MODESTO CITY COUNCIL
RESOLUTION NO. 90-501

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD L. MARKS FOR CONTRACT SUBDIVISION INSPECTION SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richard L. Marks for contract subdivision inspection services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 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:
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD R. GONSALVES AND GENEVIEVE AHLES, TRUSTEE, FOR THE ACQUISITION OF 0.137+ ACRES OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6, AND RESCINDING RESOLUTION OF NECESSITY NO. 90-183

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald R. Gonsalves and Genevieve Ahles, Trustee, for the acquisition of 0.137+ 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.

BE IT FURTHER RESOLVED that Resolution No. 90-183, entitled "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal purposes for Public Facilities District No. 6" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 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: Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAULINE, LOUIS AND JUDY ISRAELS, AND LOUIS ISRAELS, TRUSTEE, FOR THE ACQUISITION OF 3260+ SQUARE FEET OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6, AND RESCINDING RESOLUTION OF NECESSITY NO. 90-180

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pauline, Louis and Judy Israels and Louis Israels, Trustee, for the acquisition of 3260+ square feet 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.

BE IT FURTHER RESOLVED that Resolution No. 90-180, entitled "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal purposes for Public Facilities District No. 6" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 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: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY A. AND PATRICIA L. ASKEW AND DAVID AND SANDRA MESENHIMER dba MODESTO FLIGHT CENTER FOR LEASE OF A PORTION OF HANGAR NO. 1 AND FOUR TIE-DOWNS AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Larry A. and Patricia L. Askew, and David and Sandra Mesenhimer dba Modesto Flight Center for lease of a portion of Hangar No. 1 and four tie-downs at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 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: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY A. AND PATRICIA L. ASKEW AND DAVID AND SANDRA MESENHIMER dba MODESTO FLIGHT CENTER FOR LEASE OF OFFICE BUILDING NO. 1, HANGAR NO. 5, AND TIE-DOWNS AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Larry A. and Patricia L. Askew and David and Sandra Mesenhimer dba Modesto Flight Center for lease of Office Building No. 1, Hangar No. 5, and tie-downs at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 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
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GUS J. PAPATONE FOR THE LEASE OF ROSELLE NEIGHBORHOOD PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gus J. Papatone for lease of Roselle Neighborhood Park site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 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: Norrine Coyle

NORRINE COYLE, City Clerk

WHEREAS, effective the first of this year the Fire Department began requiring certain classes in the Fire Prevention Bureau to wear uniforms, therefore, it is necessary to amend the 1988-91 Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association to provide for a uniform allowance in the Fire Prevention Bureau, effective the first pay period of 1990,

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

AMENDMENT. That subsection C. is hereby added to Section IV. entitled "Uniform Allowances" in the 1988-1991 Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association to read as follows:

IV.

UNIFORM ALLOWANCES

A. Community Service Officers shall receive a uniform allowance of forty dollars ($40.00) per month. Effective July 1, 1989, or the pay period closest thereto, the allowance shall be increased to forty-seven dollars and fifty cents ($47.50).

B. Police Clerks, Senior Police Clerks and Administrative Clerks in the Police Department shall receive a one-time payment of sixty dollars ($60.00) for uniforms on or about thirty (30) days after hiring and commencing with their eighth month of employment shall receive a uniform allowance of fifteen dollars ($15.00) per month.
C. Fire Plans Checkers, Fire Prevention Technicians I and II, Administrative Clerks and Hazardous Materials Inspectors in the Fire Prevention Bureau shall receive a uniform allowance of forty-one dollars ($41.00) per month. Effective July 1, 1990, or the pay period closest thereto, the allowance shall be increased to forty-six dollars (46.00) per month.

BE IT FURTHER RESOLVED that the implementation of said amendment to the Memorandum of Understanding by the designated City officials be authorized.

BE IT FURTHER RESOLVED that this amendment is effective retroactive to the first pay period of the year 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 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, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION ORDERING SALE OF BONDS
PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

The City Council accepts the offer of Merrill Lynch Capital Markets (attached to this resolution and by reference incorporated in it) to purchase all of the limited obligation improvement bonds to be issued in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

The City Council directs the sale and delivery of the bonds to the offeror in accordance with the terms and conditions stated in the offer.

* * *

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________
City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
City Attorney
FOR: Proposal for Limited Obligation Improvement Bonds
City of Modesto, Public Facilities District No. 6
$281,091.72

In accordance with all terms and conditions of your Notice of Sale of Limited Obligation Improvement Bonds, Improvement Bond Act of 1915, Public Facilities District No. 6, dated April 17, 1990, we submit the following bid for Limited Obligation Improvement Bonds (Improvement Bond Act of 1915) to be dated June 1, 1990, with interest payable March 2, 1991 and thereafter semiannually on September 2 and March 2:

<table>
<thead>
<tr>
<th>BONDS MATURING</th>
<th>INTEREST RATE</th>
<th>BONDS MATURING</th>
<th>INTEREST RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>6.40 %</td>
<td>1999</td>
<td>7.60 %</td>
</tr>
<tr>
<td>1992</td>
<td>6.40 %</td>
<td>2000</td>
<td>7.60 %</td>
</tr>
<tr>
<td>1993</td>
<td>6.50 %</td>
<td>2001</td>
<td>7.60 %</td>
</tr>
<tr>
<td>1994</td>
<td>6.60 %</td>
<td>2002</td>
<td>7.10 %</td>
</tr>
<tr>
<td>1995</td>
<td>6.75 %</td>
<td>2003</td>
<td>7.10 %</td>
</tr>
<tr>
<td>1996</td>
<td>6.90 %</td>
<td>2004</td>
<td>7.10 %</td>
</tr>
<tr>
<td>1997</td>
<td>7.00 %</td>
<td>2005</td>
<td>7.10 %</td>
</tr>
<tr>
<td>1998</td>
<td>7.00 %</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

We will pay 92.0311% for a total of $272,749.26 which is a discount (premium) of $5,342.50 from the $281,091.72 par value, plus accrued interest to date of delivery. As a matter of information, the interest cost, in accordance with the above bid, is:

- Gross Interest Cost: $19,432.45
- Discount (Premium): $5,342.50
- Total Net Interest Cost: $202,681.36
- Effective Net Interest Rate: 7.3243%

This offer is subject to a satisfactory legal opinion by Sturges, Ness, Brunsell & Sperry, Emeryville, California, approving the validity of the Bonds, at your expense.

Enclosed herein is a Cashier's or Certified check in the amount of $10,000 payable to the order of the City of Modesto which funds we request be returned promptly in the event we are not the successful bidder, otherwise to be retained and applied against the purchase price of the Bonds.

Other Members of the
Syndicate are:

MERRILL LYNCH CAPITAL
MARKETS and Associates
No members

Check Number: ____________

Submitted By: John A. Trisch, V.P. & Rgl Manager
(Representative's Printed/Name)
(Representative's Signature)

From: MERRILL LYNCH CAPITAL MARKETS

Date: May 8, 1990
The City Council of the City of Modesto resolves:

The City of Modesto has received public bids for the construction of improvements in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

The Engineer of Work has reviewed the bids and now recommends award of the construction contract to the lowest responsible bidder, Ms. Machines Construction, Inc., whose bid price is $875,323.25.

The City Council therefore awards the contract to that bidder. All other bids are rejected.

The City Council directs the City Clerk to publish a notice of award of contract.

The City Council authorizes and directs the City Manager and the City Clerk to sign the written contract for this construction when it is presented to them for signature, along with the surety bonds and insurance certificates required by the construction specifications.

Said written contract will provide that the contractor agrees to comply with the provisions of Section 1770 of the Labor Code of the State of California, and particularly with Sections 1776 and 1777.5 thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED AS TO FORM:

By

City Attorney

ATTEST: ____________________________

City Clerk

(SEAL)
RESOLUTION NO. 90-510

RESOLUTION AUTHORIZING CHANGE ORDERS

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

The City Council hereby authorizes the Director of Public Works and Transportation to issue change orders for the work in Public Facilities District No. 6, under the following conditions:

1. To correct clerical and technical errors in the plans and specifications.

2. To modify the design of the improvement to accord with better engineering practice or to achieve economy of construction.

3. To adjust the design of the improvement to utility locations, soil conditions, or other conditions unknown or uncertain when plans were drawn.

Cost increases in change orders issued under this authority shall not aggregate more than the amount set aside for construction contingencies in the cost estimate approved by the City Council.

* * *

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Morris Cole
City Clerk

APPROVED AS TO FORM:

By City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-511


WHEREAS, a capital improvement project (070-430-P156-6000) in the amount of $290,000 was established in Fiscal Year 1988-89 for an assessment district to widen major streets, and

WHEREAS, an assessment has been levied for the widening of sections of Coffee, Oakdale, and Prescott Roads as prescribed in the Official Statement of the Limited Obligation Improvement Bonds issued for Public Facilities District No. 6, and

WHEREAS, it is necessary to estimate revenue for the bond proceeds and to appropriate said revenue for construction, debt service reserve, bond discount and costs of issuance, and

WHEREAS, the additional City portion will be provided by two sources, savings in Local Transportation Fund projects and Local Transportation fund reserves, and

WHEREAS, the Local Transportation Fund will be receiving $450,000 more than was budgeted, it was anticipated this revenue would be used as the City match when the assessment district was established, and it is now necessary to estimate and appropriate said revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Fiscal Year 1989-90 Annual Budget of the City of Modesto:
## PROPERTY OWNER'S SHARE

<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>070-510-9510-8301</td>
<td>Other Financing Sources</td>
<td>$281,092</td>
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<tr>
<td>070-510-9510-5101</td>
<td>Special Assessments</td>
<td>60,811</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-430-P157-6000</td>
<td>PFD #6-Property Owner's share</td>
<td>248,763</td>
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<tr>
<td>070-120-b1nd-0454</td>
<td>Costs of Issuance</td>
<td>65,120</td>
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<tr>
<td>070-120-b1nk-0455</td>
<td>Bond Discount</td>
<td>8,343</td>
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<tr>
<td>070-700-7000-7580</td>
<td>T/O to Fd 580 (Debt Service Reserve)</td>
<td>19,677</td>
</tr>
</tbody>
</table>

## CITY/COUNTY SHARE

<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>070-510-9510-3310</td>
<td>County Share of Project</td>
<td>$16,686</td>
</tr>
<tr>
<td>070-700-7000-9051</td>
<td>T/I from Fd 051 (Local Trans Fund)</td>
<td>554,485</td>
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<tr>
<td>051-510-9510-1213</td>
<td>Local Transportation Fund</td>
<td>450,000</td>
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<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-430-P156-6000</td>
<td>Widen Major Streets-PFD #6</td>
<td>571,171</td>
</tr>
<tr>
<td>051-430-P062-6000</td>
<td>Rep High Volt Circ-10th St</td>
<td>(30,011)</td>
</tr>
<tr>
<td>051-430-P287-6000</td>
<td>Park Streets-Orchard Ngbh</td>
<td>(3,648)</td>
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<tr>
<td>051-430-P289-6000</td>
<td>Briggsmore/Sisk/Orangeburg SWLTL</td>
<td>(1,797)</td>
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<tr>
<td>051-430-P294-6000</td>
<td>Kearney/Coldwell-Glenwood, Recon</td>
<td>(35,155)</td>
</tr>
<tr>
<td>051-430-P384-6000</td>
<td>Whitmore/TSRR to CVC Property Line</td>
<td>(58,595)</td>
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<tr>
<td>051-430-P630-6000</td>
<td>Poust/Bluegum to MID #3, Recon</td>
<td>(28,128)</td>
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<td>051-700-7000-7070</td>
<td>T/O to Fd 070 (Gas Tax Fund)</td>
<td>554,485</td>
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<tr>
<td>051-800-8000-8003</td>
<td>Contingency Reserve</td>
<td>52,849</td>
</tr>
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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 8th day of May 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION DENYING THE APPEAL FILED BY MID-VALLEY ENGINEERING, INC., ON BEHALF OF JOYCE STARK, TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, AND GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED AT 1911 YOSEMITE BOULEVARD, ON THE NORTH SIDE OF YOSEMITE BOULEVARD WEST OF SAN JUAN DRIVE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Mid-Valley Engineering, Inc., on behalf of Joyce Stark, on November 14, 1989, to reclassify from Low-Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, and

WHEREAS, a public hearing was held by the Planning Commission on March 19, 1990, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-33, and denied the application of Joyce Stark to amend Section 27-3-9 of the Zoning Map to reclassify from Low-Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Low-Density Residential Zone, R-1, and
General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, was filed with the Office of the City Clerk by Mid-Valley Engineering, Inc., on behalf of Joyce Stark, by letter dated March 27, 1990, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on April 17, 1990, at 4:00 p.m., and

WHEREAS, a continuance of the April 17, 1990, hearing date to May 8, 1990, was requested by Mid-Valley Engineering, Inc., on behalf of Joyce Stark, by letter dated April 9, 1990, and said continuance was granted and said appeal hearing was continued to May 8, 1990, at 7:30 p.m., before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low-Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 90-33 and quoted below:

1. The proposed equipment rental business is too noisy and intensive to operate compatibly with residential properties in the close physical relationship which is proposed.
2. The proposed equipment rental business involves testing loud equipment outdoors at early hours, and the resulting noise would place a major burden on the neighborhood and create an untenable enforcement situation.

3. Despite the attempts to insure against noise nuisance to adjoining residents via a special noise study, the proposed noise mitigation measures are not adequate to make the proposed intrusive use compatible with the neighborhood.

and

WHEREAS, the City Council certifies it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the requested zoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Mid-Valley Engineering, Inc., on behalf of Joyce Stark, to the decision of the Planning Commission denying the request to rezone from Low-Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, is denied for the reasons set forth in Planning Commission Resolution No. 90-33 and quoted above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

(Seal)

ATTEST: NORRINE COYLE, City Clerk

9904CA2
A RESOLUTION ACCEPTING THE BID OF TRAFFIC CONTROL TECHNOLOGIES FOR FURNISHING THREE TRAFFIC SIGNAL CONTROLLERS

WHEREAS, Resolution No. 90-402, adopted by the Council of the City of Modesto on April 3, 1990, approved the plans and specifications for the purchase of three traffic signal controllers and authorized the calling for bids; and

WHEREAS, the bids received for furnishing three traffic signal controllers were opened at 11:00 a.m. on April 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 Traffic Control Technologies in the amount of $19,333, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Traffic Control Technologies in the amount of $19,333 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-514

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE SYLVAN AVENUE IMPROVEMENTS AT BEYER HIGH SCHOOL

WHEREAS, Resolution No. 90-400, adopted by the Council of the City of Modesto on April 3, 1990, approved the plans and specifications for the Sylvan Avenue improvements at Beyer High School and authorized the calling for bids; and

WHEREAS, the bids received for the Sylvan Avenue improvements at Beyer High School were opened at 11:00 a.m. on April 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 Western Stone Products, Inc. in the amount of $166,666, 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 $166,666 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-516

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS LIGHT FIXTURES.

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

WHEREAS, the City has one hundred thirty-six (136) light fixtures which were located at the John Thurman Field, and

WHEREAS, the light fixtures are approximately fifteen (15) years old, are no longer needed by the City, and could best be sold on a sealed bid basis,

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

SECTION 1. That said one hundred thirty-six (136) light fixtures described above are hereby declared to be surplus property.

SECTION 2. That the City Manager is hereby authorized and directed to sell on a sealed bid basis to the highest bidder said light fixtures which are described above and which are found to be surplus.

SECTION 3. That the sale shall be conducted by the City Manager or by such person as he may select for this purpose. If said surplus light fixtures cannot be sold on a sealed bid basis as provided for above, said light fixtures shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-517

A RESOLUTION APPROVING SUBSTITUTION OF A SUBCONTRACTOR BY SHAN-LYN CONSTRUCTION, CONTRACTOR FOR THE AIRPORT TERMINAL EXPANSION PROJECT

WHEREAS, the City of Modesto has contracted with Shan-Lyn Construction for the Airport Terminal expansion project; and

WHEREAS, Don's Mobile Glass was originally submitted as the glazing subcontractor, but has refused to sign a subcontract with Shan-Lyn Construction due to the fact they did not include in their bid the funds to cover a prevailing wage job; and

WHEREAS, in accordance with Government Code Section 4104(a)(1) which permits substitution if the subcontractor refuses to execute a subcontract based on the terms, conditions, plans and specifications of the project, Shan-Lyn Construction is requesting the City allow them to substitute G & S Glass, who was second in the bidding process for the glazing work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of G & S Glass as subcontractor for the glazing work for the Airport Terminal expansion project.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-518


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association of the City of Modesto covering the fiscal years 1989-90, 1990-91 and 1991-92, commencing on July 4, 1989, and ending on June 30, 1992, be and it is hereby approved.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: MIRRAINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

050890
A RESOLUTION APPROVING THE FINAL MAP OF THE SCENIC ESTATES UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Douglas Keith Highiet, a single man; Clyde D. Leo, a single man; and Stanley A. Huffman and Linnie L. Huffman, husband and wife, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.609 acres, known as the Scenic Estates Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 20th day of February, 1990, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Scenic Estates Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on
behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SHIRLEY ELKE FROM THE CULTURE COMMISSION, EFFECTIVE MAY 8, 1990

WHEREAS, Shirley Elke was appointed a member of the Culture Commission on June 7, 1983; and

WHEREAS, Shirley Elke has tendered her resignation from the Culture Commission, effective May 8, 1990; and

WHEREAS, Shirley Elke 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 Shirley Elke from the Culture Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Shirley Elke for her outstanding service to the community.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle

MORRINE COYLE, City Clerk
A RESOLUTION OF THE MODESTO CITY COUNCIL CLARIFYING THE LIMITATION ON CERTIFICATE INTEREST RATE.

