MODESTO CITY COUNCIL
RESOLUTION NO. 90-401

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CLUBHOUSE AT MODESTO MUNICIPAL GOLF COURSE

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

SECTION 1. The plans and specifications for the clubhouse at Modesto Municipal Golf Course copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 3, 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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-402

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THREE TRAFFIC SIGNAL CONTROLLERS

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

SECTION 1. The plans and specifications for the purchase of three traffic signal controllers, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 23, 1990, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-403

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SALE OF A 1456+ SQUARE FOOT METAL SERVICE STATION BUILDING LOCATED AT 901 NINTH STREET

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

SECTION 1. The plans and specifications for the sale of a 1456+ square foot metal service station building located at 901 Ninth 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 May 15, 1990, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE CONSTRUCTION OF PUMP STATION NO. 51

WHEREAS, Resolution No. 90-143, adopted by the Council of the City of Modesto on February 27, 1990, approved the plans and specifications for the construction of Pump Station No. 51 and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Pump Station No. 51 were opened at 11:05 a.m. on March 22, 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 Conco-West, Inc. in the amount of $121,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, Inc. in the amount of $121,000 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 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION COMPANY FOR THE 12th STREET SUBTRUNK SEWER BETWEEN B STREET AND MORTON BOULEVARD

WHEREAS, Resolution No. 90-144, adopted by the Council of the City of Modesto on February 27, 1990, approved the plans and specifications for the 12th Street subtrunk sewer between B Street and Morton Boulevard, and authorized the calling for bids; and

WHEREAS, the bids received for the 12th Street subtrunk sewer between B Street and Morton Boulevard were opened at 11:00 a.m. on March 22, 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 Rolfe Construction Company in the amount of $91,358 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction Company in the amount of $91,358 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 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-406

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,400 FROM SEWER FUND RESERVES TO PROVIDE ADDITIONAL FUNDS FOR THE 12 STREET SUBTRUNK SEWER PROJECT

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) $9,400
TO: 12th Street Sewerline Project (621 480 P905 6000) $9,400

Additional funds are needed for the 12th Street subtrunk sewer project between B Street and Morton Boulevard because the original Engineer’s estimate did not allow enough cost for the depth of the new line.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF WEST COAST SOUND AND LIGHT FOR FURNISHING LIGHTING AND SOUND SERVICES FOR THE MODESTO CENTRE PLAZA

WHEREAS, Resolution No. 90-142, adopted by the Council of the City of Modesto on February 27, 1990, approved the plans and specifications for the purchase of lighting and sound services at the Centre Plaza and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of lighting and sound services for the Centre Plaza were opened at 11:05 a.m. on March 26, 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 West Coast Sound and Light in the amount of $28,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Coast Sound and Light in the amount of $28,000 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 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-408

A RESOLUTION ACCEPTING THE SISK AND PELANDALE WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Sisk and Pelandale waterline extension has been completed by Joe Martin Pipeline, Inc., in accordance with the contract agreement dated October 24, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Sisk and Pelandale waterline extension be accepted from said contractor, Joe Martin Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $56,766.16 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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-409

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BANNERS FROM KELLEY DISPLAY, INC.

WHEREAS, the Downtown Improvement District has requested the purchase of "Welcome to Downtown Modesto" banners; and

WHEREAS, because of the specialty nature of the banners and their compatibility with existing mounting hardware, it is the recommendation of staff that formal bid procedures be waived and the banners purchased from Kelly Display, Inc.

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

BE IT FURTHER RESOLVED that purchase of banners from Kelley Display, Inc., for the total cost of $5,388 to be paid by the Downtown Improvement District and the Downtown Modesto Association, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 90-410

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TRAFFIC SIGNAL CONTROLERS FROM SIGNAL CONTROL COMPANY

WHEREAS, the Parking and Traffic Division of Public Works has requested the purchase of traffic signal controllers to replace units at intersections that require a six-phase or less capacity cabinet and are used for controlling traffic signals at these locations; and

WHEREAS, Signal Control Company is the sole source manufacturer of these units.

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

BE IT FURTHER RESOLVED that purchase of traffic signal controllers from Signal Control Company for the total cost of $18,998, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORME CROYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 27 TRUCKS THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested the purchase of 27 trucks to replace trucks currently in operation that have high mileage and unacceptable downtime for repairs which may impact the City's ability to serve the community; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of 27 trucks is hereby waived.

BE IT FURTHER RESOLVED that purchase of 27 trucks through the State of California cooperative purchasing contract for a total price of $335,199.21 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEWERLINE CLEANING SERVICES FROM SIMON SEWER MAINTENANCE

WHEREAS, the Wastewater Collection Division of Public Works has requested sewerline cleaning services for the Jefferson Street sewerline; and

WHEREAS, informal bids were sought from companies that can provide this service with Simon Sewer Maintenance Company submitting the low bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of sewerline cleaning services is hereby waived.

BE IT FURTHER RESOLVED that purchase of sewerline cleaning services from Simon Sewer Maintenance for the total cost of $6,563 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A TRAINING PROGRAM ENTITLED "CHARTING YOUR COURSE", FROM PACIFIC LEARNING INSTITUTE INC.

