90-797

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KAMRUDDIN SHAMS FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE SEPTEMBER 25, 1990

WHEREAS, Kamruddin Shams was appointed a member of the International Friendship Committee on March 18, 1986; and

WHEREAS, Kamruddin Shams has tendered his resignation from the International Friendship Committee effective September 25, 1990; and

WHEREAS, Kamruddin Shams has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Kamruddin Shams from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Kamruddin Shams 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 25th day of September, 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. 90-798

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,500 FROM CONTINGENCY
RESERVE FOR FUNDING REQUIRED FOR LIBRARY SERVICES THROUGH FISCAL YEAR 1990-91

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

FROM: Contingency Reserve
(010 800 8003) $3,500
TO: Stanislaus County Library
Contribution (010 502 6502 0460) $3,500

Additional funding required to maintain library services under
the current staffing and hours through Fiscal Year 1990-91.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 2nd 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, Irizarry, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: MIRRIE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-799

A RESOLUTION REVISING THE TIPPING FEES AT THE
WASTE-TO-ENERGY FACILITY.

WHEREAS, the City of Modesto and the County of Stanislaus are joint
partners in the Waste-to-Energy facility which is owned by the County,

WHEREAS, Stanislaus County has proposed to enter into a county-wide
cooperative agreement with all nine cities within the county for the initial
implementation of Assembly Bill 939 and a household hazardous waste program,

WHEREAS, to fund these programs, it will be necessary to increase
the tipping fees at the City-County Waste-to-Energy facility, and

WHEREAS, it will be necessary for the County to create two new
special revenue accounts to receive transfer of funds from the Waste-to-Energy
Enterprise Fund to fund said programs, and

WHEREAS, the Board of Supervisors of the County of Stanislaus, at a
meeting on September 25, 1990, unanimously approved a tipping fee increase of
$3.00 per ton at the Waste-to-Energy facility, and

WHEREAS, it is the recommendation of staff and the Council Solid
Waste Committee to concur with Stanislaus County to increase tipping fees at
the City-County Waste-to-Energy facility and to further concur that Stanislaus
County establish two new special revenue accounts to receive transfer of funds
from the Waste-to-Energy Enterprise Fund to fund these programs, and

WHEREAS, it is appropriate for the City of Modesto to consider the
revision of said tipping fees at the Waste-to-Energy facility, and
WHEREAS, by Resolution No. 90-775, adopted by the Council on the 18th day of September, 1990, the Council set October 2, 1990, at 7:30 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with Stanislaus County to increase tipping fees at the City-County Waste-to-Energy facility, said tipping fees to be increased from $22.00 per ton to $25.00 per ton, said fees to be effective October 1, 1990, and further concurs that Stanislaus County establish two new special revenue accounts to receive transfer of funds from the Waste-to-Energy Enterprise Fund to fund said programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 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, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE BID OF H. MAX LEE, INC. FOR THE CONSTRUCTION OF MID LATERAL NO. 4 CANAL CROSSING AT CARPENTER ROAD

WHEREAS, Resolution No. 90-710, adopted by the Council of the City of Modesto on August 28, 1990, approved the plans and specifications for the construction of MID Lateral No. 4 canal crossing at Carpenter Road and authorized the calling for bids; and

WHEREAS, the bids received for the construction of MID Lateral No. 4 canal crossing at Carpenter Road were opened at 11:00 a.m. on September 18, 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 H. Max Lee, Inc. in the amount of $83,210 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H. Max Lee, Inc. in the amount of $83,210 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of 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, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: NORMINE COYLE, City Clerk