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City Council has heretofore adopted Resolution No. 90-497 (the "Financing Resolution") pursuant to which the City has approved, among other things, the execution of a Purchase Contract (as defined in the Financing Resolution) in connection with the issuance of Certificates (as defined in the Financing Resolution) to refinance the Stanislaus Waste-to-Energy Project, and

WHEREAS, Section 4 of the Financing Resolution provides that the Certificates "... shall bear interest at a rate not to exceed 8% per annum and the underwriters' discount (separate and apart from any original issue discount) shall not exceed 1.6% of the principal amount of the Certificates."

and

WHEREAS, the City wishes to clarify the meaning of the 8% interest rate limitation,

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

1. Section 1. Declaration of Council. The Council of the City of Modesto hereby specifically finds and declares that the actions authorized hereby constitute and are public affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above are true and correct.
2. Section 4 of the Financing Resolution is hereby amended to read as follows:

"3. Section 4. Acknowledge and Confirm Purchase Contract. The form of Purchase Contract presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representative, are each hereby authorized and directed, for and in the name and behalf of the City, to execute, acknowledge and deliver the acknowledgement 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 deliver thereof; provided that the principal sum of the Contract shall not exceed $95 million, the Certificates shall mature no later than 21 years from their dated date, the average interest rate on the Certificates shall not exceed 8% per annum, and the underwriters' discount (separate and apart from any original issue discount) shall not exceed 1.6% of the principal amount of the Certificates."

4. Ratification and Approval. Subject to the amendment provided above, the Financing Resolution shall remain in full force and effect and is hereby ratified and approved.

5. Effective Date. This Resolution shall take effect immediately upon its passage.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-521A

A RESOLUTION ESTABLISHING FIRE DEPARTMENT SERVICE FEES
RELATING TO VARIOUS FIRE SAFETY PLAN CHECKING FEES.

WHEREAS, the City of Modesto Fire Department through it's Fire
Prevention Bureau performs inspections required when building permits are
issued, and

WHEREAS, it is desirable to institute fees for work performed by
said Fire Department personnel to compensate for such inspections, and

WHEREAS, said fees are necessary to cover administration costs such
as employee time, fringe benefits, equipment costs and indirect costs in
performing the required work, and

WHEREAS, the proposed fees have been reviewed and approved by the
Fees Committee, and

WHEREAS, a charter city is empowered to impose valid regulatory fees
pursuant to the direct grant of police power in Article XI, Section 7 of the
California Constitution, and

WHEREAS, the Council of the City of Modesto considered the proposed
fees at its meeting of May 15, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following service fees be and hereby are established and shall be
implemented effective July 1, 1990 for the following Fire Prevention Bureau
inspections:

RESCINDED
JUL 10 2018

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
051590
9922CA2

2018-296
1. FIRE SAFETY PLAN CHECK FEE, COMPLETE BUILDING: This proposed fee is to compensate the department for employee time expended on fire safety plan checks and ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check and the site inspection of 1,000 square feet of a commercial building.

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate (per hr.)</th>
<th>Duration (min.)</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Fire Plan Check</td>
<td>$24.66</td>
<td>30</td>
<td>$12.33</td>
</tr>
<tr>
<td>b. Site Inspection</td>
<td>$24.66</td>
<td>15</td>
<td>6.17</td>
</tr>
<tr>
<td>c. Admin. Clerk</td>
<td>$11.42</td>
<td>5</td>
<td>.95</td>
</tr>
<tr>
<td>d. Fringe Benefit</td>
<td>$24.66</td>
<td></td>
<td>10.33</td>
</tr>
<tr>
<td>e. Vehicle Cost</td>
<td>$1.31</td>
<td>15</td>
<td>.98</td>
</tr>
<tr>
<td>f. Indirect Cost</td>
<td>$1.31</td>
<td>35</td>
<td>.98</td>
</tr>
</tbody>
</table>

TOTAL: $34.54

RECOMMENDED FEE: $35.00 per 1,000 square feet of construction

PROJECTED ANNUAL REVENUE: 700,000 sq. ft. x $35.00 per k = $24,500.00

2. FIRE SAFETY PLAN CHECK FEE, "SHELL" BUILDING: This proposed fee is to compensate the department for employee time expended on fire safety plan checks and ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check and the site inspection of 1,000 square feet of a commercial "shell" building.

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate (per hr.)</th>
<th>Duration (min.)</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Fire Plan Check</td>
<td>$24.66</td>
<td>20</td>
<td>$8.40</td>
</tr>
<tr>
<td>b. Site Inspection</td>
<td>$24.66</td>
<td>15</td>
<td>6.17</td>
</tr>
<tr>
<td>c. Admin. Clerk</td>
<td>$11.42</td>
<td>5</td>
<td>.95</td>
</tr>
<tr>
<td>d. Fringe Benefit</td>
<td>$24.66</td>
<td></td>
<td>8.25</td>
</tr>
<tr>
<td>e. Vehicle Cost</td>
<td>$1.31</td>
<td>35</td>
<td>.77</td>
</tr>
<tr>
<td>f. Indirect Cost</td>
<td>$1.31</td>
<td></td>
<td>3.02</td>
</tr>
</tbody>
</table>

TOTAL: $27.56

RECOMMENDED FEE: $28.00 per 1,000 square feet of construction

PROJECTED ANNUAL REVENUE: 140,000 sq. ft. x $28.00 per k = $3,920.00

3. FIRE SAFETY PLAN CHECK FEE, TENANT IMPROVEMENT: This proposed fee is to compensate the department for employee time expended on fire safety plan checks and ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check and the site inspection of 1,000 square feet of tenant improvement within a commercial building shell.

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate (per hr.)</th>
<th>Duration (min.)</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>a. Fire Plan Check</td>
<td>$24.66</td>
<td>20</td>
<td>$8.40</td>
</tr>
<tr>
<td>b. Site Inspection</td>
<td>$24.66</td>
<td>15</td>
<td>6.17</td>
</tr>
<tr>
<td>c. Admin. Clerk</td>
<td>$11.42</td>
<td>5</td>
<td>.95</td>
</tr>
<tr>
<td>d. Fringe Benefit</td>
<td>$24.66</td>
<td></td>
<td>8.25</td>
</tr>
<tr>
<td>e. Vehicle Cost</td>
<td>$1.31</td>
<td>35</td>
<td>.77</td>
</tr>
<tr>
<td>f. Indirect Cost</td>
<td>$1.31</td>
<td></td>
<td>3.02</td>
</tr>
</tbody>
</table>

TOTAL: $27.56

RECOMMENDED FEE: $28.00 per 1,000 square feet of construction

PROJECTED ANNUAL REVENUE: 559,000 sq. ft. x $28.00 per k = $16,772.00

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-2-

9922CA2
4. **FIRE SPRINKLER SYSTEM PLAN CHECK FEE**: This proposed fee is to compensate the department for employee time expended on automatic fire sprinkler system plan checks and the ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check for 1,000 square feet of fire sprinkler system and the required hydraulic pressure test and site inspections within commercial building.

**PLAN CHECK FEE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
<th>Hours</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Plan Check</td>
<td>$24.66/hr.</td>
<td>15 min.</td>
<td>$6.17</td>
</tr>
<tr>
<td>Admin. Clerk</td>
<td>$11.42/hr.</td>
<td>5 min.</td>
<td>$0.95</td>
</tr>
<tr>
<td>Fringe Benefit</td>
<td>53.1%</td>
<td></td>
<td>3.78</td>
</tr>
<tr>
<td>Vehicle Cost</td>
<td>$1.31/hr.</td>
<td>33 min.</td>
<td>$0.33</td>
</tr>
<tr>
<td>Indirect Cost</td>
<td>12.3%</td>
<td></td>
<td>1.38</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$12.61</strong></td>
</tr>
</tbody>
</table>

**FIELD TESTS & INSPECTION FEE PER RISER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
<th>Hours</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Insp./Test</td>
<td>$24.66/hr.</td>
<td>3 hrs.</td>
<td>$73.98</td>
</tr>
<tr>
<td>Admin. Clerk</td>
<td>$11.42/hr.</td>
<td>15 min.</td>
<td>2.86</td>
</tr>
<tr>
<td>Fringe Benefit</td>
<td>53.1%</td>
<td></td>
<td>40.80</td>
</tr>
<tr>
<td>Vehicle Cost</td>
<td>$1.31/hr.</td>
<td>3 hrs.</td>
<td>3.93</td>
</tr>
<tr>
<td>Indirect Cost</td>
<td>12.3%</td>
<td></td>
<td>14.95</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$136.52</strong></td>
</tr>
</tbody>
</table>

**RECOMMENDED FEE**: $13.00 per 1,000 square feet of installed sprinkler system plus $137.00 for each system riser.

**PROJECTED ANNUAL REVENUE**: 366,000 sq.ft. X ($13.00 + $137.00 per system riser @ 20 risers = $4,758 + $2,740 = $7,498.00

5. **CARE FACILITY, PRE-INSPECTION FEE**: This proposed fee is to compensate the department for employee time expended on State of California mandated pre-inspections of care facilities as defined in Section 1502, Health & Safety Code, residential care facilities for the elderly as defined in Section 1569.2, Health & Safety Code, and child day care facilities as defined in Section 1596.750, Health & Safety Code. A fee cap has been established by the State Fire Marshal limiting a maximum fee of fifty dollars ($50.00) for the pre-inspection of a facility with a capacity to serve 25 or fewer persons. A fee of not more than one hundred dollars ($100.00) may be charged for a pre-inspection of a facility with a capacity to serve 26 or more persons.

**FACILITY CAPACITY 25 OR LESS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
<th>Hours</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Inspector</td>
<td>$24.66/hr.</td>
<td>1 hr.</td>
<td>$24.66</td>
</tr>
<tr>
<td>Admin. Clerk</td>
<td>$11.42/hr.</td>
<td>15 min.</td>
<td>2.86</td>
</tr>
<tr>
<td>Fringe Benefit</td>
<td>53.1%</td>
<td></td>
<td>14.61</td>
</tr>
<tr>
<td>Vehicle Cost</td>
<td>$1.31/hr.</td>
<td>1 hr.</td>
<td>1.31</td>
</tr>
<tr>
<td>Indirect Cost</td>
<td>12.3%</td>
<td></td>
<td>1.38</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$48.78</strong></td>
</tr>
</tbody>
</table>

**RECOMMENDED FEE**: $49.00 per pre-inspection.

**PROJECTED ANNUAL REVENUE**: 20 inspections X $49.00 = $980.00

051590

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9922CA2
FACILITY CAPACITY 26 OR MORE

a. Site Insp./Test @ $24.66 per hr. for 2 hrs. $49.32
b. Admin. Clerk @ $11.42 per hr. for 30 min. 5.71
c. Fringe Benefit @ 53.1% 29.22
d. Vehicle Cost @ $ 1.31 per hr. for 2 hrs. 2.62
e. Indirect Cost @ 12.3% 10.69

TOTAL $97.56

RECOMMENDED FEE: $98.00 per pre-inspection.
PROJECTED ANNUAL REVENUE: 10 inspections X $98.00 = $980.00

6. ANNUAL INSPECTION OF JAILS AND DETENTION FACILITIES: This proposed fee is to compensate the department for employee time expended on State of California mandated annual inspections of jails or places of detention for persons charged with or convicted of a crime, Section 13146.1(a) & (b) Health & Safety Code. Section 13146.2(b) Health & Safety Code, allows a city to charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.

a. Fire Inspector @ $24.66 per hr. for 1 hr. $24.66
b. Admin. Clerk @ $11.42 per hr. for 5 min. .95
c. Fringe Benefit @ 53.1% 13.60
d. Vehicle Cost @ $ 1.31 per hr. for 1 hr. 1.31
e. Indirect Cost @ 12.3% 4.98

TOTAL $45.51

RECOMMENDED FEE: $46.00 per hour of inspection time.
PROJECTED ANNUAL REVENUE: 14 hours of inspection time X $46.00 = $644.00

7. ANNUAL INSPECTION OF HIGH-RISE STRUCTURES: This proposed fee is to compensate the department for employee time expended on State of California mandated annual inspections of high-rise structures, Section 13217(a) & (c), Health & Safety Code. Section 13217 (b), Health & Safety Code, allows a city to charge and collect a fee for the inspection from the owner of the high-rise structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.

a. Fire Inspector @ $24.66 per hr. for 1 hr. $24.66
b. Admin. Clerk @ $11.42 per hr. for 5 min. .95
c. Fringe Benefit @ 53.1% 13.60
d. Vehicle Cost @ $ 1.31 per hr. for 1 hr. 1.31
e. Indirect Cost @ 12.3% 4.98

TOTAL $45.51

RECOMMENDED FEE: $46.00 per hour of inspection time.
PROJECTED ANNUAL REVENUE: 16 hours of inspection time X $46.00 = $736.00
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May 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

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-522


WHEREAS, on April 12, 1976, by Resolution No. 76-538 the City Council of the City of Modesto established a Housing Maintenance Program to work under the guidance and control of the Citizens Housing and Community Development Committee on community development activities, and to make appropriate recommendations to the City Council, and

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's Community Development Block Grant allocation for the Fiscal Year 1990-91 will be $1,116,000, and

WHEREAS, the City has also received Fiscal Year 1984, 1985, 1986, 1987, 1988, and 1989 Rental Rehabilitation funding in the amount of $473,000 with administrative expenses covered by the block grant resources, and

WHEREAS, the Housing Program Office of the City of Modesto has followed the Department of Housing and Urban Development regulations for the Citizen Participation Plan as part of the pre-submission process, and

WHEREAS, the Housing Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1990-91 Community Development Objectives and Budget, and
WHEREAS, a notice of a public meeting to be held on February 12, 1990, was published in The Modesto Bee, the official newspaper of the City of Modesto, to notify citizens interested in the Community Development Block Grant Application and the Statement of Community Development Objectives and Budget for Program Year 1990-91, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on February 15, 1990, and

WHEREAS, requests for funding were presented by organizations to the Citizen Advisory Committee on April 5, 1990, and

WHEREAS, a report was presented to the Council on all requests for funding, and all City proposed programs on April 17, 1990, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed the Final Statement of Objectives and Budget on April 22, 1990 and recommended to the Council their approval, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1990-91 Community Development Block Grant Program Application, save and except for Part 1, I(1), S.O.S.P. Co-Location of Community Senior Services, and Part 1, I(10), Centr for Senior Employment, for the sixteenth fiscal year, from July 1, 1990 to June 30, 1991.

061690

-2-
BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to file said application, including all understandings and assurances contained therein, with the U. S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the Council does hereby approve the Final Statement of Community Development Objectives and Budget for Program Year 1990-91.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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

061690 -3- 4048CA
A RESOLUTION ADDING THE CENTER FOR THE SENIOR EMPLOYMENT/SENIOR AIDES PROJECT TO THE LIST OF NON-PROFIT ORGANIZATIONS TO RECEIVE FUNDING UNDER PUBLIC SERVICES OF THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

WHEREAS, on May 15, 1990, by Resolution No. 90-522, the City Council adopted the 1990-91 Community Development Block Grant sixteenth year application, save and except for the Center for Senior Employment/Senior Aides Project, and Senior Opportunities Services Program/Co-Location of Community Services, and

WHEREAS, the Center for Senior Employment/Senior Aides Project was recommended by the Citizens Housing and Community Development Committee at their meeting on April 27, 1990, to the City Council for adoption in the 1990-91 Community Development Block Grant Application, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby add the Center for Senior Employment/Senior Aides Project to the 1990-91 Community Development Block Grant Application as adopted by Council Resolution No. 90-522, and that said Center for Senior Employment/Senior Aides Project is hereby added to the public Services category in said application as approved by Resolution No. 90-522.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-524

A RESOLUTION ADDING THE SENIOR OPPORTUNITY SERVICE PROGRAM/CO-LOCATION OF COMMUNITY SERVICES PROJECT TO THE LIST OF NON-PROFIT ORGANIZATIONS TO RECEIVE FUNDING UNDER PUBLIC SERVICES OF THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

WHEREAS, on May 15, 1990, by Resolution No. 90-522, the City Council adopted the 1990-91 Community Development Block Grant sixteenth year application, save and except for the Center for Senior Employment/Senior Aides Project and Senior Opportunity Service Program/Co-Location of Community Services, and

WHEREAS, the Senior Opportunity Service Program/Co-Location of Community Services Project was recommended by the Citizens Housing and Community Development Committee at their meeting on April 27, 1990, to the City Council for adoption in the 1990-91 Community Development Block Grant Application, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby add the Senior Opportunity Service Program/Co-Location of Community Services Project to the 1990-91 Community Development Block Grant Application as adopted by Council Resolution No. 90-522, and that said Senior Opportunity Service Program/Co-Location of Community Services Project is...
hereby added to the Public Services category in said application as approved by Resolution No. 90-522.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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, Mayor Whiteside

NOES:  Councilmembers:  Patterson

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 SHAN-LYN CONSTRUCTION, INC. FOR THE CONSTRUCTION OF FIRE STATION NO. 9

WHEREAS, Resolution No. 90-381, adopted by the Council of the City of Modesto on March 20, 1990, approved the plans and specifications for the construction of Fire Station No. 9 and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Fire Station No. 9 were opened at 11:00 a.m. on April 19, 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 Shan-Lyn Construction, Inc., in the amount of $453,200 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Shan-Lyn Construction, Inc., in the amount of $453,200 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 15th day of May, 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. 90-526


WHEREAS, this project is to be funded with Capital Facilities Fees collected in Fund 132, and

WHEREAS, Fund 132 currently does not have sufficient funds to finance this construction, and

WHEREAS, a loan from the General Fund (010) in the amount of $155,000 will be made to Fund 132. This loan will be repaid with Capital Facilities Fees revenue generated in Fiscal Year 1990-91, and

WHEREAS, the loan will cover the construction contract and a portion of the preliminary design charges,

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.