WHEREAS, the Training Committee has reviewed a presentation by Pacific Learning Institute, Inc. for the training program "Charting Your Course" which is compatible with other training programs utilized by the City; and

WHEREAS, this specific training program is not available from other vendors, making it necessary to request waiving of formal bid procedures.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of training program "Charting Your Course" is hereby waived.

BE IT FURTHER RESOLVED that purchase of a training program entitled "Charting Your Course", from Pacific Learning Institute, Inc. for an estimated cost of $9,160, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-414

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING THE CONFLICT OF INTEREST CODE FOR THE OFFICERS AND EMPLOYEES OF THE MODESTO PUBLIC FINANCING AUTHORITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 17, 1990, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the Conflict of Interest Code for the officers and employees of the Modesto Public Financing Authority.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Irizarry

ATTEST:  NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-415

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON PROPOSED AMENDMENT TO THE GENERAL PLAN TO DELETE A COMMUNITY PARK FROM THE YOSEMITE NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 24, 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 a proposed amendment to the General Plan to delete a community park from the Yosemite Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 90-416

RESOLUTION APPROVING AGREEMENT RESPECTING REDUCTION OF ASSESSMENT

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

As a part of the proceedings for improvements in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California, this Council approves that certain agreement between the City of Modesto and Prescott Evangelical Free Church dated April 3, 1990, and attached to this resolution.

The City Manager is authorized to sign the agreement and the City Clerk is authorized to attest its execution.

* * *

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lana, 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, Lana, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: City Clerk

(SEAL)

APPROVED AS TO FORM:

By City Attorney
AGREEMENT RESPECTING REDUCTION OF ASSESSMENT

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

RECITALS

A. The parties to this Agreement are the City of Modesto, a California charter city (hereafter referred to as the "City") and Prescott Evangelical Free Church, a California non-profit corporation (hereafter referred to as the "Church").

B. In connection with its special assessment proceedings known as "Public Facilities District No. 6", the City intends to impose a benefit assessment upon certain property of the Church, which property is situated within this proposed assessment district, and is identified as Tax Parcel No. 54-44-01 and is identified in the assessment proceedings as Assessment No. 19.

C. But for the commitment of the Church embodied in this Agreement, the approximate amount of the assessment which the City would impose in these proceedings is $77,953.67 in accordance with a preliminary revision of the proposed assessment roll for these proceedings attached hereto as Exhibit A. However, in consideration for the commitment of the Church embodied in this Agreement and the present expectation, supported by said commitment, that the subject property will remain in use for the indefinite future solely for church purposes, the City believes that it is fair and equitable based upon proportionality of benefit among all of the nineteen (19) parcels in this proposed assessment district to reduce the assessment against Assessment No. 19 to $23,679.15.

D. In consideration of the mutual commitments and obligations stated below, the parties hereto agree as follows:

AGREEMENT

1. The foregoing recitals are true and correct and the parties so acknowledge.

2. In consideration of the commitment of the Church, for itself and any successor in interest in any portion of the property described as Assessment No. 19, set forth in Section 3 below in this Agreement, the City agrees to reduce the assessment against Assessment No. 19 from the proposed amount of $77,953.67 to the reduced amount of $23,679.15. In connection with said reduction, the City hereby finds and determines that said reduction is appropriate and conforms to proportionality of benefit among the nineteen (19) parcels in said assessment district so long as Assessment No. 19 continues to be used solely and exclusively for church purposes.
3. The Church hereby agrees, for itself and any successor in interest in any portion of Assessment No. 19 that, in the event that there is any change in use of any portion of the subject property from its present sole and exclusive use for church purposes, then the Church or its successor in interest shall be obligated to pay to the City the amount of $46,338.00. Without limiting the generality of the foregoing, said obligation to pay said amount shall be imposed as a condition of approval by the City of any map to divide Assessment No. 19 into more than one parcel and shall be imposed as a condition to granting of any other discretionary approval granted by the City upon application of the Church or any successor in interest which represents any form of improvement to any portion of the property represented by Assessment No. 19, provided that such discretionary approval and the related improvements are for uses other than church purposes. Payment of said amount shall be a condition precedent to recording of any final map or to issuance of such discretionary permit. Again, without limiting the generality of the foregoing, construction on any portion of Assessment No. 19 of housing units shall constitute a change of use which obligates the Church or any successor in interest to pay said amount, irrespective of whether said housing is intended to be occupied by senior citizens or any other targeted tenant group.

4. The parties expressly acknowledge that the City will be entitled to retain the proceeds of the cash payment obligation represented in Section 3 above, since the City is paying the difference between what the assessment would be and what is levied on Assessment No. 19 as a result of this Agreement.

5. The obligation of the Church or any successor in interest to pay money to the City of Modesto in the amount of $46,338.00 shall terminate as of the date upon which the last of the improvement bonds to be issued by the City in these legal proceedings has matured and been paid (including any refunding bonds issued to refund improvement bonds originally issued), provided that in any event the obligation of the Church or its successor or successors in interest to pay money under this Agreement shall terminate fifteen (15) years from the date of issuance of the original issue of improvement bonds.

6. This Agreement shall be binding upon the parties to this Agreement and upon the heirs, successors and assigns of both parties, and the obligation of the Church or its successors in interest for payment of money shall be the obligation which
shall run with the lien until expiration of such obligation pursuant to Paragraph 5 of this Agreement.