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-800-8000-8003</td>
<td>Contingency Reserve (010)</td>
<td>($155,000)</td>
</tr>
<tr>
<td>132-800-8000-8003</td>
<td>Contingency Reserve (132)</td>
<td>($301,700)</td>
</tr>
<tr>
<td>132-180-P319-6000</td>
<td>Fire Station #9</td>
<td>$456,700</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 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE BID OF A & B ROOFING FOR REROOFING SENIOR CITIZENS CENTER

WHEREAS, Resolution No. 90-448, adopted by the Council of the City of Modesto on April 10, 1990, approved the plans and specifications for the reroofing of the Senior Citizens Center and authorized the calling for bids; and

WHEREAS, the bids received for the reroofing of the Senior Citizens Center were opened at 11:05 a.m. on May 3, 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 A & B Roofing in the amount of $24,997 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of A & B Roofing in the amount of $24,997 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 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE BID OF HACKETT ENVIRONMENTAL SYSTEMS, INC. FOR
THE CONSTRUCTION OF THE CLUBHOUSE AT MODESTO DRY CREEK GOLF COURSE

WHEREAS, Resolution No. 90-401, adopted by the Council of the City of
Modesto on April 3, 1990, approved the plans and specifications for the
construction of the clubhouse at Modesto Dry Creek golf course

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the clubhouse at
Modesto Dry Creek golf course

were opened at 11:00 a.m. on May 3, 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
Hackett Environmental Systems, Inc. in the amount of $673,200

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Hackett Environmental Systems, Inc. in the amount of $673,200
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 15th day of May, 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: Dobbs, Irizarry, Lang, Muratore, Patterson,
   Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF TRUSCO TANK, INC. FOR THE INSTALLATION OF A 1.3 MILLION GALLON STEEL TANK WATER RESERVOIR

WHEREAS, Resolution No. 90-446, adopted by the Council of the City of Modesto on April 10, 1990, approved the plans and specifications for the installation of 1.3 million gallon steel tank water reservoir and authorized the calling for bids; and

WHEREAS, the bids received for the installation of 1.3 million gallon steel tank water reservoir were opened at 11:05 a.m. on May 3, 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 Trusco Tank, Inc. in the amount of $416,331 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Trusco Tank, Inc. in the amount of $416,331 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 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AT SYLVAN AVENUE AND KELLER AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the traffic signals at Sylvan Avenue and Keller Avenue has been completed by Bowden Electric, Inc. in accordance with the contract agreement dated November 21, 1989.

NOW, THEREFORE, BE IT RESOLVED that the traffic signals at Sylvan Avenue and Keller Avenue be accepted from said contractor, Bowden Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $68,880 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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. 90-531

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON 1990-91 PROPOSED BUDGET AND THE 1990-91 THROUGH 1993-94 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 5, 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 the 1990-91 proposed budget and the 1990-91 through 1993-94 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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: NORRAINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-532

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY HOUSING AUTHORITY FOR THE RENTAL REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Housing Authority for the Rental Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE AND SMITH ARCHITECTS TO PROVIDE DESIGN SERVICES RELATED TO EXPANSION OF THE CONTROL BUILDING AT THE CITY'S SEWER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grothe and Smith Architects to provide design services related to expansion of the control building at the City's sewer treatment plant be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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: NORME COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS TO DRILL A TEST WATER WELL IN PARKLAWN PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and County of Stanislaus to drill a test water well in Parklawn 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 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOMINIC DEPALMA FOR THE LEASE OF A PORTION OF DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dominic DePalma for the lease of a portion of 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 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER AND CHARLOTTE J. VANCE FOR LEASE OF McCLURE MANSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Walter and Charlotte J. Vance for lease of the McClure Mansion be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM J. AND BARBARA W. HAN FOR THE LEASE OF 1200 "F" STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William J. and Barbara W. Han for the lease of 1200 "F" Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: ________________________________
Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KORVE ENGINEERING TO PERFORM A PARKING FEASIBILITY STUDY FOR THE MODESTO CENTRAL BUSINESS DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Korve Engineering to perform a parking feasibility study for the Modesto Central Business District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,600 FROM CONTINGENCY RESERVE TO COVER THE COST OF A PARKING FEASIBILITY STUDY FOR THE MODESTO CENTRAL BUSINESS DISTRICT

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

FROM: Parking Fund Contingency Reserve
(600 800 8000 8003)  
$1,600

TO: DID Parking District Feasibility Study
(600 160 P880 6000)  
$1,600

The cost to perform the parking study was estimated at $50,000. Korve Engineering's fee to perform the parking study is $51,600. The selection panel reviewed the cost proposal and agreed that the proposal was appropriate. The appropriation transfer will provide the $1,600 difference between the staff estimate and the actual cost.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-540

A RESOLUTION ACCEPTING A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, TO COMPLETE THE INSTALLATION OF A FIRE PROTECTION WATER MAIN TO THE AIRPORT PASSENGER TERMINAL, AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT OFFER.

WHEREAS, the Federal Aviation Administration, for and on behalf of the United States, has awarded the City of Modesto a Grant Offer for federal funds in the amount of $25,437 to complete the installation of a fire protection water main to the Airport Passenger Terminal, and

WHEREAS, the installation of a 12-inch fire protection water main for the Airport's terminal area is part of the passenger terminal upgrade, however, its installation was not included in the project's plan or original estimate, and

WHEREAS, Airport utilities are eligible for airport improvement funds and both the preapplication and application were previously submitted to the Federal Aviation Administration, and

WHEREAS, acceptance of the Grant Offer will obligate the City of Modesto to accomplish the project as described in AIP Project No. 3-06-0153-11
Offer – Description: Install terminal building fire protection water main, and

WHEREAS, it will be necessary for the City Manager to sign the Grant Offer on behalf of the City of Modesto,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Grant Offer for federal funds in the amount of $25,437 from the Federal Aviation Administration, for and on behalf of the United States, to complete the installation of a fire protection water main to the Airport Passenger Terminal, and authorizes the City Manager to execute the Grant Offer on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute and submit all other documents which may be necessary relating to the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May 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
WHEREAS, Aquarian Homes, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.691 acres, known as the Mountainview Terrace Unit No. 4 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 9th day of May, 1988, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Mountainview Terrace Unit No. 4 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on
behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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
RESOLUTION NO. 90-542

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT ROSELLE AVENUE MIDDLE SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sylvan Union School District for water service to property outside City limits at Roselle Avenue Middle School, located between Floyd Avenue and Sylvan Avenue, west of Roselle 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 15th day of May, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT ROSELLE AVENUE MIDDLE SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sylvan Union School District for sewer service to property outside City limits at Roselle Avenue Middle School, located between Floyd Avenue and Sylvan Avenue, west of Roselle 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 15th day of May, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-544

A RESOLUTION AMENDING THE FISCAL YEAR 1989-90 ANNUAL
BUDGET OF THE CITY OF MODESTO TO ESTIMATE STATE GRANT
REVENUE AND TO APPROPRIATE A NEW CIP PROJECT, FETSIM
TRAFFIC SIGNAL SYNCHRONIZATION PROJECT 1990-91.

WHEREAS, on October 3, 1989, the City Council approved the City's participation in the 1990 FETSIM program in which 17 intersections would be synchronized, and

WHEREAS, the City was awarded a demonstration grant of an amount up to $63,500 by the California Department of Transportation for this project, and

WHEREAS, the anticipated cost to complete this project is $127,960, and

WHEREAS, the City's share of the project, $64,460, will be provided by savings in another street project. A transfer of $64,460 will be made from 051-430-P294-6000, Kearney/Coldwell-Glenwood Reconstruct, and

WHEREAS, routine staff work that applies to this project will be charged to activity number S017 in order to track total city costs, and

WHEREAS, it is necessary to increase revenue by the State Grant amount of $63,500, and

WHEREAS, it is necessary to appropriate a new CIP project in the amount of $127,960, FETSIM 90-91 Traffic Signal Synchronization Project, 051-160-G925-6000,

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, Fiscal Year 1989-90.
LOCAL TRANSPORTATION FUND (051)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>051-510-9510-3138</td>
<td>State Share of Street Project</td>
<td>$ 63,500</td>
</tr>
</tbody>
</table>

**Expenditures**

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>051-430-P294-6000</td>
<td>Kearney/Coldwell-Glenwood Recon.</td>
<td>(64,460)</td>
</tr>
<tr>
<td>051-160-G925-6000</td>
<td>90-91 FETSIM T/S Project</td>
<td>127,960</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 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, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By SIAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DKS ASSOCIATES FOR TRAFFIC SIGNAL SYNCHRONIZATION UNDER THE 1990 FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT (FETSIM) PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and DKS Associates for the traffic signal synchronization under the 1990 Fuel Efficient Traffic Signal Management (FETSIM) Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 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. 90-546

A RESOLUTION AMENDING EXHIBIT "B" OF MODESTO CITY COUNCIL RESOLUTION NO. 86-1184 TO REVISE RENTAL RATES AT THE MODESTO CENTRE PLAZA.

WHEREAS, on October 14, 1986, the Council by Resolution No. 86-1184 approved the Modesto Community Center Policies and Rental Rates, and

WHEREAS, City staff has recommended that the new rate schedule become effective for all persons to whom a license for Modesto Centre Plaza use is issued after July 1, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Exhibit B of Modesto City Council Resolution No. 86-1184 is hereby amended and that the revised rental rates for use of the Modesto Centre Plaza are hereby approved as set forth on Exhibit B attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that all other provisions of Modesto City Council Resolution No. 86-1184 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 22nd day of May, 1990, by Councilmember Muratore, who moved its adoption, which motion was

RESCINDRED

1991-544

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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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: __________________________

NORRINE COYLE, City Clerk

(Seal)

APPROVED AS TO FORM:

By __________________________

STAN T. YAMAMOTO, City Attorney
# Modesto Centre Plaza Proposed Rental Rates

<table>
<thead>
<tr>
<th>Space</th>
<th>Private Full Day</th>
<th>Private Half Day</th>
<th>Nonprofit Full Day</th>
<th>Nonprofit Half Day</th>
<th>Rehearsal Day Private/Nonprofit</th>
<th>Overtime</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upper Level</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harvest Hall 16,000 SF</td>
<td>$1,280</td>
<td>$960</td>
<td>$800</td>
<td>$595</td>
<td>$650/$400</td>
<td>$100/hr.</td>
</tr>
<tr>
<td>(Includes Tuolumne, Stanislaus, and San Joaquin Rooms)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuolumne Room 9,600 SF</td>
<td>$770</td>
<td>$575</td>
<td>$480</td>
<td>$355</td>
<td>$385/$240</td>
<td>$60/hr.</td>
</tr>
<tr>
<td>Stanislaus Room 3,400 SF</td>
<td>$270</td>
<td>$205</td>
<td>$170</td>
<td>$125</td>
<td>$135/$85</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>San Joaquin Room 2,000 SF</td>
<td>$160</td>
<td>$150</td>
<td>$100</td>
<td>$100</td>
<td>$80/$50</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>Arbor Theatre 4,000 SF</td>
<td>$320</td>
<td>$240</td>
<td>$200</td>
<td>$150</td>
<td>$160/$100</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>400 Seats</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand Lobby* 6,300 SF</td>
<td>$1,280/$550</td>
<td>$960/$378</td>
<td>$800/$315</td>
<td>$595/$235</td>
<td>$640/$400</td>
<td>$50/hr.</td>
</tr>
<tr>
<td>Park Plaza*</td>
<td>$1,280/$550</td>
<td>$960/$378</td>
<td>$800/$315</td>
<td>$595/$235</td>
<td>$640/$400</td>
<td>$60/hr.</td>
</tr>
</tbody>
</table>

*The higher rate applies for those that are not renting the Harvest Hall.*
<table>
<thead>
<tr>
<th>SPACE</th>
<th>PRIVATE FULL DAY</th>
<th>PRIVATE HALF DAY</th>
<th>NONPROFIT FULL DAY</th>
<th>NONPROFIT HALF DAY</th>
<th>REHEARSAL DAY PRIVATE/ NONPROFIT</th>
<th>OVERTIME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOWER LEVEL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Lower Level</td>
<td>$425</td>
<td>$315</td>
<td>$250</td>
<td>$190</td>
<td>$210/ $125</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>4,000 SF Meeting Rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Includes Pistache, Ginkgo, Ash, and Magnolia Rooms)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pistache AND Ginkgo Rooms</td>
<td>$300</td>
<td>$225</td>
<td>$180</td>
<td>$135</td>
<td>$150/ $90</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>2,400 SF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pistache Room</td>
<td>$150</td>
<td>$150</td>
<td>$100</td>
<td>$100</td>
<td>$85/ $50</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>1,200 SF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ginkgo Room</td>
<td>$150</td>
<td>$150</td>
<td>$100</td>
<td>$100</td>
<td>$85/ $50</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>1,200 SF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ash AND Magnolia Rooms</td>
<td>$200</td>
<td>$150</td>
<td>$120</td>
<td>$100</td>
<td>$100/ $60</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>1,600 SF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ash Room</td>
<td>$150</td>
<td>$150</td>
<td>$100</td>
<td>$100</td>
<td>$75/ $50</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>800 SF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magnolia Room</td>
<td>$150</td>
<td>$150</td>
<td>$100</td>
<td>$100</td>
<td>$75/ $50</td>
<td>$25/hr.</td>
</tr>
<tr>
<td>800 SF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. All those that use an approved Modesto Centre Plaza caterer to provide a full meal will receive a rental discount equal to 10% of their catering cost before taxes and gratuities.

2. Those holding ticketed events will be charged the listed rental rate or 10% of gross ticket sales, whichever is greater.

3. All events with commercial booths will be charged the listed rental rate or $.16 per net square foot, whichever is greater.
RESOLUTION NO. 90-547

A RESOLUTION ACCEPTING THE MANCINI BOWL SEATING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Mancini Bowl seating has been completed by Scrimsher & Mineni in accordance with the contract agreement dated September 12, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Mancini Bowl seating be accepted from said contractor, Scrimsher & Mineni; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $116,780.80, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NOLLNE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-548

A RESOLUTION ACCEPTING THE WATERLINE EXTENSION IN MARIN, USTICK, AND WHITMORE FOR CALIFORNIA CHARDONNAY SUBDIVISION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the waterline extension in Marin, Ustick, and Whitmore for California Chardonnay Subdivision has been completed by Rolfe Construction in accordance with the contract agreement dated October 10, 1989.

NOW, THEREFORE, BE IT RESOLVED that the waterline extension in Marin, Ustick, and Whitmore for California Chardonnay Subdivision be accepted from said contractor, Rolfe Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $126,824.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-549

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE DIVERSION STRUCTURE - MID LATERAL NO. 2 AT MCCLURE ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of the diversion structure - MID Lateral No. 2 at McClure Road has been completed by Cimarron Construction Company in accordance with the contract agreement dated December 12, 1989.

NOW, THEREFORE, BE IT RESOLVED that the construction of the diversion structure - MID Lateral No. 2 at McClure Road be accepted from said contractor, Cimarron Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $89,986.05 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-550

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,380 TO FUND THE INSTALLATION OF ROADSIDE FLASHING BEACONS FOR THE CHRISTINE SIPHERD SCHOOL ZONE ON EAST ORANGEBURG

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

FROM: T/S McHenry-Union (070 430 )245 6000) $9,380

TO: Beacons - Christine Sipherd School (070 160 P924 6000) $9,380

Funds needed to install roadside flashing beacons for the Christine Sipherd School zone on East Orangeburg Avenue. This is a new Capital Improvement Program safety project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 90-551

A RESOLUTION APPROVING THE FINAL MAP OF THE OXFORD PLACE
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Florsheim Bros., a California General Partnership, and John
S. Williams and Arthur Martin is possessed of a tract of land situate in the
City of Modesto, County of Stanislaus, consisting of 8.345 acres, known as the
Oxford Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 6th day of November, 1989, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that
the final map of said Oxford Place 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 22nd day of May, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ___________________________,

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-552

A RESOLUTION APPROVING THE FINAL MAP OF THE COLUMBINE PLACE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, 605 Standiford Group, a partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.282 acres, known as the Columbine Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 23rd day of August, 1988, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Columbine Place 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 22nd day of May, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(SEAL)

APPROVED AS TO FORM:

By STAN Y. YAMAMOTO, City Attorney

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WILLIAM LYON COMPANY, INC. FOR THE INSTALLATION OF STREET IMPROVEMENTS ADJACENT TO YOSEMITE PARK

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, Inc. for the installation of street improvements adjacent to Yosemite 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 22nd day of May, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk
RE- 
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT 
(PAUL VOGELZANG) 

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

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

SECTION 1. The following person is hereby/appointed to the Board of Zoning Adjustment for the respective term as indicated:

Paul Vogelzang 
Term to expire 1/1/94

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: NORMINE COYLE, City Clerk
RE-
A RESOLUTION/APPOINTING MEMBER OF THE PLANNING COMMISSION (ROBERT DUNBAR)

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

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

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

Robert Dunbar
Term to expire 1/1/94

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
RE-

A RESOLUTION/APPOINTING MEMBER OF THE CULTURE COMMISSION (VIRGINIA CHOATE)

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

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

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

Term to expire 1/1/94

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-557

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF AN 18' WATERLINE IN CROWS LANDING ROAD, ZEFF ROAD, TUOLUMNE BOULEVARD AND 10TH STREET

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

SECTION 1. The plans and specifications for the installation of an 18' waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard and 10th Street copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 28, 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 5th day of June, 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: NORMA COYLE, City Clerk
A RESOLUTION APPROVING AN INCREASE IN THE CITY'S
SELF-INSURED RETENTION (GENERAL LIABILITY) TO ONE MILLION
DOLLARS.

WHEREAS, the City Council authorized membership in the ACCEL Joint
Powers Authority in 1986, and

WHEREAS, currently, there are eleven cities participating in the
Joint Powers Authority of which, however, only four cities have elected to
purchase from the $500,000 to the $1,000,000 level; thus, any losses occurring
in the first level ($500,000 to $1,000,000) are shared among four cities
instead of the initial eleven cities, and

WHEREAS, the City's Risk Manager and Finance Director have
recommended that the City increase its self-insured retention in the General
Liability Insurance Pool to $1,000,000, effective July 1, 1990, and

WHEREAS, said increase in the self-insured retention should provide
more effective use of the City's financial resources without a significant
increase in risk resulting in a direct savings of approximately $150,000 a
year which could be used to improve the strength of the Liability Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that an increase in the City's self-insured retention in the General Liability
Insurance Pool to $1,000,000 effective July 1, 1990, is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GALLO GLASS COMPANY FOR THE LEASE OF MARK TWAIN PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gallo Glass Company for the lease of Mark Twain Park site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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. 90-560

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT REGARDING A CARETAKER HOUSE FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto High School District regarding extension of the completion date of the caretaker house being constructed 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 5th day of June, 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 RECHT, HAUSRATH AND ASSOCIATES FOR ONGOING SERVICES RELATING TO CAPITAL FACILITIES FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recht, Hausrath and Associates for 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 5th day of June, 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 THE FINAL MAP OF THE COPPER CREEK NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bright Development, a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 16.893 acres, known as the Copper Creek No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 6th day of June, 1988, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Copper Creek 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, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on

-1-
The fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO, City Attorney

(SEAL)

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND THE YOSEMITE JUNIOR COLLEGE DISTRICT TO GRANT AN EASEMENT TO PACIFIC BELL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Yosemite Junior College District to grant an easement to Pacific Bell be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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. 90-564

RESOLUTION DIRECTING FILING OF ANNUAL REPORT

ASSESSMENT DISTRICT NO. 1
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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. 90-564-A

RESOLUTION DIRECTING FILING OF ANNUAL REPORT

ASSESSMENT DISTRICT NO. 2
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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

060590 10018CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 90-565

A RESOLUTION APPROVING THE REQUEST OF THE WARDENS OFFICE FOR REFUND OF $535.66 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of the Wardens Office for refund of $535.66 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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 THE REQUEST OF THOMPSON-HYSSELL ENGINEERING FOR REFUND OF $1,362.21 FOR OVERPAYMENT OF BUSINESS IMPROVALMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Thompson-Hysell Engineering for refund of $1,362.21 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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 THE REQUEST OF ZEFF ADVANCED PRODUCTS FOR REFUND OF $6,756.27 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Zeff Advanced Products for refund of $6,756.27 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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 THE REQUEST OF JENNY CRAIG WEIGHT LOSS CENTER FOR REFUND OF $2,940.62 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Jenny Craig Weight Loss Center for refund of $2,940.62 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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. 90-569

A RESOLUTION APPROVING THE REQUEST OF TUNE-UP MASTERS FOR A REFUND OF $1,079.24 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Tune-Up Masters for refund of $1,079.24 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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. 90-570

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE & SMITH ARCHITECTS FOR THE FEASIBILITY STUDY TO REMODEL FIRE STATION NO. 1 - PHASE I

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grothe & Smith Architects for the feasibility study to remodel Fire Station No. 1 - Phase I be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-571

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $13,000 FOR THE
FEASIBILITY STUDY TO REMODEL FIRE STATION NO. 1 - PHASE I

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

FROM: Contingency Reserve
(132 800 8000 8003) $13,000

TO: Fire Station Preliminary Design
(132 180 P879 6000) $13,000

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 5th day of
June ___________, 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: ___________________________ 
NORMINE COYLE, City Clerk
A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM BY WILLIAM S. MORRIS, ON BEHALF OF ALISA CONLON, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim by William S. Morris, on behalf of Alisa Conlon, against the City of Modesto, was received on May 25, 1990, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim by William S. Morris, on behalf of Alisa Conlon, against the City of Modesto, received on May 25, 1990, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 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. 90-573

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(471). (ROMAN CATHOLIC BISHOP OF STOCKTON C/O THOMAS ANGELO, AGENT)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Roman Catholic Bishop of Stockton c/o Thomas Angelo, agent on January 12, 1990, to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, to allow a mausoleum building expansion under a new master plan for St. Stanislaus Cemetery, property located on the north side of Scenic Drive west of Coffee Road, described as follows:

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

Beginning at the Southwest corner of the Grant Tract, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 6, 1950, in Volume 16 of Maps, Page 74; thence along the South line of said subdivision, South 89°10' East 442.66 feet; thence leaving the South line of said Grant Tract, South 4°03' East 520.72 feet to the North line of Scenic Drive; thence Westerly along the North line of Scenic Drive on a curve concave to the Southeast, 251.65 feet; thence continuing along said North line Westerly on a curve concave to the Northwest, 214.38 feet; thence continuing along said North line bearing Southwesterly 89.29 feet; thence leaving the North line of Scenic Drive, North 0°08' West 799.52 feet to the point of beginning of this description.

Including also all of the Northern one-half of Scenic Drive located immediately adjacent to the above-described property.

and

WHEREAS, after a public hearing held on May 7, 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. 90-43,
that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed cemetery expansion is in accordance with community objectives as set forth in the General Plan, which provides for compatibility with adjoining land uses.

2. The proposed P-D zone facilitates efficient expansion of a long-standing land use of low-intensity.

3. The master plan for the expansion program provides proper scale of structure, walls, and open space in relation to streets, alleys and adjoining properties.

and

WHEREAS, after a public hearing held on June 12, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Roman Catholic Bishop of Stockton c/o Thomas Angelo, agent 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. 90-43 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2715-C.S. on the 12 day of June, 1990, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(471).

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

051690 -2- 9938CA2
1. All development shall conform to the plot plan and floor plans titled "St. Stanislaus Cemetery - Scenic Drive, Modesto - Mausoleum Addition Plot Plan" as amended in red, stamped approved by the City Council on June 5, 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 Scenic Drive frontage shall be improved to 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. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

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

7. All signs shall comply with the sign requirements of the R-2 Zone.

8. 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(471):

The entire construction program be accomplished in one phase, construction to begin on or before May 7, 1992, and completion to be not later than May 7, 1995.
SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(471), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of June 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, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Bosch

Department of Planning and Community Development
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(471). (ROMAN CATHOLIC BISHOP OF STOCKTON C/O THOMAS ANGELO, AGENT)

WHEREAS, on ________, 1990, the City Council introduced Ordinance No. 2715—C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(471), property located on the north side of Scenic Drive west of Coffee Road, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(471), property located on the north side of Scenic Drive west of Coffee Road.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 12 day of June, 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, Irizarry, Lang, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-575

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ROCKWELL RELOCATIONS AT VARIOUS WELL SITES

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

SECTION 1. The plans and specifications for rockwell relocations at various well sites, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 5, 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 12th day of June, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. BALL, Acting City Clerk
A RESOLUTION ACCEPTING THE HAC CURB RAMPS PROJECT NO. 6, MCHENRY AVENUE/ROUTE 108 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the HAC curb ramps Project No. 6, McHenry Avenue/Route 108 has been completed by Cunningham & Sons, Inc. in accordance with the contract agreement dated June 27, 1989.

NOW, THEREFORE, BE IT RESOLVED that the HAC curb ramps Project No. 6, McHenry Avenue/Route 108 be accepted from said contractor, Cunningham & Sons, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $54,836.45 as provided in the contract, be authorized.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER AND COMPANY, CONSULTANTS ON THE PROJECT FOR PLANNING REMOVAL OF UNION PACIFIC RAILROAD FROM 9TH STREET

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR THE PURCHASE OF LAND FOR A WATER TANK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Southern Pacific Transportation Company for the purchase of land for a water tank 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 12th day of June, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk
RESOLUTION NO. 90-579

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS

ASSESSMENT DISTRICT NO. 1
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The City Council intends to levy and collect assessments within Assessment District No. 1 during the fiscal year 1990-91. The area of land to be assessed is located in the City of Modesto, Stanislaus County.

2. The improvements to be made in this assessment district are generally described as follows:

   To provide maintenance, in perpetuity, of street medians in Creekwood Drive, landscaping upon the medians in Creekwood Drive, landscaping of all areas behind the sidewalks to the right of way lines along Creekwood Drive and all areas being the curbline of Claus Road, and any and all improvements required for such maintenance including but not limited to landscape irrigation systems.

3. In accordance with this Council's resolution directing the filing of an annual report, the Public Works and Transportation Director, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. On Tuesday, the 10th day of July, 1990, at the hour of 4:00 p.m., the City Council will conduct a public hearing on the question of
the levy of the proposed annual assessment. The hearing will be held at the
meeting place of the City Council located in the City Hall, 801 Eleventh
Street, Modesto, California.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Judy C. Hall, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
RESOLUTION NO. 90-580

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS

ASSESSMENT DISTRICT NO. 2
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The City Council intends to levy and collect assessments within Assessment District No. 2 during the fiscal year 1990-91. The area of land to be assessed is located in the City of Modesto, Stanislaus County.

2. The improvements to be made in this assessment district are generally described as follows:

   To provide maintenance, in perpetuity, of street medians in Creekwood Drive, landscaping upon the medians in Creekwood Drive, landscaping of all areas behind the sidewalks to the right of way lines along Creekwood Drive and all areas being the curbline of Claus Road, and any and all improvements required for such maintenance including but not limited to landscape irrigation systems.

3. In accordance with this Council's resolution directing the filing of an annual report, the Public Works and Transportation Director, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. On Tuesday, the 10th day of July, 1990, at the hour of 4:00 p.m., the City Council will conduct a public hearing on the question of
the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EWALD H. AND MARY A. KRUSE AND ALLEN R. AND CAROLYN GRANT FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4300 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ewald H. and Mary A. Kruse and Allen R. and Carolyn Grant for water service to property outside City limits at 4300 McHenry Avenue, located on the east side of McHenry, north of Claratina 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 12th day of June, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL

JUDY C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-582

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN FORESTRY GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988 FOR THE FORESTATION OF THE SECONDARY WASTEWATER TREATMENT PLANT PROJECT.

WHEREAS, the people of the State of California have enacted the California Wildlife, Coastal, and Park Land Conservation Act of 1988, which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by local agencies under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Prevention require the applicant to certify by resolution the approval of the application before submission of said application to the state, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a tree planting project,

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

1. Approves the filing of an application for the Urban Forestry Grant Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project, and

2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that funds under the jurisdiction of the City of Modesto are available to begin the project, and

4. Certifies that said applicant will expend funds prior to October 31, 1991, and

5. Appoints the City Manager or his authorized designee as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Judy O'Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
LAW FIRM OF CARDOZO, NICKERSON, MARTELLI, CURTIS & ARATA TO REPRESENT THE
CITY OF MODESTO, COUNTY OF STANISLAUS AND THE CITY OF CERES IN THE LAWSUIT
DOSTAL V. CITY OF MODESTO, et. al.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and the law firm of Cardozo, Nickerson,
Martelli, Curtis & Arata to represent the City of Modesto, County of Stanislaus
and City of Ceres in the lawsuit Dostal v. City of Modesto, et. al.
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 12th day of June , 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, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: judy C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES FOR SWORN POLICE OFFICERS

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 

JUDY C. HALL, Acting City Clerk
RESOLUTION NO. 90-585

A RESOLUTION AMENDING THE FY 1989-90 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES BY APPROVING AN AGREEMENT WITH MODESTO INDEPENDENT LIVING CENTER TO SURVEY THE AVAILABLE HOUSING STOCK IN MODESTO TO DETERMINE HANDICAPPED ACCESSIBILITY OF HOUSING AND TO INTEREST PROPERTY OWNERS IN MAKING MORE HOUSING ACCESSIBLE TO HANDICAPPED PERSONS, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY 1989-90.

WHEREAS, the Community Development Block Grant Program requires primary benefit to low and moderate income persons, and

WHEREAS, the U.S. Department of Housing and Urban Development has determined that handicapped persons, as a class, are considered low income persons, and

WHEREAS, Modesto Independent Living Center had applied for funding under the 1989-90 Community Development Block Grant application, but did not have the necessary staff at that time, and

WHEREAS, their project, as proposed, was under the Public Services category, which has a mandatory cap of 15% of the grant, and

WHEREAS, Modesto Independent Living Center recruited more staff and changed the nature of their proposed project to an accessible housing survey, and

WHEREAS, the U.S. Department of Housing and Urban Development has determined that this survey is an eligible Planning and Administrative activity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the 1989-90 Community Development Block Grant Final Statement of Community Development Objectives by approving an agreement not to
exceed $22,000 with Modesto Independent Living Center for a handicapped accessible housing survey in Modesto.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-586

A RESOLUTION CHANGING THE BALANCE OF UNUSED LOAN FUNDS OF $12,150 FOR BUILDING HUTTON HOUSE, TO A GRANT BY MAKING A SECOND MODIFICATION OF TRUST DEED NOTE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the request to change the balance of unused loan funds of $12,150 for building Hutton House for runaways, to a grant for Center for Human Services for equipment necessary to operate the runaway youth shelter by making a second modification of Trust Deed Note under the Community Development Block Grant Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said modified Trust Deed Note by the designated City officials be authorized.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE AND INSTALLATION OF TWO ADSORPTION SYSTEMS FROM CALGON CARBON CORPORATION

WHEREAS, South Modesto has three wells that have been unusable due to DBCP contamination at the minimum level and staff is requesting two adsorption systems for the filtering of DBCP contaminated ground water; and

WHEREAS, informal bids were solicited with three vendors responding; and

WHEREAS, because of capacity filtering rates and delivery times given by the vendors, staff suggests purchasing the adsorption systems from Calgon Carbon Corporation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase and installation of two adsorption systems is hereby waived.

BE IT FURTHER RESOLVED that authorization for purchase and installation of two adsorption systems from Calgon Carbon Corporation for the total price of $403,750 is hereby approved.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE FISCAL YEAR 1990-91

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of bulk gasoline and diesel fuels for the fiscal year 1990-91 is hereby waived.

BE IT FURTHER RESOLVED that purchase of gas and diesel from the source with the best available price or from any other source available in the event of restricted supplies, is hereby approved.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: ____________________________
          NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-589

A RESOLUTION AUTHORIZING AN APPLICATION TO THE CALIFORNIA ENERGY COMMISSION FOR A STREETLIGHT CONVERSION LOAN TO UPGRADE VAPOR STREET LIGHTS.

WHEREAS, the California Energy Commission has developed a Streetlight Conversion Loan Program to provide loans to local governments and special districts to convert existing inefficient streetlight systems to ones using high efficiency lamps,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto authorizes the City of Modesto to apply for a loan from the California Energy Commission to convert to energy efficient lamps.

BE IT FURTHER RESOLVED, that if recommended for funding by the California Energy Commission, the Council of the City of Modesto authorizes the City of Modesto to accept a loan up to the amount of this application for $176,583.69.

BE IT FURTHER RESOLVED, that the amount of the loan will be paid in full, plus interest, under the terms and conditions of the loan agreement and promissory note with the California Energy Commission.

BE IT FURTHER RESOLVED, that the City Manager or his authorized representative is hereby authorized and empowered to execute in the name of the City of Modesto all the necessary documents to implement and carry out the purposes of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: ____________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________
STAN T. YAMAMOTO, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE STATE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE MODESTO GANG VIOLENCE SUPPRESSION PROGRAM (FOURTH YEAR FUNDING).

WHEREAS, the City of Modesto desires to undertake a certain project designated the Modesto Gang Violence Suppression Program to be funded in part from funds made available through Chapter 1093, 1982 Statutes, the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, Public Law 98-473, and/or Justice Assistance Act of 1984 (JAA) for the Gang Violence Suppression Program administered by the Office of Criminal Justice Planning (hereafter referred to as OCJP),

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Modesto is authorized, on its behalf to submit the attached proposal to OCJP and is authorized to execute on behalf of the City of Modesto the attached Grant Award Agreement including any extensions or amendments thereof.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the policies and procedures of OCJP and that funds will be appropriated as required.

BE IT FURTHER RESOLVED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING A NEW CAPITAL IMPROVEMENT PROJECT, ENTITLED "JEFFERSON STREET LIFT STATION".

WHEREAS, Foster Farms Milk Processing Plant on Kansas Avenue has recently completed renovations and is currently operating at less than design capacity as the plant is served by a 16" sewer line on Jefferson Street, and

WHEREAS, the Jefferson Street line is one of the oldest sewer lines in Modesto and is over capacity at this time, and

WHEREAS, City staff is recommending that a new capital improvement project be established to provide for a lift station which will pump the wastewater from the Foster Farms Plant and an area north of 9th Street into an existing line on 9th Street which has reserve capacity, and

WHEREAS, the estimated cost of the project including engineering and contingencies is $228,000, and it is necessary to appropriate a new capital improvement project, entitled "Jefferson Street Lift Station," in the amount of $228,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a new capital improvement project in the amount of $228,000, entitled "Jefferson Street Lift Station", be established in the 1990-1991 Capital Improvement Budget to provide for a lift station that will pump the wastewater from the Foster Farms Plant and an area north of 9th Street into an existing line on 9th Street which has reserve capacity,

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 19th day of June, 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: Dobbs, Irizarry, Lang, muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 90-592

A RESOLUTION APPROVING APPROPRIATION TRANSFER of $228,000 FROM SEWER FUND RESERVES TO FUND A PROJECT TO ALLEVIATE A SEWER CAPACITY PROBLEM ON THE JEFFERSON STREET SEWER TRUNK

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

FROM: Sewer Fund Reserves $228,000
(621 800 8000 8003)

TO: Jefferson Street lift station $228,000
(621 480 P928 6000)

Funds are needed to fund a project to alleviate a sewer capacity problem on the Jefferson Street sewer trunk. This line serves the Foster Farms plant on Kansas Avenue. This project is necessary to allow the Foster Farm plant to operate at full capacity.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-593

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA CHARDONNAY UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad of Northern California, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 24.93 acres, known as the California Chardonnay Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 24th day of October, 1988, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said California Chardonnay Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on
behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. FOR THEIR LEASE OF CORPORATE HANGAR PLOTS 3 AND 4 AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto Executive Air Charter, Inc. for their lease of Corporate Hangar Plots 3 and 4 at the Modesto Airport be, and it is hereby approved.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND INSIGHT AVIATION FOR THEIR LEASE OF HANGAR NO. 2 AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Insight Aviation for their lease of Hangar No. 2 at the Modesto Airport be, and it is hereby approved.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAROLD JOLLIFF FOR THE LEASE OF A PORTION OF HANGAR NO. 1 AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Darold Jolliff for the lease of a portion of Hangar No. 1 at the Modesto Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 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: Dobbs, Iriazry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE HIRING OF FOUR TEMPORARY ACCOUNT CLERKS IN RELATION TO THE UTILITY BILLING SOFTWARE IMPLEMENTATION PROJECT.