DATED: April 3, 1990

CITY OF MODESTO, a municipal corporation of the State of California

By

Earl Lipsky, City Manager

ATTEST:

By

Norrine Coyle, City Clerk

APPROVED AS TO FORM:

By

Stan T. Yamamoto, City Attorney

PRESCOTT EVANGELICAL FREE CHURCH, a California non-profit corporation

By

President

ATTEST:

By

Secretary
STATE OF CALIFORNIA  
County of Stanislaus  

On this 6th day of April, in the year 1990, before me the undersigned, a Notary Public in and for said County and State, personally appeared GARY A. LUNSFORD, known to me to be the Secretary of the PRESCOTT EVANGELICAL FREE CHURCH, a California non-profit corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.

Vicki L. French
Notary Public in and for said County and State

STATE OF CALIFORNIA  
County of Stanislaus  

On this 5th day of April, in the year 1990, before me the undersigned, a Notary Public in and for said County and State, personally appeared DAVID D. ROBERTSON, known to me to be the President of the PRESCOTT EVANGELICAL FREE CHURCH, a California non-profit corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.

Vicki L. French
Notary Public in and for said County and State
RESOLUTION AMENDING ASSESSMENT FOR PARCEL 13-68-39

WHEREAS, on Tuesday, February 27, 1990, the Council of the City of Modesto, by Resolution 90-139 confirmed and levied an individual assessment on assessor’s parcel 13-68-39, identified in these assessment proceedings as Assessment Number 3, as stated in the Amended Engineer’s Report for Public Facilities District No. 6, and

WHEREAS, on July 18, 1989, James C. Byles, the property owner of parcel 13-68-39 requested the City of Modesto, Department of Public Works and Transportation extend water service to his parcel, and on July 27, 1989, water service was extended to parcel 13-68-39, and

WHEREAS, the Amended Engineer’s Report for Public Facilities District No. 6 assessed the cost to furnish and install a two inch water service to parcel 13-68-39, owned by Mr. Byles,

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

1. Assessor’s parcel 13-68-39, owned by James C. Byles, not have water service extended to the property and not be assessed the cost to furnish and install a two inch water service.

2. The individual assessment, confirmed and levied on
Tuesday, February 27, 1990, by the Council of the City of Modesto, by Resolution 90-139, on parcel 13-68-39 as stated in the Amended Engineer's Report for Public Facilities District No. 6, is amended as follows:

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Assessment Levied on 27-Feb-90</th>
<th>Amended Assessment Levied on 3-Apr-90</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-68-39</td>
<td>$ 8,412.07</td>
<td>$ 7,661.55</td>
</tr>
</tbody>
</table>

(Assessment No. 3)

This Council action will result in a corresponding construction cost reduction of $1320.00 (furnish and install two inch water tap - $1200.00 and 10% contingency - $120.00).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember _______ Lang__________, who moved its adoption, which motion being duly seconded by Councilmember _______ Muratore__________, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ____________________________  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________  
City Attorney
RESOLUTION AMENDING ASSESSMENT FOR PARCEL 13-82-64

WHEREAS, on Tuesday, February 27, 1990, the Council of the City of Modesto, by Resolution 90-139 confirmed and levied an individual assessment on assessor’s parcel 13-82-64, identified in these assessment proceedings as Assessment Number 10, as stated in the Amended Engineer’s Report for Public Facilities District No. 6, and

WHEREAS, LTL Investors, the property owners of parcel 13-82-64, on which Merryhill Country School is located, wanted to have the Coffee Road street improvements installed prior to the opening of school in August 1989, the owner’s contractor installed all of the required off-site improvements with the exception of a two inch asphalt overlay which the City’s contractor would install as part of Public Facilities District No. 6, and,

WHEREAS, the final two inch lift of asphalt concrete was not installed to enable matching of future grades and provide for a smoother driving surface, and the improvements which were installed also included a portion of asphalt concrete and aggregate base which the City would normally install, and,

WHEREAS, A cash payment of $1000.00 was negotiated by the Department of Public Works and Transportation to pay for
the two inch asphalt overlay, which included a credit to the property owners for construction of additional street section normally installed by the City, and,

WHEREAS, the Developer of the Merryhill Country School deposited $1,000.00 with the City of Modesto on August 16, 1989, and,

WHEREAS, the Amended Engineer’s Report for Public Facilities District No. 6 assessed the cost to furnish a two inch asphalt overlay to parcel 13-82-64, owned by LTL Investors,

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

1. Assessor’s parcel 13-82-64, owned by LTL Investors, not be assessed the cost to furnish a two inch asphalt overlay.

2. The individual assessment, confirmed and levied on Tuesday, February 27, 1990, by the Council of the City of Modesto, by Resolution 90-139, on parcel 13-82-64 as stated in the Amended Engineer’s Report for Public Facilities District No. 6, is amended as follows:

<table>
<thead>
<tr>
<th>Parcel No. (Assessment No. 10)</th>
<th>Assessment Levied on 27-Feb-90</th>
<th>Amended Assessment Levied on 3-Apr-90</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-82-64</td>
<td>$2,389.67</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

This Council action will result in a corresponding increase in the City construction contribution of $1,040.21;
however, the quantity of asphalt required to complete the two inch overlay in front of parcel 13-82-64 was overestimated by 35.2 tons or $950.40. The result is a net increase in the City construction contribution of $89.81.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 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, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