WHEREAS, on April 17, 1990, the City Council approved the replacement of the City's Utility Billing System, and

WHEREAS, during the implementation portion of the project, four (4) temporary Account Clerks are needed to assist in the operation of the current system which would allow the regular staff to focus on the new system and which would allow a continuity of customer service to be maintained during the software implementation period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby authorize the hiring of four (4) temporary Account Clerks to assist in the operation of the current billing system to allow the regular staff to focus on the utility billing software implementation project.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: (SEAL)

NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM FROM HAL F. SEIBERT, ON BEHALF OF TERRY ANGELES, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim from Hal F. Seibert, on behalf of Terry Angeles, against the City of Modesto, was received on June 11, 1990, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim from Hal F. Seibert, on behalf of Terry Angeles, against the City of Modesto, received on June 11, 1990, in the office of the City Clerk, City of Modesto, is hereby rejected.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-599

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR DRY CREEK BIKE AND PEDESTRIAN BRIDGE

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

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 19, 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 26th day of June, 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: Dobbs, Irizarry, Muratore, Patterson, Mayor pro tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO THE CONSTRUCTION OF THE
DRY CREEK BIKE AND PEDESTRIAN BRIDGE.

WHEREAS, on June 26, 1990 the City Council approved plans and
specifications and authorized a call for bids relating to the construction of
the Dry Creek Bike and Pedestrian Bridge, and

WHEREAS, the City Council certifies that at its meeting of June 26,
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 construction of the Dry Creek Bike and Pedestrian
Bridge.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 26th day of June, 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: Dobbs, Irizarry, Muratore, Patterson,
Mayor pro tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODesto CITY Council
Resolution No. 90-601

A Resolution ApprovInG Plans and SpECifications and Authorizing Call for
Bids for Traffic Signal Construction and Striping ModifiCations at Various
Locations

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

SECTION 1. The plans and specifications for traffic signal construction
and 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

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the
City Clerk, 801 11th Street, in the City of Modesto, on July 31, 1990, 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATtest: Norrine COyle, City Clerk
A RESOLUTION ACCEPTING THE ROSELLE AVENUE CANAL CROSSING AT M.I.D. LATERAL NO. 3 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Roselle Avenue canal crossing at M.I.D. Lateral No. 3 has been completed by D.B. Construction, Inc. in accordance with the contract agreement dated December 5, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Roselle Avenue canal crossing at M.I.D. Lateral No. 3 be accepted from said contractor, D.B. Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $207,107.49 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: 
NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-603


WHEREAS, it is necessary to establish various reserves to comply with the provisions of Article XIII B of the State Constitution, and

WHEREAS, the appropriations to establish said reserves must be made prior to the closing of the City of Modesto's books for fiscal year 1989-90.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following reserves to be established in the annual budget of the City of Modesto for the fiscal year 1989-90 and that the amounts of said reserves, including necessary adjustments to current appropriations, be as set forth below or as determined by the Director of Finance in accordance with the following:

**Fund No. 010 - General Fund**

*Reserve for Encumbrances* - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

*Reserve for Contingencies* - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.
Reserve for Capital Contingencies - A reserve established to provide for potential capital adjustments arising from needs for which specific financing has not been provided. The reserve is established in the amount of $500,000.

Fund No. 050 - Local Transportation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 070 - Special Gas Tax Improvement

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.
Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 090 - Downtown Improvement District

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 111 - HCDA Title 1/Housing

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.
Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 130 - Special Fund for Capital Outlays

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.
Funds No. 131-139 - Capital Facilities Fee Funds

Police Department (131), Fire Department (132), Expressway Loop (133), Street Lights (134), Parks (135), New Traffic Signals (136), Wastewater Treatment (137), Other City (138), Administration (139), Streets (141), Public Transportation (142), Air Quality (143).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year.

Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 140 - Parks

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year.

Amount to be determined when 1989-90 fiscal year books are closed.
Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 150 - Parks and Recreation Facilities

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 160 - In Lieu Parking

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes.

Fund No. 170 - State Parks and Recreation
Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 180 - McHenry Mansion

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 190 - Capital Improvement Projects
Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 200 - Revenue Sharing

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Funds No. 280-340 - Drainage Area Funds

Crows Landing (280), Orchard (290), Claus Road (300), Oakdale (310), Sylvan (320), Ustick (330), Yosemite (340).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.
Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 600 - Parking

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 610 - Water
Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Exigency Reserve - An amount not to exceed $600,000 is reserved for unforeseen exigencies arising from the operations of the Water Enterprise. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 621 - Sewer

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.
Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 631 - Airport

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.
Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 651 - Bus Service

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 660 - Golf

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.
Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 670 - Centre Plaza

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 890 - Tuolumne River Regional Park
Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

BE IT FURTHER RESOLVED that said reserves are established as restrictions against fund balances in the General Ledger Accounts of the City of Modesto available for appropriation in 1990-91 fiscal year, and

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

WHEREAS, the Council of the City of Modesto by Resolution No. 88-491 which was superseded by Resolution No. 89-845 approved a Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association of the City of Modesto covering the fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, including the salary ranges and schedules, shown as Exhibits "A" and "B" thereof, for employees represented by the Modesto City Employees Association, and

WHEREAS, said Memorandum provided for creation of a comprehensive memorandum combining all negotiated provisions into a single comprehensive document, and

WHEREAS, at its meeting of June 26, 1990, the Council considered a report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, which proposed amendments to the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed amendments to the Memorandum of Understanding entitled "Memorandum of Understanding Between the City of Modesto and the Modesto City Employees Association of the City of Modesto" covering the fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991 are hereby approved as provided for in the report dated 062290.
June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the implementation of said amendment to the Memorandum of Understanding by the designated City Officials be authorized.

BE IT FURTHER RESOLVED that said amendments are hereby effective July 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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, Irizerry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MEMORANDUM

Date: June 20, 1990

TO: City Manager
FROM: Assistant to City Manager Herrero
SUBJECT: Salary and Benefit Changes for 1990-91

Recommended Council Actions

Resolution revising MOU with Modesto City Employees Association, resolution revising MOU with Modesto Police Officers Association, resolution revising MOU with Modesto City Firefighters Association, resolution revising salary and benefits for management and confidential employees, resolution setting salaries for Council appointees, resolution authorizing City Manager to sign agreement with Family Service Agency, and resolution authorizing City Manager to modify the long term disability insurance.

Background

This past year we have been negotiating changes in health insurance and related items with our bargaining units. Tentative agreements have been reached with MCEA and MPOA. For these units the most significant changes are increases in health insurance premium contributions, increases/modifications to the sick leave conversion benefit at retirement, and reductions in the previously negotiated cost of living increases for the coming year. For MCEA another change is addition of an Employee Assistance Program through the Family Service Agency. Drafts of the revised MOU's are attached for reference. Signed MOU's should be available by the Council meeting.

A tentative agreement has also been reached with MCFFA. This agreement includes in lieu deferred compensation for those with employee only health coverage, the Employee Assistance Program, substance abuse coverage under the City health plan, City contributions toward health premiums of $129.15 and $279.84, IRS Section 125 pre-tax deductions for health premiums and dependent care, and a reduction in the previously negotiated cost of living increase from 5.2% to 5.0%. The final provision in this agreement is placement of a charter amendment on the November ballot which would allow binding arbitration in disciplinary hearings. A signed contract including these provisions should be available by the Council meeting.

Based on these agreements and discussions with management employees the following changes are being recommended regarding benefits for management and confidential employees:

1. Non-sworn management: 4.5% salary increase,
2. Fire management: 5.0% salary increase, all other benefits same as (1) above.

3. Police Management: 5.7% salary increase, sick leave conversion at 90% with vacation, CTO and holiday supplement, all other benefits same as (1) above except Employee Assistance Plan.

4. Confidential: 4.5% salary increase, all other benefits same as (1) above.

Changes in the City's self-funded health plan would also become effective starting July 3, 1990. A list of these changes is attached. The only exception is that substance abuse coverage would not be available for members of MPOA.

As noted above, an Employee Assistance Plan would be implemented with these changes. A joint labor/management committee solicited proposals and recommends that the Family Service Agency be selected as the provider. Attached is the proposed contract with the Family Service Agency. This Plan would apply to all employees except those Police Department employees currently covered by the contract with Dr. Phil Trompetter. Family Service Agency would also provide critical incident counseling for the City as part of this contract.

Finally, if the Council wishes to change the salaries of the three officials it appoints, a resolution setting the salaries would be in order.

Impact

The estimated net cost of the above changes is roughly $241,000 per year.

Mike Herrero
Michael C. Herrero

cc: Deputy City Manager
    City Attorney
    Finance Director
    Dave Louis, Chair MCEAC
    Bill Reeves, OE3
    Carl Richter, President MCEA
    Steve Conway, OE3
    Paul Konsdorf, President MPOA
    Ken Bryant, President MCFFA
City Plan Changes Effective July 3, 1990

The age 65 restriction on the City health plan would be eliminated. At 65, the City plan would become a Medicare supplemental health plan.

The City dental and vision plans would be available to retirees at cost.

Upon death of the retired employee, surviving dependents would retain eligibility for the City plan on the same basis as the employee.

A separate City plan Medicare supplemental rate would be calculated and paid by the employee or dependent.

Change from a basic plus major medical to a comprehensive design with a lifetime maximum of $1,000,000. The plan would pay 80% of the first $3,000 of covered medical and surgical benefits provided through the preferred provider network within a calendar year, 100% thereafter. Reimbursement to non-preferred providers would be at 70%.

Diagnostic outpatient x-ray and lab benefit would be reimbursed at 100% for both illness and accident at a Foundation designated facility, 70% for illness in a non-designated facility.

The separate additional accident benefit would be eliminated. The deductible would be waived for illness and injury if for first treatment for shock, acute poisoning or hemorrhaging; and for accidents within 72 hours.

Temporomandibular joint dysfunction coverage would be specifically excluded from coverage.

The mental/nervous benefit would be combined with a new substance abuse benefit. Outpatient would be reimbursed, subject to the deductible, at 80% to an annual maximum of $1,500, inpatient at 80% to an annual maximum of $10,000. A lifetime maximum for inpatient treatment would be $25,000. The substance abuse coverage would apply to employees and spouses only.

For administrative purposes, the birthday rule would be used where there is dual insurance.

Chiropractic visits would be limited to 40 per calendar year.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-605

A RESOLUTION APPROVING AMENDMENTS TO THE MEMORANDUM OF
UNDERSTANDING ENTITLED "MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE
OFFICERS ASSOCIATION FISCAL YEARS 1989-90, THROUGH

WHEREAS, the Council of the City of Modesto by Resolution No. 88-492
and updated by Resolution No. 89-713 approved a Memorandum of Understanding
between the City of Modesto and the Modesto Police Officers Association of the
City of Modesto covering the fiscal years 1989-90 through 1991-92, commencing
on July 4, 1989, and ending on June 30, 1992, including attached thereto the
Class Range Table – General Police Classes, and Schedule of Salary Ranges
shown as Exhibits "A" and "B", Exhibit "C" – Master Police Officer Assignment,
and Exhibit "D" – Master Detective, for employees represented by the Modesto
Police Officers Association, and

WHEREAS, said Memorandum provided for creation of a comprehensive
memorandum combining all negotiated provisions into a single comprehensive
document, and

WHEREAS, at its meeting of June 26, 1990, the Council considered a
report dated June 20, 1990, addressed to the City Manager from the Assistant
to City Manager Herrero, which proposed amendments to the Memorandum of
Understanding between the City of Modesto and the Modesto Police Officers
Association, a copy of which report is attached hereto marked Exhibit "A" and
incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the proposed amendments to the Memorandum of Understanding entitled
"Memorandum of Understanding Between the City of Modesto and the Modesto Police Officers Association of the City of Modesto" covering the Fiscal Years 1989-90, through 1990-91", commencing on July 1, 1989, and ending on June 30, 1992, are hereby approved as provided for in the report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the implementation of said amendment to the Memorandum of Understanding by the designated City officials be authorized.

BE IT FURTHER RESOLVED that said amendments are hereby effective July 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
TO: City Manager
FROM: Assistant to City Manager Herrero
SUBJECT: Salary and Benefit Changes for 1990-91

Recommended Council Actions

Resolution revising MOU with Modesto City Employees Association, resolution revising MOU with Modesto Police Officers Association, resolution revising MOU with Modesto City Firefighters Association, resolution revising salary and benefits for management and confidential employees, resolution setting salaries for Council appointees, resolution authorizing City Manager to sign agreement with Family Service Agency, and resolution authorizing City Manager to modify the long term disability insurance.

Background

This past year we have been negotiating changes in health insurance and related items with our bargaining units. Tentative agreements have been reached with MCEA and MPOA. For these units the most significant changes are increases in health insurance premium contributions, increases/modifications to the sick leave conversion benefit at retirement, and reductions in the previously negotiated cost of living increases for the coming year. For MCEA another change is addition of an Employee Assistance Program through the Family Service Agency. Drafts of the revised MOU’s are attached for reference. Signed MOU’s should be available by the Council meeting.

A tentative agreement has also been reached with MCFFA. This agreement includes in lieu deferred compensation for those with employee only health coverage, the Employee Assistance Program, substance abuse coverage under the City health plan, City contributions toward health premiums of $129.15 and $279.84, IRS Section 125 pre-tax deductions for health premiums and dependent care, and a reduction in the previously negotiated cost of living increase from 5.2% to 5.0%. The final provision in this agreement is placement of a charter amendment on the November ballot which would allow binding arbitration in disciplinary hearings. A signed contract including these provisions should be available by the Council meeting.

Based on these agreements and discussions with management and confidential employees the following changes are being recommended regarding salaries and benefits for management and confidential employees:

1. Non-sworn management: 4.5% salary increase, IRS Section 125 plan,
sick leave conversion at 90% with vacation supplement, Employee Assistance Program, contributions of $129.59 (employee only) and $286.73 (employee plus dependents) toward the City health plan, increase in sick leave accrual to 2,200 hours, and an increase in the long term disability salary cap to a minimum of $6,000.

2. Fire management: 5.0% salary increase, all other benefits same as (1) above.

3. Police Management: 5.7% salary increase, sick leave conversion at 90% with vacation, CTO and holiday supplement, all other benefits same as (1) above except Employee Assistance Plan.

4. Confidential: 4.5% salary increase, all other benefits same as (1) above.

Changes in the City's self-funded health plan would also become effective starting July 3, 1990. A list of these changes is attached. The only exception is that substance abuse coverage would not be available for members of MPOA.

As noted above, an Employee Assistance Plan would be implemented with these changes. A joint labor/management committee solicited proposals and recommends that the Family Service Agency be selected as the provider. Attached is the proposed contract with the Family Service Agency. This Plan would apply to all employees except those Police Department employees currently covered by the contract with Dr. Phil Trompetter. Family Service Agency would also provide critical incident counseling for the City as part of this contract.

Finally, if the Council wishes to change the salaries of the three officials it appoints, a resolution setting the salaries would be in order.

Impact

The estimated net cost of the above changes is roughly $241,000 per year.

Mike Herrera
Michael C. Herrera

cc: Deputy City Manager
City-Attorney
Finance Director
Dave Louis, Chair MCEAC
Bill Reeves, OE3
Carl Richter, President MCEA
Steve Conway, OE3
Paul Konsdorf, President MPOA
Ken Bryant, President MCFFA
City Plan Changes Effective July 3, 1990

The age 65 restriction on the City health plan would be eliminated. At 65, the City plan would become a Medicare supplemental health plan.

The City dental and vision plans would be available to retirees at cost.

Upon death of the retired employee, surviving dependents would retain eligibility for the City plan on the same basis as the employee.

A separate City plan Medicare supplemental rate would be calculated and paid by the employee or dependent.

Change from a basic plus major medical to a comprehensive design with a lifetime maximum of $1,000,000. The plan would pay 80% of the first $3,000 of covered medical and surgical benefits provided through the preferred provider network within a calendar year, 100% thereafter. Reimbursement to non-preferred providers would be at 70%.

Diagnostic outpatient x-ray and lab benefit would be reimbursed at 100% for both illness and accident at a Foundation designated facility, 70% for illness in a non-designated facility.

The separate additional accident benefit would be eliminated. The deductible would be waived for illness and injury if for first treatment for shock, acute poisoning or hemorrhaging; and for accidents within 72 hours.

Temporomandibular joint dysfunction coverage would be specifically excluded from coverage.

The mental/nervous benefit would be combined with a new substance abuse benefit. Outpatient would be reimbursed, subject to the deductible, at 80% to an annual maximum of $1,500, inpatient at 80% to an annual maximum of $10,000. A lifetime maximum for inpatient treatment would be $25,000. The substance abuse coverage would apply to employees and spouses only.

For administrative purposes, the birthday rule would be used where there is dual insurance.