(Seal)

APPROVED AS TO FORM:

By ____________, ____________
City Attorney

(Seal)

ATTEST: ____________
City Clerk
MODOesto CitY CouncI1
resolution No. 90-419

A resolution Approving agreement between the City of Modesto and George A.
and imogene nufner for water service to property outside the City limits located
on the south side of Merle Avenue and the east side of Roselle for the proposed
16-acre shopping center between Merle Avenue and Briggsmore Avenue

be it hereby resolved by the council of the City of Modesto that the
agreement between the City of Modesto and George A. and Imogene Nufer
for water service to property outside the City limits, located on the south
side of Merle Avenue and the east side of Roselle for the proposed 16-acre
shopping center between Merle Avenue and Briggsmore 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 3rd day of April, 1990, by
Councilmember Lang, who moved its adoption, which motion being duly
seconded by Councilmember Muratore, was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

Attest: [Signature]
HorriIRE COyle, City Clerk
RESOLUTION NO. 90-420

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BISSELL & KARN, INC. FOR DESIGN ENGINEERING SERVICES FOR A PROJECT TO WIDEN THE CLAUS ROAD BRIDGE OVER DRY CREEK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Bissell & Karn, Inc. for design engineering services for a project to widen the Claus Road bridge over Dry Creek

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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ____________________

MIRRIHE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $240,000 FROM CONTINGENCY RESERVES FOR THE CLAUS ROAD BRIDGE WIDENING PROJECT

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

<table>
<thead>
<tr>
<th>From: Contingency Reserve - Expressway Loop (133 800 8000 8003)</th>
<th>$240,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>To: Claus Road Bridge widening (133 430 P090 6000)</td>
<td>$240,000</td>
</tr>
</tbody>
</table>

Funds are needed to hire a consultant for design engineering services for the project to widen the Claus Road bridge over Dry Creek.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-422

AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT AND DEL ESTE TO PROVIDE THE ADDITIONAL TIME REQUIRED FOR URS CONSULTANTS TO PREPARE ANSWERS TO COMMENTS TO THE DRAFT EIR AND SITE SPECIFIC BOTANICAL STUDIES FOR THE M.I.D. SURFACE WATER STUDY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and M.I.D. and Del Este to provide the additional time required for URS Consultants to prepare answers to comments to the draft EIR and site specific botanical studies for the M.I.D. Surface Water Study be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ____________________________
HERRINE COYLE, City Clerk
A RESOLUTION APPROVING THE REQUEST OF POZZO CONSTRUCTION FOR REFUND OF $1,343.75 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Pozzo Construction for refund of $1,343.75 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 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $12,713 FROM CONTINGENCY RESERVE TO PROVIDE FUNDING FOR TWO CODE ENFORCEMENT OFFICER I POSITIONS IN THE WATER FUND

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

From: Contingency Reserve $12,713
To: Code Enforcement Officer I
(Various accounts) $12,713

On March 20, 1990, the City Council approved the allocation, and immediate recruitment of two new Code Enforcement Officer I positions. This appropriation will fund these positions through June 30, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NURMINE COYLE, City Clerk

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective April 3, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Industrial Waste Inspector I at salary range 122 and designates the current classification of Industrial Waste Inspector as Industrial Waste Inspector II at no change in salary.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-491. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-491, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective April 3, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Industrial Waste Inspector I at salary range 122 and designates the current classification of Industrial Waste Inspector as Industrial Waste Inspector II at no change in salary.
on and after April 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember _Lang_____, who moved its adoption, which motion being duly seconded by Councilmember _Muratore_____, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

(SEAL)

ATTEST:__

NORRINE COYLE, City Clerk

032890 -2- 9810CA2
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 103   | Administrative Clerk I  
         Printing Services Operator I |
| 104   | |
| 105   | |
| 106   | |
| 107   | Printing Services Operator II  
         Administrative Clerk II  
         Animal Control Officer I  
         Custodian |
| 108   | |
| 109   | Police Clerk  
         Data Processing Technician |
| 110   | Maintenance Worker I  
         Equipment Service Worker I |
| 111   | Account Clerk  
         Sr. Printing Service Operator  
         Animal Control Officer II  
         Evidence & Property Specialist |
| 112   | Code Enforcement Officer I |
| 113   | Computer Operator  
         Administrative Technician  
         Drafting & Graphics Technician |
| 114   | Electrical Technician I  
         Storeskeeper  
         Maintenance Worker II  
         Fire Supply Specialist  
         Equipment Service Worker II |