Chiropractic visits would be limited to 40 per calendar year.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-606


WHEREAS, the Council of the City of Modesto by Resolution No. 88-491 which was superseded by Resolution No. 88-493 approved a Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association of the City of Modesto covering the fiscal years 1988-89-1990-91, commencing on July 1, 1988, and ending on June 30, 1991, and

WHEREAS, the Executive Committee of the Modesto City Fire Fighters Association has reviewed and approved proposed amendments to the Memorandum of Understanding and will seek ratification of said proposed amendments on or about June 29, 1990, and

WHEREAS, at its meeting of June 26, 1990, the Council considered a report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, which proposed amendments to the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association of the City of Modesto, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference,

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

AMENDMENT. That subject to approval of the proposed amendments by a majority of the membership of the Modesto City Fire Fighters Association, the Amendment to the Memorandum of Understanding between the City of Modesto and

062590

-1-
the Modesto City Fire Fighters Association of the City of Modesto for the fiscal years 1988-89-1990-91, commencing on July 1, 1988, and ending on June 30, 1991, is hereby approved as provided for in the report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that subject to approval of the proposed amendments by a majority of the membership of the Modesto City Fire Fighters Association, the implementation of said amendment to the Memorandum of Understanding by the designated City officials be authorized.

BE IT FURTHER RESOLVED that said amendments are hereby effective July 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

062690 -2-
Date: June 20, 1990

TO: City Manager
FROM: Assistant to City Manager Herrero
SUBJECT: Salary and Benefit Changes for 1990-91

Recommended Council Actions

Resolution revising MOU with Modesto City Employees Association, resolution revising MOU with Modesto Police Officers Association, resolution revising MOU with Modesto City Firefighters Association, resolution revising salary and benefits for management and confidential employees, resolution setting salaries for Council appointees, resolution authorizing City Manager to sign agreement with Family Service Agency, and resolution authorizing City Manager to modify the long term disability insurance.

Background

This past year we have been negotiating changes in health insurance and related items with our bargaining units. Tentative agreements have been reached with MCEA and MPOA. For these units the most significant changes are increases in health insurance premium contributions, increases/modifications to the sick leave conversion benefit at retirement, and reductions in the previously negotiated cost of living increases for the coming year. For MCEA another change is addition of an Employee Assistance Program through the Family Service Agency. Drafts of the revised MOU's are attached for reference. Signed MOU's should be available by the Council meeting.

A tentative agreement has also been reached with MCFFA. This agreement includes in lieu deferred compensation for those with employee only health coverage, the Employee Assistance Program, substance abuse coverage under the City health plan, City contributions toward health premiums of $129.15 and $279.84, IRS Section 125 pre-tax deductions for health premiums and dependent care, and a reduction in the previously negotiated cost of living increase from 5.2% to 5.0%. The final provision in this agreement is placement of a charter amendment on the November ballot which would allow binding arbitration in disciplinary hearings. A signed contract including these provisions should be available by the Council meeting.

Based on these agreements and discussions with management and confidential employees the following changes are being recommended regarding salaries and benefits for management and confidential employees:

1. Non-sworn management: 4.5% salary increase, IRS Section 125 plan,
sick leave conversion at 90% with vacation supplement, Employee Assistance Program, contributions of $129.59 (employee only) and $286.73 (employee plus dependents) toward the City health plan, increase in sick leave accrual to 2,200 hours, and an increase in the long term disability salary cap to a minimum of $6,000.

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4. Confidential: 4.5% salary increase, all other benefits same as (1) above.

Changes in the City’s self-funded health plan would also become effective starting July 3, 1990. A list of these changes is attached. The only exception is that substance abuse coverage would not be available for members of MPOA.

As noted above, an Employee Assistance Plan would be implemented with these changes. A joint labor/management committee solicited proposals and recommends that the Family Service Agency be selected as the provider. Attached is the proposed contract with the Family Service Agency. This Plan would apply to all employees except those Police Department employees currently covered by the contract with Dr. Phil Trompetter. Family Service Agency would also provide critical incident counseling for the City as part of this contract.

Finally, if the Council wishes to change the salaries of the three officials it appoints, a resolution setting the salaries would be in order.

Impact

The estimated net cost of the above changes is roughly $241,000 per year.

Mike Herrero
Michael C. Herrero

cc: Deputy City Manager
    -City-Attorney
    -Finance Director
Dave Louis, Chair MCEAC
Bill Reeves, OE3
Carl Richter, President MCEA
Steve Conway, OE3
Paul Konsdorf, President MPOA
Ken Bryant, President MCFFA
City Plan Changes Effective July 3, 1990

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Change from a basic plus major medical to a comprehensive design with a lifetime maximum of $1,000,000. The plan would pay 80% of the first $3,000 of covered medical and surgical benefits provided through the preferred provider network within a calendar year, 100% thereafter. Reimbursement to non-preferred providers would be at 70%.

Diagnostic outpatient x-ray and lab benefit would be reimbursed at 100% for both illness and accident at a Foundation designated facility, 70% for illness in a non-designated facility.

The separate additional accident benefit would be eliminated. The deductible would be waived for illness and injury if for first treatment for shock, acute poisoning or hemorrhaging; and for accidents within 72 hours.

Temporomandibular joint dysfunction coverage would be specifically excluded from coverage.

The mental/nervous benefit would be combined with a new substance abuse benefit. Outpatient would be reimbursed, subject to the deductible, at 80% to an annual maximum of $1,500, inpatient at 80% to an annual maximum of $10,000. A lifetime maximum for inpatient treatment would be $25,000. The substance abuse coverage would apply to employees and spouses only.

For administrative purposes, the birthday rule would be used where there is dual insurance.

Chiropractic visits would be limited to 40 per calendar year.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-607

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. SALARY RANGES AND RATES AND EFFECTIVE DATES. The salary
rates, salary ranges and salary steps as set forth in Exhibit "A" entitled
"Class Range Table, General Non-Sworn Classes Effective July 3, 1990", Exhibit
"B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY
90/91 Effective July 3, 1990 - Schedule A General Non-Sworn Classes", Exhibit
"C" entitled "Class Range Table, General Fire Classes, Effective July 3,
1990", Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City
Service for FY 90/91 Effective July 3, 1990 - Schedules B and W General Fire
Classes, and Schedule X Special Assignment, and Schedule Z Fire Prevention
Bureau and Fire Fighter Trainees", Exhibit "E" entitled "Class Range Table,
General Police Classes", Effective July 3, 1990, Exhibit "F" entitled "City of
Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective
July 3, 1990 - Schedule C General Police Classes", Exhibit "G" entitled "Class
Range Table, Management and Confidential Non-Sworn Classes, Effective July 3,
1990", Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City
Service for FY 90/91 Effective July 3, 1990 - Schedule D
Management/Confidential - General", Exhibit "I" entitled "Class Range Table,
Fire Management Classes Effective July 3, 1990", Exhibit "J" entitled "City of
Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective
July 3, 1990 - Schedule E Management/ Confidential - Fire, and Schedule Y Fire

AMENDED

062690

By Resolution 90-68

90-68

90-790 90-955

91-190 91-204

1991-724

RES CINDED

10083CA2

1991-724

SECTION 2. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 3. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary properly to operate the department under the Charter, ordinances and resolutions adopted by the City Council, including creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 4. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.
SECTION 5. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time or special positions in the Unclassified Service for which he is the appointing authority and which are not designated herein.

SECTION 6. DIFFERENTIAL PAY - MISCELLANEOUS. An employee who is assigned to one of the positions enumerated below shall be paid, in addition to the salary fixed and established for the class title and pay range to which the employee's position has been allocated, additional compensation at the rate of five percent (5%) of the compensation which the employee would otherwise be entitled to receive. Such additional compensation shall not be paid to any person employed on a temporary or part-time (hourly or per diem pay) basis.

(a) Motor Sweeper Operator - who is regularly assigned as a night sweeper operator.

(b) Maintenance Worker I or II - who is regularly assigned to water street trees at night.

(c) Maintenance Worker I or II - who is regularly assigned as a night hand sweeper.

(d) Police Clerk or Senior Police Clerk - who is regularly assigned to work on either the swing, graveyard or weekend shifts.

(e) Custodian - who is regularly assigned to work on either the swing, graveyard or weekend shifts.

In addition, a Police Clerk who is assigned to the position of Senior Police Clerk on any shift, shall be paid, in addition to the salary
fixed and established for the class title and pay range to which the employee's position has been allocated, and in addition to the five percent (5%) differential pay as provided in Section 7(d) above, additional compensation at the rate of ten percent (10%) of the compensation which the employee would otherwise be entitled to receive. Such additional compensation shall not be paid to any person employed on a temporary or part-time (hourly or per diem pay) basis.

SECTION 7. DIFFERENTIAL PAY – FIRE PREVENTION BUREAU. A sworn safety member of the Fire Department assigned to the Fire Department's Fire Prevention Bureau shall be paid, in addition to the salary fixed and established for the class title and pay range to which the employee's position has been allocated, the following additional compensation based on time spent in the Fire Prevention Bureau and determined as a percent of the compensation which the employee would otherwise be entitled to receive:

<table>
<thead>
<tr>
<th>Time Spent in Fire Prevention Bureau</th>
<th>Additional Pay to be Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 12 months</td>
<td>2 1/2%</td>
</tr>
<tr>
<td>13 - 24 months</td>
<td>5%</td>
</tr>
<tr>
<td>25 months and thereafter</td>
<td>7 1/2%</td>
</tr>
</tbody>
</table>

SECTION 8. ACTING PAY – POLICE DEPARTMENT. A Detective who is temporarily assigned to act as a Sergeant for five (5) or more regularly scheduled, consecutive workdays will be paid five percent (5%) acting pay above the Detective's normal base pay retroactive to the first day. Holidays and regularly scheduled days off will not interrupt the calculation of consecutive workdays.

SECTION 9. ACTING PAY – MISCELLANEOUS EMPLOYEES. An employee represented by the Modesto City Employees' Association who is temporarily
assigned by a Personnel Action form to fill another position for more than one hundred and twenty (120) consecutive regularly scheduled work hours will be paid five percent (5%) additional compensation above the employee's normal base pay retroactive to the first hour of such assignment. Holidays and regularly scheduled hours and days off will not interrupt the calculation of consecutive work hours.

SECTION 10. ACTING PAY - FIRE DEPARTMENT. A fire suppression employee in the Fire Department represented by the Modesto City Firefighters Association who is assigned to work temporarily in a position in a salary range above that to which the employee is regularly assigned and who is entitled to acting pay in accordance with the Personnel Administrative Orders of the City of Modesto, will be paid five percent (5%) additional compensation above the employee's normal base pay commencing with the beginning of the first (1st) hour of the overgrade assignment on an hour for hour basis.

SECTION 11. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by Rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 12. EFFECTIVE DATE. This resolution shall be effective on and after July 3, 1990.

SECTION 13. REPEALS. Resolution No. 88-490 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

(Seal)

Approved as to form:

By Stan T. Yamamoto, City Attorney
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<tr>
<th>RANGE</th>
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<tr>
<td>304</td>
<td>Police Officer Trainee</td>
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<tr>
<td>306</td>
<td></td>
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**SCHEDULE C**

**GENERAL POLICE CLASSES**

**CITY OF MODESTO**

**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91**

**EFFECTIVE 07/03/90**

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

Effective July 3, 1990
<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 |

062290
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
</table>
| 432   | Plant Mechanic Supervisor  
       | Recreation Supervisor II  
       | Historical Buildings Supervisor  
       | Assistant Civil Engineer  
       | Senior Accountant  
       | Budget Analyst |
| 433   | Senior Programmer Analyst  
       | Electrical Supervisor  
       | Assistant Equipment Maint. Supv.  
       | Engineering Systems Manager  
       | Sr. Housing Rehab. Specialist  
       | Public Works Supervisor II  
       | Building Maintenance Supervisor  
       | Secondary Treatment Site Supv.  
       | Parks Maintenance Supervisor II  
       | Events Coordinator  
       | Operations Supervisor  
       | Landscape Designer  
       | Arborist  
       | Trees Maintenance Supv. II |
| 434   | Management Analyst  
       | Deputy City Attorney I  
       | Senior Personnel Analyst  
       | Public Information Officer  
       | Public Services Supervisor |
| 435   | Senior Planner  
       | Parks Construction Supervisor II |
| 436   | Property Agent |
| 437   | Equipment Maintenance Supt.  
       | Asst. Water Quality Control Supt.  
       | Associate Civil Engineer  
       | Transportation Planner  
       | Housing Program Supervisor |
| 438   | Deputy City Attorney II |
| 439   | |

Effective July 3, 1990
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>440</td>
<td>Principal Accountant Purchasing Officer</td>
</tr>
<tr>
<td>441</td>
<td>Community Development Program Manager Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Maintenance Supt. Parking &amp; Traffic Supt. Parks Maintenance Supt. Risk Manager Personnel Manager Recreation Superintendent Golf Superintendent</td>
</tr>
<tr>
<td>442</td>
<td>Supv. Building Inspector Finance Data Processing Manager 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. Principal Planner</td>
</tr>
<tr>
<td>445</td>
<td>Finance Division Manager Sr. Deputy City Attorney II</td>
</tr>
<tr>
<td>446</td>
<td>Senior Civil Engineer Traffic Engineer</td>
</tr>
<tr>
<td>447</td>
<td>Chief Building Official Assistant to City Manager Asst. Parks &amp; Recreation Dir.</td>
</tr>
<tr>
<td>448</td>
<td></td>
</tr>
<tr>
<td>449</td>
<td></td>
</tr>
<tr>
<td>450</td>
<td>Deputy Director Public Works – Engineering Deputy Director Public Works – Operations Deputy Director Public Works – Transportation</td>
</tr>
<tr>
<td>451</td>
<td>Assistant City Attorney</td>
</tr>
</tbody>
</table>
## Schedule of Salary Ranges in City Service for FY 90/91

**Effective 07/03/90**

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City of Modesto</strong></td>
<td><strong>Schedule of Salary Ranges</strong></td>
<td><strong>Effective 07/03/90</strong></td>
<td><strong>Hourly</strong></td>
<td><strong>Bi-Weekly</strong></td>
<td><strong>Monthly</strong></td>
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<tr>
<td><strong>Salary Ranges</strong></td>
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**Notes:**
- Hourly: $7.64 - 15.37
- Bi-Weekly: $150 - 1050
- Monthly: $3000 - 5000
SCHEDULE 0
MANAGEMENT/CONFIDENTIAL-GENERAL
HOURLY

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CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91
BI-wEEKLY

MONTHLY


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### CITY OF MODESTO

#### SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91

### EFFECTIVE JULY 1, 1990

#### SCHEDULE E

MANAGEMENT/CONFIDENTIAL-FIRE

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#### CITY OF MODESTO

- **Bi-Weekly**
- **Monthly**

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Effective July 3, 1990
MODESTO CITY COUNCIL
RESOLUTION NO. 90-608

A RESOLUTION SETTING SALARIES FOR COUNCIL APPOINTEES AND
RESCINDING RESOLUTION NO. 89-716A.

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 is 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that effective July 3, 1990, the salaries for the positions of the Council Appointees shall be as follows:

City Manager $7,490.94 per month
City Attorney $7,075.13 per month
City Clerk $4,235.40 per month

BE IT FURTHER RESOLVED that Resolution No. 89-716A is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FAMILY SERVICE AGENCY ASSOCIATION OF STANISLAUS COUNTY TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Family Service Agency Association of Stanislaus County to provide Modesto City employees and their dependents professional assistance with financial, marital, psychological, family, and alcohol or drug related problems be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION AUTHORIZING CITY MANAGER TO MODIFY THE LONG TERM DISABILITY (LTD) INSURANCE FOR CITY EMPLOYEES.

WHEREAS, the City maintains long term disability (LTD) insurance with the Standard Insurance Company and the current LTD insurance plan provides a maximum of 66-2/3 percent of the first $3,000 per month in individual monthly earnings (i.e. $2,000 per month), and

WHEREAS, it is desirable to modify the coverage to allow an increase in the maximum to 66-2/3 percent of at least the first $6,000 per month in individual monthly earnings,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an increase in the long term disability (LTD) salary insurance for City employees is hereby approved and the City Manager is hereby authorized to modify the long term disability salary insurance with the Standard Insurance Company to provide a maximum to 66-2/3 percent of at least the first $6,000 per month in individual monthly earnings.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
WHEREAS, Section 5-6.13.2 of the Modesto Municipal Code relating to sewage collection and disposal authorizes a fine for violations of waste discharge permits, which fine shall be in accordance with a schedule approved by the Council from time to time by resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that wastewater permit violation fines are hereby established as follows:

1. Administrative fine in the amount of $1050.00 for each violation.

2. Processing fine in the amount of:
   - $518.60 per million gallons of flow in excess of permit allocation.
   - $61.34 per 1,000 pounds of Biochemical Oxygen Demand (BOD) in excess of permit allocation.
   - $56.46 per 1,000 pounds of Suspended Solids (SS) in excess of permit allocation.

BE IT FURTHER RESOLVED that the fines established by this resolution are in addition to the sewer service charges for processing the wastewater flow which is excess of the permit allocation.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective for violations which occur on and after July 1, 1990.

BE IT FURTHER RESOLVED that effective through June 30, 1990, Resolution No. 89-934 adopted on September 19, 1989 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June 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: None

ABSENT: Councilmembers: Bird

ATTEST: NARRINE 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 DIANE BERBERIAN GAZARIAN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS ON THE SOUTHWEST CORNER OF MCHENRY AVENUE AND BANGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Diane Berberian Gazarian for water service to property outside City limits on the southwest corner of McHenry Avenue and Bangs be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RAFAEL SALAZAR FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1413 INYO STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rafael Salazar for sewer service to property outside City limits at 1413 Inyo Street, located on the north side of Inyo, east of Ustick Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORME COYLE, City Clerk
RESOLUTION NO.90-614

A RESOLUTION ACCEPTING IMPROVEMENTS IN SCENIC ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE LETTER OF CREDIT

WHEREAS, Douglas Highiet, subdividers of Scenic Estates Subdivision have filed Irrevocable Letters of Credit for faithful performance and labor and materials in the amount of $148,900.00 and $74,450.00 respectively to guarantee improvements in Scenic Estates Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated June 15, 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 Irrevocable Letters of Credit upon expiration of the statutory period.