Effective April 3, 1990
## CITY OF MODESTO
### CLASS RANGE TABLE
### GENERAL NON-SWORN CLASSES

**Effective April 3, 1990**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
            Planning Technician I  
            Police Administrative Technician  
            Wastewater Treatment Plant Attendant  
            Community Service Officer  
            Assistant to the Events Coordinator |
| 116   | Code Enforcement Officer II  
            Equipment Operator  
            Fire Prevention Technician I  
            Meter Reader/Repair Worker  
            Motor Sweeper Operator  
            Parking Meter Worker  
            Traffic Painter  
            Traffic Sign Worker  
            Water Line Worker |
| 117   | Electrical Technician II |
| 118   | Tree Trimmer  
            Senior Storeskeeper  
            Street Trees Crewleader  
            Parking Lot Maintenance Crewleader  
            Parks Crewleader |
| 119   | Maintenance Mechanic - Parks  
            Planning Technician II  
            Maintenance Mechanic - Pumps  
            Wastewater Treatment Plant Operator  
            Civil Engineering Technician I  
            Building Maintenance Mechanic |
| 120   | Welder/Fabricator  
            Senior Equipment Operator  
            Fire Prevention Technician II  
            Equipment Mechanic  
            Assistant Electrician  
            Traffic Painter Crewleader  
            Accountant I  
            Assistant Lab Technician |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>121</td>
<td></td>
</tr>
</tbody>
</table>
| 122   | Coach Mechanic  
      | Fire Equipment Mechanic  
      | Nursery Propagator  
      | Tree Trimmer Crewleader  
      | Housing Program Specialist  
      | Programmer Analyst I  
      | Industrial Waste Inspector I |
| 123   | Sr. Wastewater Treatment Plant Operator  
      | Maint. Mech. Crewleader - Pumps  
      | Civil Engineering Technician II  
      | Maint. Mech. Crewleader - Parks |
| 124   | Plant Mechanic  
      | Laboratory Technician  
      | Equipment Mechanic Crewleader  
      | Planning Assistant  
      | Equipment Crewleader |
| 125   | Crime Analyst |
| 126   | Coach Mechanic Crewleader  
      | Building Inspector I  
      | Electrician  
      | Housing Rehab. Specialist I  
      | Housing Financial Specialist  
      | Industrial Waste Inspector II  
      | Senior Fire Equipment Mechanic |
| 127   | Civil Engineering Assistant  
      | Landscape Technician |
| 128   | Instrument Repair Technician  
      | Programmer Analyst II |
| 129   |       |
| 130   | Building Inspector II  
      | Construction Inspector  
      | Housing Rehabilitation Spec. II  
<pre><code>  | Hazardous Materials Inspector |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>131</td>
<td>Sr. Civil Engineering Asst.</td>
</tr>
<tr>
<td>132</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td></td>
</tr>
</tbody>
</table>
| 134   | Senior Building Inspector  
       | Senior Construction Inspector 
       | Fire Plan Checker 
       | Plan Review Engineer |

Effective April 3, 1990
A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION "CITY ANNEXATION QUESTIONNAIRE" FOR THE REES-TORRID REORGANIZATION

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __3rd__ day of __April__, 1990, by Councilmember __Lang__, who moved its adoption, which motion being duly seconded by Councilmember __Muratore__, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: ____________________________
NORRINE COYLE, City Clerk
2. Name of Proposed Reorganization: Rees-Torrild

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

   Yes

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

   No

5. Other comments the City would like to make.

   The attached letter from the Modesto City School District says that School Facilities Developer Fees that will be collected on future development of this site but the fees are inadequate to fully mitigate the impact on school facilities and programs.
A RESOLUTION VACATING AND ABANDONING SPANOS COURT IN THE CITY OF MODESTO (MEMORIAL HOSPITAL ASSOCIATION).

WHEREAS, the Council of the City of Modesto adopted Resolution No. 90-368 on March 13, 1990, declaring its intention to vacate and abandon Spanos Court, east of Coffee Road and north of Brigsmore Avenue in the City of Modesto, and

WHEREAS, said Spanos Court is more particularly shown on that certain map entitled "Vacate And Abandon Spanos Court LDB9-I" dated September 1989, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 90-368 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Planning and Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, April 10, 1990, at the hour of 7:30 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the vacation and abandonment be made subject to the conditions contained in Planning Commission Resolution No. 89-114, and
WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that:

1. The proposed abandonment of Spanos Court is in conformance with all provisions of the Modesto General Plan.
2. Spanos Court is not necessary for present or future public vehicular and pedestrian use.
3. The abandonment will allow the consolidation of land on both sides of Spanos Court owned by Memorial Hospital Association and Memorial Hospital Foundation, and will allow the re-design of the private drive.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby orders and declares the vacation and abandonment of Spanos Court, east of Coffee Road and north of Briggsmore Avenue in the City of Modesto, as shown on the map entitled, "Vacate And Abandon Spanos Court LD89-I", on file in the office of the City Clerk, and more particularly described on Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager and the City Clerk to execute a grant deed returning the underlying title back to the applicant.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department, Engineering Division
VACATE AND ABANDON SPANOS COURT

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the West line of said Section 15 and the centerline of David Court, as per map of CENTRAL HEIGHTS ESTATES Subdivision, filed November 26, 1965 in Volume 21 of Maps, Page 32, Stanislaus County Records; thence North 89°07' East, 60.00 feet, to the true point of beginning of this description; thence North 00°53' West, 45.00 feet, to a point on the Eastern line of a 90.00 foot public road known as Coffee Road and a point of cusp with a tangent curve concave to the Northeast; thence Southeasterly along said tangent curve, having a Radius of 15.00 feet, a Central Angle of 90°00'00" and an Arc Length of 23.56 feet, to a point of compound curve from which point a radial line bears South 00°53' East; thence Easterly along said compound curve concave to the South, having a Radius of 430.00 feet, a Central Angle of 17°45'08" and an Arc Length of 133.23 feet, to a point of reverse curve from which point a radial line bears North 16°52'08" East; thence along said last mentioned reverse curve concave to the North, having a Radius of 370.00 feet, a Central Angle of 17°04'53" and an Arc Length of 110.31 feet; thence along a tangent line, North 89°47'15" East, 817.39 feet; thence along a tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of 36°52'12" and an Arc Length of 32.18 feet, to a point of reverse curve from which point a radial line bears South 37°04'57" East; thence along said last mentioned reverse curve, having a Radius of 50.00 feet, a Central Angle of 253°44'24" and an Arc Length of 221.43 feet, to a point of reverse curve from which point a radial line bears South 36°39'27" West; thence along said last mentioned reverse curve concave to the Southwest, having a Radius of 50.00 feet, a Central Angle of 36°52'12" and an Arc Length of 32.18 feet; thence along a tangent line, South 89°47'15" West, 817.39 feet; thence Westerly along a tangent curve concave to the North, having a Radius of 430.00 feet, a Central Angle of 17°04'53" and an Arc Length of 128.19 feet, to a point of reverse curve from which point a radial line bears South 16°52'08" West; thence Westerly along said last mentioned reverse curve concave to the South, having a Radius of 370.00 feet, a Central Angle of 17°45'08" and an Arc Length of 114.64 feet, to a point of compound curve from which point a radial line bears South 00°53' East; thence Southwesterly along said last mentioned reverse curve concave to the Southeast, having a Radius of 15.00 feet, a Central Angle of 90°00'00" and an Arc Length of 23.56 feet, to its point of tangency on said Eastern line of 90.00 foot Coffee Road; thence along a tangent line and the Northerly extension of the Eastern line of Coffee Road, North 00°53' West, 45.00 feet, to the point of beginning.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-428

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 VACATING AND ABANDONING
SPANOS COURT IN THE CITY OF MODESTO (MEMORIAL HOSPITAL
ASSOCIATION).

WHEREAS, the Council of the City of Modesto adopted Resolution No.
90-427 on April 10, 1990, giving approval to a project relating to vacating
and abandoning Spanos Court, east of Coffee Road and north of Briggsmore
Avenue in the City of Modesto, and

WHEREAS, the City Council certifies that at said Council meeting it
reviewed and considered the findings of the City of Modesto Environmental
Assessment Committee which resulted in a negative declaration in regard to the
environmental impact of the subject 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 vacation and abandonment of Spanos Court, east of
Coffee Road and north of Briggsmore Avenue in the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST:  
NORRINE COYLE, City Clerk

(Seal)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $398.45.

SECTION 2. That the cost of the aforesaid work, being the amount of $398.45, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys).
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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: ____________________________
NORMA COYLE, City Clerk

(Alleys)  -2-

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Lot 10 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Page 55, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 117-15-02)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Page 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-03)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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 COFFE, City Clerk

(Alleys)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 117-15-07)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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: NORRINE COYLE, City Clerk

(Areas)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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: NORMA COyle, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-434


WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Lot 3 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 117-15-09)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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: NORMA L. COLE, City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys).
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Lot 2 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg 55, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 117-15-10)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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

(Alleys)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $267.65.

SECTION 2. That the cost of the aforesaid work, being the amount of $267.65, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-26)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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: [Signature]

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on __________, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, __________, 1990, at __________ o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $603.78.

SECTION 2. That the cost of the aforesaid work, being the amount of $603.78, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys)
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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: NORRINE COYLE, CITY CLerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-438


WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Lot 17 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 117-15-29)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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

(Alees)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys).
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-30)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _______ day of _________, 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
A resolution confirming the report of the Superintendent of Streets concerning the work of construction of asphaltic concrete paving along certain alleys in the city of Modesto in accordance with the Improvement District Act of 1911, assessing the cost of construction against the parcel of real property fronting upon the improvement, and directing the method of collection of said lien (Donald J. Harper - 1613 Oakwood Drive - $389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property ( Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-31)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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: 
NORRINE COYLE, City Clerk
A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE
WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY
OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE
COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROV-
EMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CLIFFORD FRANK HELLER -
1609 OAKWOOD DRIVE - $389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11, be assessed in three annual installments as a lien against the parcel(s) of property (Alleys).
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Lot 14 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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
A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE
WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY
OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE
COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVE-
MENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILSON ABRAHAM -
1325 DEL VALE AVENUE - $382.28)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the
Streets and Highways Code of the State of California establishes a procedure pursuant
to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Reso-
lution No. 90-126, ordering the installation of certain improvements along certain
alleys in the City of Modesto as provided therein, and directing the Superintendent
of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in
the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto,
California, was set as the time and place for hearing and passing upon the report
of the Superintendent of Streets with respect to the construction of said improvement;
and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on
file in the office of the City Clerk is hereby confirmed and the cost of such work
is determined to be in the total amount of $389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of $389.11,
be assessed in three annual installments as a lien against the parcel(s) of property
(Alleys)
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 117-15-34)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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 (Alleys)
MODESTO CITY COUNCIL
RESOLUTION NO. 90-443

A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 89-55
ENTITLED "A RESOLUTION GRANTING THE APPEAL OF JOHN QUARESMA
TO REZONE PROPERTY FROM R-1, R-3, C-1 AND A PORTION OF
P-D(118) TO P-D(368), PROPERTY LOCATED AT THE SOUTHEAST
CORNER OF ROSEBURG AVENUE AND TULLY ROAD AND REVERSING THE
DECISION OF THE PLANNING COMMISSION". AS AMENDED BY
RESOLUTION NO. 89-1167. (OVERHOLTZER CONSTRUCTION CO.)