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

1. The improvements in Scenic Estates Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Irrevocable Letter of Credit for faithful performance in the amount of $148,900.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Irrevocable Letter of Credit for labor and materials in the amount of $74,450.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-615

REIMBURSEMENT
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WILLIAM LYON COMPANY FOR STREET IMPROVEMENTS 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 street improvements in Claus Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June 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: None

ABSENT: Councilmembers: Bird

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-616

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $161,670.29 TO FUND STREET IMPROVEMENTS IN CLAUS ROAD:

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

FROM: Expressway Loop Contingency Reserve Fund $161,670.29
(133 800 8000 8003)

TO: Claus Road Street Construction $161,670.29
(133 430 P876 6000)

Reimbursement for street improvement in Claus Road adjacent to Dry Creek Meadows. The City is responsible for pavement construction in Claus Road, which is more than 40 feet from property line. The Developer of Dry Creek Meadows Subdivision will construct the City's required pavement in conjunction with other improvements to eliminate conflicts, and time delays and cost increases to both City and Developer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,000 TO FUND ALL-WAY STOP SIGN INSTALLATION AT LAKEWOOD AND MIDDLEBORO

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

FROM: McHenry/Rumble Traffic Signal Modifications
       (070 160 P746 6000) $3,000

TO: Lakewood/Middleboro Traffic Islands
     (070 160 P927 6000) $3,000

The Director of Public Works & Transportation has concluded that an all-way stop should be installed at Lakewood and Middleboro. Raised channelizing islands need to be constructed to enhance visibility to the proposed stop sign for southbound Lakewood motorists. Funds are available in a completed signal modification project at McHenry and Rumble.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT:  Councilmembers: Bird

ATTEST:  NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-618

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,112 FROM CONTINGENCY
RESERVE FOR DOWNTOWN IMPROVEMENT DISTRICT EXPENSES

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

FROM: Contingency Reserve
       (090 800 8000 8003)           $5,112

TO:   Contractor's Reimbursement
       (090 140 1442 0234)          $1,362
       Services, Professional & Other
       (909 140 1442 0235)         3,750

June 1989, expenses were not accrued last year but charged against
1989-90 budget. This transfer enables June 1990, expenses to be paid
from proper fiscal year.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 26th day of
June ________, 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: Dobbs, Irizarry, Lang, Muratore, Patterson,
        Mayor Whiteside

NOES:  Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING THE REQUEST OF MODESTO LUMBER COMPANY FOR REFUND FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Modesto Lumber for refund of $620.40 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST:

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NANCY YOUNG FOR CONTINUED PROFESSIONAL SERVICES AS DOWNTOWN IMPROVEMENT DISTRICT EXECUTIVE DIRECTOR

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June 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: None

ABSENT: Councilmembers: Bird

ATTEST:  
NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING ISSUANCE OF A CHANGE ORDER TO THE PUBLIC FACILITIES DISTRICT NO. 6 CONTRACT TO CONSTRUCT AN 18" SEWER LINE IN COFFEE ROAD FROM RUMBLE ROAD TO SYLVAN MEADOWS DRIVE

WHEREAS, an extension of the 18" sewer on Coffee is needed to provide future sewer service to this area, and to avoid trenching through the area of Coffee Road that will be reconstructed under Public Facilities District No. 6, it is necessary to do this work as part of this project; and

WHEREAS, the negotiated cost to construct the sewerline is $263,798.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a change order to the Public Facilities District No. 6 contract to construct an 18" sewerline in Coffee Road from Rumble Road to Sylvan Meadows Drive is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $228,000 FROM SEWER FUND RESERVE TO FUND A PROJECT TO ALLEVIATE A SEWER CAPACITY PROBLEM ON THE JEFFERSON STREET SEWER TRUNK

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

FROM: Sewer Fund Reserves (621 800 8000 8003) $228,000
TO: Jefferson Street lift station (621 480 P928 6000) $228,000

These funds are needed to fund a project to alleviate a sewer capacity problem on the Jefferson Street sewer trunk. This line serves the Foster Farms plant on Kansas Avenue. This project is necessary to allow the Foster Farms plant to operate at full capacity.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June ______________, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO.90-623  

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

WHEREAS, Daniel M. Dickey and Joan Dickey, husband and wife is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.315 acres, known as the River Bend Estates 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 River Bend Estates Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the
obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN INCREASE IN THE SELF-INSURED RETENTION (WORKERS' COMPENSATION) AND RENEWING EXCESS WORKERS' COMPENSATION INSURANCE POLICY WITH NATIONAL UNION INSURANCE COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that renewal of the Excess Workers' Compensation Insurance policy with National Union Insurance Company, and the increase in City's Self-Insured Retention from $300,000 to $400,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said changes in insurance policies by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Council-member Lang, who moved its adoption, which motion being duly seconded by Council-member 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: NARRINE COYLE, City Clerk
MOSETO CITY COUNCIL
RESOLUTION NO. 90-625

AMENDED

A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND ROMA DESIGN GROUP APPROVING ADDITIONAL SCOPE OF SERVICES AND BUDGET FOR EPS IN CONJUNCTION WITH THE VILLAGE ONE SPECIFIC PLAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and ROMA Design Group, approving additional scope of services and budget for EPS in conjunction with the Village One Specific Plan Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-626

AMENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EPS APPROVING ADDITIONAL SCOPE OF SERVICES AND BUDGET FOR EIP ASSOCIATES IN CONJUNCTION WITH THE VILLAGE ONE SPECIFIC PLAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EPS, approving additional scope of services and budget for EIP Associates in conjunction with the Village One Specific Plan Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-627  

A RESOLUTION TRANSFERRING SIXTY THREE THOUSAND NINE HUNDRED TEN ($63,910) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130).  

WHEREAS, on October 10, 1989, the City Council approved financing for two teams of consultants to prepare a Specific Plan, EIR, and Financing Plan for Village One, and  

WHEREAS, additional funding is now needed in the amount of Sixty Three Thousand Nine Hundred Ten ($63,910) Dollars for additional costs for the Village One Specific Plan Program, and  

WHEREAS, the sum of Sixty Three Thousand Nine Hundred Ten ($63,910) 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 1989-90 fiscal year, and  

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of Sixty Three Thousand Nine Hundred Ten ($63,910) Dollars be and is hereby transferred from the Unappropriated Fund Balance of the General Fund (Acct. No. 010-800-8000-8003) to the Special Fund for Capital Outlays (Acct. No. 130-140-P894-6000).  

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

(SEAL)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-628

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING EXTENSION OF THE MODESTO GARBAGE COMPANY'S FRANCHISE TO DECEMBER 31, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that July 24, 1990, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an extension of the Modesto Garbage Company's franchise to December 31, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 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: None

ABSENT: Councilmembers: Bird

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-629

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(475). (JAMES C. RICHARDSON)

WHEREAS, a verified application for an amendment to Section 27-3-9
of the Zoning Map was filed by James C. Richardson on April 4, 1990, to
reclassify from Low Density Residential Zone, R-1, to Planned Development
Zone, P-D, to allow a two-story townhouse apartment development, property
located on the north side of Scenic Drive east of Rose Avenue, described as
follows:

R-1 to P-D

All that certain real property situate in a portion of the Northwest
quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, in the City of Modesto, County of Stanislaus,
State of California, described as follows:

All of Parcels "A" and "B" as shown on that parcel map filed in the
office of the Recorder of Stanislaus County, California, on

Including also all of the North one-half of 90.00 foot wide Scenic
Drive, the East 30.00 feet of Rose Avenue and the South one-half of
the 20.00 foot wide public alley as shown on the aforementioned
parcel map and all immediately adjacent to the above described
property:

and

WHEREAS, after a public hearing held on June 4, 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. 90-52,
that rezoning of the property as requested is required by public necessity,
convenience and general welfare for the following reasons:

1. The density of the apartment development is well below that
typical of the R-3 Zone, called for in the East Half Rose Park
2. The general orientation of the development away from the adjacent alley serves to enhance compatibility with the adjoining neighborhood to the north.

3. The proposed townhouse development conforms to the surrounding zoning and development pattern already established including both large and small projects.

and

WHEREAS, after a public hearing held on July 3, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of James C. Richardson 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. 90-52 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2718-C.S. on the 3rd day of July, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(475).

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

1. All development shall conform to the plot plan and floor plans titled "Project Scope - 22 Units" as amended in red, stamped approved by the Planning Commission on June 4, 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. Screen landscaping shall be installed along the east property line.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Six-foot high, double-sided wood, stucco, or masonry wall or fence with masonry pilasters around all patios facing Scenic Drive. Seven-foot-high walls or fences shall border patios adjoining the alley. A six-foot single board and pilaster fence may be constructed along the east property line.

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

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

6. The adjoining alley shall be improved to 14 feet part-width alley standards as required by the Public Works and Transportation Director.

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

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

9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Rose Avenue and Scenic Drive frontages. The number shall be as determined by the Public Works and Transportation Director.

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

11. 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.

12. Drainage shall be provided as required by the Public Works and Transportation Director. If off-site rockwells are required, the developer shall pay fees for rockwell maintenance as established by the Municipal Code.
13. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

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

15. The water and sanitary sewer services to the individual units shall be approved by the Public Works and Transportation Director.

16. There shall be no second-story windows except bathroom windows in the north elevation of the buildings which are directly facing the alley to the north.

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(475):

The entire construction program be accomplished in one phase, construction to begin on or before June 4, 1992, and completion to be not later than June 4, 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(475), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Dobbs, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-630  

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT  
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT  
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE  
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION  
MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO  
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO  
P-D(475). (JAMES C. RICHARDSON)  

WHEREAS, on __July 3____, 1990, the City Council introduced  
Ordinance No. 2718-C.S. giving approval to a project relating to an  
amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to  
reclassify from Low Density Residential Zone, R-1, to Planned Development  
Zone, P-D(475), property located on the north side of Scenic Drive East of  
Rose Avenue, and  

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the Planning and Community Development Director of the City of Modesto is  
hereby directed to file or cause to be filed with the Stanislaus County Clerk  
a Notice of Determination in regard to the environmental impact of the subject  
project relating to an amendment to Section Map 27-3-9 of the Zoning Map of  
the City of Modesto to reclassify from Low Density Residential Zone, R-1, to  
Planned Development Zone, P-D(475), property located on the north side of  
Scenic Drive East of Rose Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Dobbs, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-631

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE 1990 STREET SLURRY SEAL PROJECT

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

SECTION 1. The plans and specifications for the 1990 street slurry seal project copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 26, 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 3rd day of July, 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. 90-632

A RESOLUTION ACCEPTING THE WATERLINE ACROSS 99 FREEWAY BRIDGE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the waterline across 99 Freeway bridge has been completed by W.M. Lyles Company in accordance with the contract agreement dated October 10, 1989.

NOW, THEREFORE, BE IT RESOLVED that the waterline across 99 Freeway bridge be accepted from said contractor, W.M. Lyles Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $472,415.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-633

A RESOLUTION CALLING A SPECIAL ADVISORY ELECTION BY THE
VOTERS OF THE CITY OF MODESTO RELATING TO SEWER SERVICE TO
VILLAGE ONE.

WHEREAS, an initiative ordinance entitled "Modesto Citizens Advisory
Growth Management Act" was adopted by the voters of the City of Modesto at the
general Municipal Election held on March 6, 1979, and

WHEREAS, said "Modesto Citizens Advisory Growth Management Act"
requires that an advisory election by the voters of the City of Modesto, as
provided by Section 5353 of the Elections Code of the State of California, be
called before the City Council of the City of Modesto approves, authorizes or
appropriates funds for the extension of any sewer trunk, and

WHEREAS, the City Council has determined that it is desirous of
considering the extension of sewer service to Village One.

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 Advisory Election in the City of Modesto on
November 6, 1990, said Special Election to be known as "Special Sewer Service
Extension Advisory Election".

SECTION 2. NOTICE OF ADVISORY VOTE. The City Clerk of the City of
Modesto is hereby ordered and directed to prepare and sign a notice of said
advisory vote in the form required by law, and said City Clerk is hereby
ordered 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 3. 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 extension of sanitary sewer service to the proposed Village One:

<table>
<thead>
<tr>
<th>CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEASURE F</td>
</tr>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

SECTION 3. CONDUCT OF ELECTION. Said special advisory 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 advisory 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 advisory election herein provided
for shall be qualified to vote upon said advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special advisory election.

(b) The polls at the polling places hereinafter referred to for said special advisory 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 advisory 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 advisory 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 advisory election hereby called. Only qualified voters of said City shall be permitted to vote at said special advisory election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of said special advisory
election with respect to the votes cast in said City and to certify the results to the Council.

(d) On the ballots to be used at said general election and said special advisory election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear an advisory measure with respect to the proposed Village One.

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

(f) 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 advisory election hereby consolidated therewith.

(g) At the next regular meeting of the Council occurring after the returns of said special advisory 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 advisory 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 advisory 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.
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 3rd day of July, 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
CLERK'S CERTIFICATE

I, NORMINE 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 called and legally held at the regular meeting place thereof on the 3rd 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 Lang, seconded by Councilmember Patterson, and adopted by the following vote:

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

NOES: Councilmembers: None

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 3rd day of July, 1990.

NORMINE COYLE
City Clerk of the City of Modesto, California

062990

10102CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 90-633

A RESOLUTION CALLING A SPECIAL ADVISORY ELECTION BY THE
VOTERS OF THE CITY OF MODESTO RELATING TO SEWER SERVICE TO
VILLAGE ONE.

WHEREAS, an initiative ordinance entitled "Modesto Citizens Advisory
Growth Management Act" was adopted by the voters of the City of Modesto at the
general Municipal Election held on March 6, 1979, and

WHEREAS, said "Modesto Citizens Advisory Growth Management Act"
requires that an advisory election by the voters of the City of Modesto, as
provided by Section 5353 of the Elections Code of the State of California, be
called before the City Council of the City of Modesto approves, authorizes or
appropriates funds for the extension of any sewer trunk, and

WHEREAS, the City Council has determined that it is desirous of
considering the extension of sewer service to Village One.

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 Advisory Election in the City of Modesto on
November 6, 1990, said Special Election to be known as "Special Sewer Service
Extension Advisory 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, will be printed an advisory measure relating to the extension of
sanitary sewer service to the proposed Village One, the proposed wording to be
furnished to the Board of Supervisors of Stanislaus County prior to August 7,
1990.
SECTION 3. CONDUCT OF ELECTION. Said special advisory 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 advisory 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 advisory election herein provided for shall be qualified to vote upon said advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special advisory election.

(b) The polls at the polling places hereinafter referred to for said special advisory 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 advisory 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 advisory 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 advisory election hereby called. Only qualified voters of said City shall be permitted to vote at said special advisory election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of said special advisory election with respect to the votes cast in said City and to certify the results to the Council.

(d) On the ballots to be used at said general election and said special advisory election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear an advisory measure with respect to the proposed Village One.

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

(f) 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 advisory election hereby consolidated therewith.
(g) At the next regular meeting of the Council occurring after the returns of said special advisory 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 advisory 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 advisory 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 3rd day of July 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: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

062990 -4- 10102CA2
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 diligently and regularly and legally held at the regular meeting place thereof on the 3rd 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 ____ Lang ___, seconded by Councilmember Patterson ___, and adopted by the following vote:

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

NOES: Councilmembers: None

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 3rd day of July 1990.

NORRINE COYLE
City Clerk of the City of Modesto, California

062990

10102CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 90-634

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING
THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR
THE CONSOLIDATION OF A SPECIAL ADVISORY ELECTION WITH THE
GENERAL ELECTION TO BE HELD NOVEMBER 6, 1990.

WHEREAS, the Council of the City of Modesto, in Stanislaus County,
State of California, has adopted Resolution No. 90-633 calling a special
advisory election in said City to be held on Tuesday, November 6, 1990, at
which will be submitted to the qualified electors of said City a sanitary
sewer service extension advisory measure relating to Village One, and

WHEREAS, a general election will be held on Tuesday, November 6,
1990, and it is the desire of said Council that said special advisory election
be consolidated with said general election,

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

SECTION 1. Said special advisory election shall be consolidated
with the general election to be held on Tuesday, November 6, 1990, at which
election shall be submitted to the qualified electors of said City an advisory
measure relating to the extension of sanitary sewer service to the proposed
Village One, to wit:
CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY

| MEASURE F | Shall the City Council extend new sewer service to the Village One planned City of Modesto community, which is bordered by the Santa Fe railroad line on the east, Sylvan Avenue on the north, Roselle Avenue and Oakdale Extension Road on the west, and Floyd Avenue, Parker Advisory 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? | YES | NO |

SECTION 2. The Board of Supervisors of Stanislaus County is hereby requested to order the consolidation of said special advisory election with the general election to be held on Tuesday, November 6, 1990, insofar as the City of Modesto is concerned, and to further provide that within the territory affected by said order of consolidation, to wit, the City of Modesto, 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. Said advisory measure shall be set forth on all ballots to be used at said general election insofar as the same is held within said City of Modesto. Said Board of Supervisors of Stanislaus County is further requested to order the County Clerk of Stanislaus County (i) to set forth on all sample ballots relating to said consolidated elections, to be mailed to the qualified electors of said City, said advisory measure hereinabove set forth, and to mail with said sample ballots to said electors printed copies of the proposed advisory measure in pamphlet form and printed copies of arguments (if any) for and against said advisory measure, including rebuttals (if any), and (ii) to
provide absent voter ballots for said general election and said special advisory election consolidated therewith for use by qualified electors of said City who are entitled thereto, in the manner provided by law.