WHEREAS, City Council Ordinance No. 2312-C.S., effective on
March 28, 1985, granted a Planned Development Zone, P-D(368), to John Quaresma
to allow a C-1 commercial/office building and accessory parking area in Phase
I, and a business/professional office complex and accessory parking area in
Phase II, property located at the southeast corner of Roseburg Avenue and
Tully Road, and

WHEREAS, City Council Resolution No. 85-99, adopted on February 19,
1985, approved the development plan and schedule for P-D(368) and also
contained the conditions of approval for the development of said uses on the
P-D(368) property, and

WHEREAS, P-D(368) was granted a first one-year extension to the
development schedule by City staff in 1988, and

WHEREAS, P-D(368) was granted a second one-year extension of Phase
II in 1989 by the Planning Commission with start of construction to commence
by April 1, 1990, and

WHEREAS, a verified application for review of a revised plot plan
and time extension for Phase II of the P-D was filed by Norman E. Wilson/
Associates on behalf of Phillip D. Overholtzer, and

WHEREAS, said application was set for a public hearing before the
Planning Commission on October 16, 1989, and
WHEREAS, after a public hearing was held on October 16, 1989, in the City Council Chambers, the Planning Commission was unable to reach a majority vote to approve or deny the request, and a motion was made to continue the public hearing to November 6, 1989, and

WHEREAS, after a public hearing was held on November 6, 1989, in the City Council Chambers, the Planning Commission was again unable to reach a majority vote to approve or deny the request which effected a denial of the application, and

WHEREAS, an appeal of the Planning Commission's denial of the request for approval of a revised plot plan and time extension for Phase II of P-D(368) was filed with the Office of the City Clerk by Phillip D. Overholtzer by letter dated November 7, 1989, and

WHEREAS, City Council Resolution No. 89-1167, adopted December 5, 1990, granted the appeal for a revised plot plan and third one-year extension of Phase II, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(368) was filed by Overholtzer Construction Company on December 30, 1989, to allow condominium development of the approved Phase II portion, and

WHEREAS, after a public hearing held on March 5, 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. 90-19, that an amendment to P-D(368), to allow condominium development of the approved Phase II portion as requested is required by public necessity, convenience and general welfare for the following reasons:
1. The proposed planned development amendment is for a change in the form of ownership and will allow condominium development of the Phase II portion of P-D(368).

2. The P-D zone and conditions of approval will continue to insure a degree of compatibility consonant with surrounding properties.

WHEREAS, after a public hearing held on April 10, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Overholtzer Construction Company to amend P-D(368) to allow condominium development of the approved Phase II portion, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-19 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 2 of Modesto City Council Resolution No. 85-99 entitled "A Resolution Granting the Appeal of John Quaresma to Rezone Property From R-1, R-3, C-1 and a Portion of P-D(118) to P-D(368), Property Located at the Southeast Corner of Roseburg Avenue and Tully Road and Reversing the Decision of the Planning Commission" as amended by Resolution No. 89-1167 is hereby amended to read as follows:

"SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(368), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Professional Office Complex" as amended in red, stamped approved by the Planning Commission on March 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. Screen landscaping shall be installed along the east
and south property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six foot wood fence with decorative masonry pilasters along the south 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 Tully Road frontage of the subdivision shall be developed to major street standards including the dedication of right-of-way to provide a 50.00-foot width east of the centerline in accordance with City of Modesto Standard Specifications.

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

7. 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.

8. Drainage shall be provided as required by the Public Works and Transportation Director.

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

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

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

12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
13. No signs shall be permitted above eight feet in height on the east face of the buildings.

14. All signs shall comply with the sign requirements of the P-O Zone.

15. Prior to sale of a condominium unit, a final subdivision map shall be recorded.

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

17. All conditions of City Council Resolution No. 89-1167 not in conflict with this action shall remain in full force and effect.

18. 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 proceedings and shall cooperate fully in the defense."

BE IT FURTHER RESOLVED that all of the other provisions of Resolution No. 85-99 as amended by Resolution No. 89-1167 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 ___ 10 ___ day of April, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(368)
PROPERTY LOCATED ON THE SOUTHEAST CORNER OF TULLY ROAD AND
WEST ROSEBURG AVENUE. (OVERHOLTZER CONSTRUCTION CO.)

WHEREAS, on April 10, 1990, the City Council introduced
Ordinance No. 2710-C.S. giving approval to a project relating to an
amendment to Planned Development Zone, P-D(368), property located on the
southeast corner of Tully Road and West Roseburg Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Planned Development Zone, P-D(368),
property located on the southeast corner of Tully Road and West Roseburg
Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of April, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-445

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING SIX POLICE MOTORCYCLES

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

SECTION 1. The plans and specifications for the purchase of six Police motorcycles copies of which are on file, are hereby accepted and approved.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-446

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF 1.3 MILLION GALLON STEEL TANK WATER RESERVOIR

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

SECTION 1. The plans and specifications for the installation of 1.3 million gallon steel tank water reservoir copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 3, 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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-447

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO THE INSTALLATION OF A 1.3
MILLION GALLON STEEL TANK WATER RESERVOIR.