SECTION 3. Said Board of Supervisors of Stanislaus County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of said special advisory election with respect to the votes cast on said advisory measure and to certify such canvass of the votes cast for and against said advisory measure to this Council.

SECTION 4. The City Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a copy hereof so certified to the Board of Supervisors of Stanislaus County and to file a copy hereof so certified with the County Clerk of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

062990 -3- 10103CA2
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 3rd 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 introduced by Councilmember ______ Lang, seconded by Councilmember ______ Patterson, and adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
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 3rd day of July, 1990.

[Signature]
NORRINE COYLE, City Clerk of the City of Modesto, California
MODESTO CITY COUNCIL
RESOLUTION NO. 90-634


WHEREAS, the Council of the City of Modesto, in Stanislaus County, State of California, has adopted Resolution No. 90-634 calling a special advisory election in said City to be held on Tuesday, November 6, 1990, at which will be submitted to the qualified electors of said City a sanitary sewer service extension advisory measure relating to Village One, and

WHEREAS, a general election will be held on Tuesday, November 6, 1990, and it is the desire of said Council that said special advisory election be consolidated with said general election,

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

SECTION 1. Said special advisory election shall be consolidated with the general election to be held on Tuesday, November 6, 1990, at which election shall be submitted to the qualified electors of said City an advisory measure relating to the extension of sanitary sewer service to the proposed Village One, the proposed wording to be furnished to the Board of Supervisors of Stanislaus County prior to August 7, 1990.

SECTION 2. The Board of Supervisors of Stanislaus County is hereby requested to order the consolidation of said special advisory election with the general election to be held on Tuesday, November 6, 1990, insofar as the City of Modesto is concerned, and to further provide that within the territory...
affected by said order of consolidation, to wit, the City of Modesto, 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. Said advisory measure shall be set forth on all ballots to be used at said general election insofar as the same is held within said City of Modesto. Said Board of Supervisors of Stanislaus County is further requested to order the County Clerk of Stanislaus County (i) to set forth on all sample ballots relating to said consolidated elections, to be mailed to the qualified electors of said City, said advisory measure hereinabove set forth, and to mail with said sample ballots to said electors printed copies of the proposed advisory measure in pamphlet form and printed copies of arguments (if any) for and against said advisory measure, including rebuttals (if any), and (ii) to provide absent voter ballots for said general election and said special advisory election consolidated therewith for use by qualified electors of said City who are entitled thereto, in the manner provided by law.

SECTION 3. Said Board of Supervisors of Stanislaus County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of said special advisory election with respect to the votes cast on said advisory measure and to certify such canvass of the votes cast for and against said advisory measure to this Council.

SECTION 4. The City Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a copy hereof so certified to the Board of Supervisors of Stanislaus County and to file a copy hereof so certified with the County Clerk of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 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: NОРRINE 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 3rd 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 introduced by Councilmember Lang, seconded by Councilmember Patterson, and adopted by the following vote:

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

NOES: Councilmembers: None

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 3rd day of July, 1990.

NORRINE COYLE, City Clerk of the City of Modesto, California

062990 -4- 10103CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 90-635

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE EMPIRE UNION SCHOOL DISTRICT TO PROVIDE MODESTO POLICE DEPARTMENT SERVICES IN CONNECTION WITH THE COMPREHENSIVE ALCOHOL DRUG PREVENTION EDUCATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Empire Union School District to provide Modesto Police Department services in connection with the Comprehensive Alcohol Drug Prevention Education Program 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 3rd day of July, 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 AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT C. ARTHUR FOR DRAFTING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert C. Arthur for drafting services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-637


ASSESSMENT DISTRICT NO. 1
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the Public Works and Transportation Director, Engineer of Work for Assessment District No. 1, to prepare and file an annual report for fiscal year 1990 - 1991.

2. The Engineer of Work filed his annual report on June 5, 1990, and the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 1990 - 1991 and set a public hearing to be held on July 10, 1990, in the meeting place of the City Council, City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law.

3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

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: [Signature]

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-638


ASSESSMENT DISTRICT NO. 2
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the Public Works and Transportation Director, Engineer of Work for Assessment District No. 2, to prepare and file an annual report for fiscal year 1990 - 1991.

2. The Engineer of Work filed his annual report on June 5, 1990, and the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 1990 - 1991 and set a public hearing to be held on July 10, 1990, in the meeting place of the City Council, City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law.

3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

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 Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-639

A RESOLUTION ORDERING THE CHICAGO-BRIGGS REORGANIZATION TO
THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by
Resolution No. 90-31 dated May 30, 1990, approved the proposed Chicago-Briggs
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 Chicago-Briggs
Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by
said resolution found that the territory included in the proposed
Chicago-Briggs 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 Burbank-Paradise Fire Protection District; (c) the reorganization
boundaries modified to include the right-of-way of Chicago Avenue adjacent to
the "Chicago Avenue Annexation"; and (d) the annexation of said territory to
the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on
May 30, 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 a proposed new residential development on a portion of the annexation, and

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

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 10th day of July, 1990, at the hour of 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and

WHEREAS, said public hearing was held on said date and at said time and place, and this Council finds and determines that no written protests were filed prior to the hearing by either registered voters residing within the territory proposed to be annexed or owners of land owning property within the affected territory, and the Council of the City of Modesto did hear and pass the proposed reorganization,

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 Chicago-Briggs Reorganization is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto.

4. Said territory is hereby detached from the Burbank-Paradise Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the negative declaration 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 10th day of July, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department, Engineering
ALL THAT CERTAIN REAL PROPERTY SITUATED IN SECTION 31, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN IN THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHEASTERLY CORNER OF LOT 21 OF RESURVEY OF BRICKMANS ADDITION TO THE CITY OF MODESTO, AS PER MAP FILED OCTOBER 15, 1904 IN VOLUME 2 OF MAPS, PAGE 1, STANISLAUS COUNTY RECORDS; THENCE NORTH ½° WEST ALONG AN EXTENSION OF SAID WEST LINE OF LOT 21 A DISTANCE OF 60 FEET TO THE NORTH SIDE OF BRIGGS AVENUE; THENCE NORTH 89° 35' EAST PARALLEL TO THE QUARTER SECTION LINE AND THE NORTH LINE OF SAID LOT 21 A DISTANCE OF 361.62 FEET; THENCE SOUTH ½° EAST ALONG THE EAST LINE OF SAID LOT 21 A DISTANCE OF 526.68 FEET TO THE CORNER OF LOTS 21, 16, 20, AND 17 OF RESURVEY OF BRICKMANS ADDITIONS TO THE CITY OF MODESTO, AS PER MAP FILED OCTOBER 15, 1904 IN VOLUME 2 OF MAPS, PAGE 1, STANISLAUS COUNTY RECORDS; THENCE NORTH 89° 35' EAST ALONG THE NORTH LINE THE NORTH LINE OF LOT 17 A DISTANCE OF 118 FEET; THENCE SOUTH ½° EAST PARALLEL TO THE WEST LINE OF SAID LOT 17 A DISTANCE OF 496.68 FEET TO THE CENTERLINE OF CHICAGO AVENUE; THENCE NORTH 89° 49' EAST ALONG THE CENTER LINE OF CHICAGO AVENUE AND PARALLEL TO THE SOUTH BOUNDARY OF THE "CHICAGO AVENUE ANNEXATION" A DISTANCE OF 815.36 FEET; THENCE SOUTH 31° 31' EAST ALONG AN EXTENSION OF THE EAST BOUNDARY LINE OF THE "CHICAGO AVENUE ANNEXATION" AND THE EAST LINE OF LOT 10 A DISTANCE OF 30 FEET TO THE SOUTH SIDE OF CHICAGO AVENUE; THENCE SOUTH 89° 49' WEST ALONG THE SOUTH SIDE OF CHICAGO AVENUE PARALLEL TO THE SOUTH LINE OF LOTS 10 AND 17 A DISTANCE OF 815.36 FEET; THENCE SOUTH 89° 44' WEST PARALLEL TO THE SOUTH LINE OF LOTS 20 AND 27 OF RESURVEY OF BRICKMANS ADDITIONS TO THE CITY OF MODESTO, AS PER MAP FILED OCTOBER 15, 1904 IN VOLUME 2 OF MAPS, PAGE 1 STANISLAUS COUNTY RECORDS A DISTANCE OF 877.78 FEET; THENCE NORTH ½° WEST PARALLEL TO THE WEST LINE OF LOT 27 A DISTANCE OF 526.68 FEET; THENCE NORTH 89° 44' EAST ALONG THE NORTH LINE OF LOT 27 A DISTANCE OF 398.16 FEET; THENCE NORTH ½° WEST ALONG THE WEST LINE OF LOT 21 A DISTANCE OF 466.68 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 90-640

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING BARE ROOT TREES

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

SECTION 1. The plans and specifications for furnishing bare root trees
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on July 30, 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 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. 90-641

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO REBUILT DIESEL BUS ENGINES, WITH AN OPTION TO PURCHASE UP TO THREE ADDITIONAL ENGINES UP TO DECEMBER 31, 1990, IF NECESSARY

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

SECTION 1. The plans and specifications for the purchase of two rebuilt diesel bus engines, with an option to purchase up to three additional engines up to December 31, 1990, if necessary, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 30, 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 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 ACCEPTING THE BID OF W.M. LYLES COMPANY FOR INSTALLATION OF AN 18" WATERLINE IN CROWS LANDING ROAD, ZEFF ROAD, TUOLUMNE BOULEVARD AND 10TH STREET

WHEREAS, Resolution No. 90-557, adopted by the Council of the City of Modesto on June 5, 1990, approved the plans and specifications for the installation of an 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard and 10th Street

and authorized the calling for bids; and

WHEREAS, the bids received for the installation of an 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard and 10th Street were opened at 11:00 a.m. on June 28, 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 W.M. Lyles Company in the amount of $703,866.24 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of W.M. Lyles Company in the amount of $703,866.24 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 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: NORMA COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF GILLIG CORPORATION FOR FURNISHING NINE TRANSIT BUSES

WHEREAS, Resolution No. 90-42, adopted by the Council of the City of Modesto on January 23, 1990, approved the plans and specifications for the purchase of nine transit buses with wheelchair capability and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of nine transit buses were opened at 11:00 a.m. on March 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 Gillig Corporation in the amount of $1,728,827.94 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Gillig Corporation in the amount of $1,728,827.94 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 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. 90-644

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF A PRINTING PRESS SYSTEM FROM A.B. DICK CORPORATION

WHEREAS, the Purchasing Section of the Finance Department has requested this purchase to replace an old system that has reached beyond its normal serviceable life; and

WHEREAS, informal bids were sought to expedite the evaluation and replacement of this press system, with A.B. Dick being the only one to respond.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bids for the purchase of a printing press system are hereby waived.

BE IT FURTHER RESOLVED that purchase of a printing press system from A.B. Dick Corporation for the total price of $39,985 is hereby approved.

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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-645

A RESOLUTION FINDING THAT SATISFACTORY PROGRESS IS BEING MADE IN THE CONSTRUCTION OF THE ROSELLE AVENUE CANAL CROSSING AT MID LATERAL NO. 3 AND GRANTING A REDUCTION IN RETENTION.

WHEREAS, the City has received a request from D. B. Construction for a reduction in retention on the Roselle Avenue Canal Crossing at MID Lateral #3 Project, and

WHEREAS, the work has been satisfactorily completed, no liens have been filed, and the Council accepted the project on June 26, 1990, and

WHEREAS, Section 53067 of the Government Code permits a government body to reduce retention to 5% when the project is more than 50% complete and progress has been satisfactory, and

WHEREAS, City staff has reported that a reduction in retention on the project from 10% to 5% is an appropriate request.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby find that satisfactory progress has been made on the Roselle Avenue Canal Crossing at MID Lateral #3 Project, and authorizes a reduction in retention of amounts withheld from progress billings on the project from $20,710.74, which represents a ten percent (10%) retention, to $10,355.37, which represents a five percent (5%) reduction in retention.
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

(SEAL)

APPROVED AS TO FORM:

By __________

STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING A PROCUREMENT POLICY ON PURCHASING RECYCLED PRODUCTS

WHEREAS, in order to strengthen the City's position regarding the recycling of waste, supporting the creation of markets for recycled products, and complying with Public Contract Code Section 12210, staff has proposed a City policy to purchase recycled products.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "Policy for the Purchasing of Recycled Products", as follows:

1. It shall be the policy of the City of Modesto to purchase products that contain recycled material or have the potential of being recycled if fitness, quality, purpose, and price are equal.

2. The City may grant up to a 5% price variance for recycled products which have the potential of being recycled.

3. The City will continually search the market and identify vendors of recycled products and insure that those vendors are asked to submit competitive bids for products which are equal in quality, fitness, and purpose.

4. All recycled paper products used by the City shall be identified with the statement "Printed on Recycled Paper" or bear the international recycling logo.

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 Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A REBATE OF CAPITAL FACILITIES FEES TO P & R ENTERPRISES RELATING TO A RECREATION BUILDING IN A SENIOR CITIZEN APARTMENT COMPLEX, HOUSER GLEN SENIOR APARTMENTS COMPLEX.

WHEREAS, the Council of the City of Modesto adopted Ordinance No. 2521-C.S., effective August 6, 1987, which enacted on a permanent basis Sections 8-1.904 et seq. of the Modesto Municipal Code relating to creating and establishing the authority for imposing and charging Capital Facilities Fees, and

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the Council by resolution to establish the amount of Capital Facilities Fees to be charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development, and

WHEREAS, on October 4, 1988, by Ordinance No. 2614-C.S., the City Council approved Planned Development Zone, P-D (453), for Phase I of an elderly housing apartment complex on the north side of Houser Lane and east of Wilma Drive, and adopted Resolution No. 88-746 approving a development plan for Planned Development Zone, P-D(453), and

WHEREAS, on June 20, 1989, by Ordinance No. 2674-C.S., the City Council approved an addition to Planned Development Zone, P-D (453), for Phase II of said elderly housing apartment complex, and adopted Resolution No. 89-682 approving a development plan for Planned Development Zone, P-D(453), and

WHEREAS, a recreation building being constructed as part of the Phase II project was subject to Capital Facilities Fees pursuant to Council Resolution No. 89-373, and
WHEREAS, on January 16, 1990, the City Council, by Resolution No. 90-37, approved a 90-day time extension for payment of Capital Facilities Fees relating to the Houser Glen Senior Citizen Apartments complex, Phase II project, and

WHEREAS, on July 3, 1990, the City Council approved a motion concurring with a staff recommendation that recreation buildings primarily to serve residential projects be deemed ancillary uses and that Capital Facilities Fees charged on a dwelling unit or room basis be deemed sufficient, and

WHEREAS, on July 3, 1990, the City Council also approved a motion concurring with a staff recommendation that a rebate of $2,323 to a developer of a senior citizen apartment complex with a recreation building to be considered on a future agenda should be supported, and

WHEREAS, the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street Modesto, California, at 4:00 p.m. on July 10, 1990, considered the granting of a rebate of Capital Facilities Fees in the amount of $2,323 to P & R Enterprises relating to the recreation building in the senior citizen apartment complex, Houser Glen Senior Apartments complex,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby grant a rebate of Capital Facilities Fees in the amount of $2,323 to P & R Enterprises relating to the recreation building in the senior citizen apartment complex, Houser Glen Senior Apartments complex.
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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-648

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LOLITA B. SANTIAGO FOR THE ACQUISITION OF .07+ ACRES OF RIGHT OF WAY FROM HER 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 Lolita B. Santiago for the acquisition of .07+ acres of right of way from her 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 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 DECLARING INTENTION TO ISSUE BONDS FOR THE PURPOSE OF PROVIDING FINANCING FOR CERTAIN PUBLIC FACILITIES.

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

WHEREAS, the City intends to issue bonds under the Acts (the "Bonds") for the purpose of providing financing for the acquisition within the area of Improvement District No. 26 of the City of all rights-of-way, easements, and other interests in land which may be necessary or desirable in connection with future assessment districts of the City (the "Project") and wishes to assure that amounts expended for the Project may be reimbursed from the proceeds of the Bonds, and

WHEREAS, it is in the public interest, for public benefit and in furtherance of the public purposes of the City that the City Council provide preliminary approval of the issuance of the Bonds for the aforesaid purposes,

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

Section 1. The City hereby declares its intent to issue and sell the Bonds in such principal amount or amounts, from time to time, all as may be necessary to provide financing for the Project.
Section 2. The City hereby declares its intent to use proceeds of the Bonds to pay for all costs of the Project which are incurred after the date of issuance of the Bonds as well as to reimburse the City or others for all amounts paid or incurred in connection with the Project or the Bonds prior to bond issuance, including, but not limited to, the following: i) direct acquisition costs; ii) all compensation for work done by the engineers, attorneys, appraisers, and other consultants; iii) the cost of filing and recording documents, of title searching, description writing, and of preparing all documents and reports in connection with the Project; iv) all costs related to the issuance of the Bonds, including, but not limited to, printing and advertising, costs of obtaining credit ratings, bond insurance premiums, fees for letters of credit and other credit enhancement costs, initial fees for registration of the Bonds; and v) all administrative costs of the City in connection with the Project or the Bonds.

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

Section 4. The Bonds shall be special obligations of the City payable solely from the sources described in the authorization of the Bonds and shall not constitute an indebtedness of the City or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

Section 5. The issuance and sale of the Bonds shall be upon such terms and conditions as may be subsequently determined by the City and shall be subject to completion of proceedings for issuance, sale and delivery of the Bonds by the City.
Section 6. The proceeds of the Bonds shall include such related and necessary issuance costs, administrative expenses, debt service reserves and interest payments as may be required to accomplish the financing successfully.

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

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

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-650

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JERRY E. AND ANDREA POWELL REGARDING THE MANCINI HOUSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jerry E. and Andrea Powell for lease of the Mancini house in Mancini Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 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: NORMINE COYLE
NORMINE COYLE City Clerk