WHEREAS, on April 10, 1990 the City Council adopted Resolution
No. 90-446 which approved plans and specifications and authorized a call for
bids relating to the installation of a 1.3 million gallon steel tank water
reservoir on Zeff Road, and

WHEREAS, the City Council certifies that at its meeting of April 10,
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 installation of a 1.3 million gallon steel tank water
reservoir on Zeff Road.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of April 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,

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk

98CA
MODESTO CITY COUNCIL
RESOLUTION NO. 90-448

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

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

SECTION 1. The plans and specifications for reroofing the Senior Citizens Center copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 3, 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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE 800 AMP TIE-IN AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the 800 amp tie-in at the Water Quality Control Plant has been completed by Tri-Technic Inc. in accordance with the contract agreement dated June 14, 1988.

NOW, THEREFORE, BE IT RESOLVED that the 800 amp tie-in at the Water Quality Control Plant be accepted from said contractor, Tri-Technic Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $33,657.72 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 10th day of April, 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: NORMA COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND FOR FURNISHING ONE NEW VACTOR TRUCK

WHEREAS, Resolution No. 89-1195, adopted by the Council of the City of Modesto on December 12, 1989, approved the plans and specifications for the purchase of one new vactor truck

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one new vactor truck

were opened at 11:00 a.m. on March 19, 1990, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Dow Hammond in the amount of $153,159.38

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dow Hammond in the amount of $153,159.38

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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
NORRINE COYLE, City Clerk
A RESOLUTION DECLARING APRIL 16 THROUGH APRIL 23, 1990 AS EARTH WEEK AND APRIL 22, 1990 AS EARTH DAY.

WHEREAS, the City of Modesto has become an official participant in the Global Cities Project, and

WHEREAS, the City has long supported environmental protection and natural resource management programs and policies, and

WHEREAS, the City has long supported state and national legislation that would help cities and counties develop strong and successful programs to protect the environment and conserve natural resources, and

WHEREAS, public concern about protecting the Earth is rapidly rising as new scientific information about environmental threats such as global warming, ozone depletion, acid rain, air pollution, and water pollution becomes available, and

WHEREAS, citizens and business leaders are now recognizing environmental protection and resource conservation as essential prerequisites to sustained prosperity and economic development, and

WHEREAS, cities and counties have many critical environmental responsibilities, including land use planning, management of transportation systems, liquid and solid waste management and much more, and

WHEREAS, twenty years ago, millions of Americans joined together on Earth Day to express an unprecedented concern for the environment, and their collective action resulted in the passage of sweeping laws to protect our air, our water, and the lands around us, and
WHEREAS, citizens and their governments must again renew their commitment to meet the global environmental challenge.

NOW, THEREFORE BE IT RESOLVED, that the City of Modesto hereby endorses Earth Day 1990 and declares that April 16 through April 23, 1990 shall be designated and proclaimed as Earth Week, and that April 22, 1990 shall be designated and proclaimed as Earth Day.

BE IT FURTHER RESOLVED, that the City of Modesto encourages individual citizens, community organizations, other local government bodies, and the private sector to support and become actively involved in Earth Week and Earth Day projects and programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-451A

A RESOLUTION RESCINDING MODESTO CITY COUNCIL RESOLUTION NO. 90-387 RELATING TO WATER RATES RULES AND REGULATIONS.

WHEREAS, on March 20, 1990, the City Council approved a year-round water conservation plan, and adopted Resolution No. 90-387, and

WHEREAS, on April 10, 1990, the Council introduced Ordinance No. 2711-C.S., which placed the watering restrictions in the Modesto Municipal Code to allow the City Attorney's Office to enforce the provisions of the restrictions, and

WHEREAS, Resolution No. 90-387 should, therefore, be rescinded,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 90-387 is hereby rescinded, effective the effective date of Ordinance No. 2711-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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

040690 9835CA2
A RESOLUTION APPROVING SUBMISSION OF A NONMOTORIZED TRANSPORTATION APPLICATION TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

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

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

WHEREAS, the City of Modesto has the opportunity to make application for 90% of the costs of pathway and fencing construction of local bicycle-oriented projects, and

WHEREAS, the City of Modesto's application for funding for the Hetch Hetchy Bicycle Path, phase 2 project, has been prepared in accordance with established priorities and provides for the use of $50,841 from the Nonmotorized Fund, with $63,233 City matching funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that submission of the City of Modesto's Nonmotorized Transportation Application for funding by the City Manager to the Stanislaus Area Association of Governments (SAAG) in the amount of $50,841 for the fiscal year 1990-91 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-453

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON MAY 5, 1990, LOCATED AT 824 KIERNAN AVENUE.

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

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on May 5, 1990, and

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

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

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on May 5, 1990, at a large facility located at 824 Kiernan Avenue, subject to the execution of an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of April 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
RESOLUTION NO. 90-454 UNUSED
A RESOLUTION APPOINTING MEMBER OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE (SYLVESTER AGUILAR)

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

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

Sylvester Aguilar
Term to expire 9/30/92

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Economic Development Loan Pool Subcommittee and the Secretary thereof. The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 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, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK
A RESOLUTION ACCEPTING IMPROVEMENTS IN SOUTHGATE SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Turner Edwards Development, subdividers of Southgate Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of $95,600.00 and $47,800.00 respectively to guarantee improvements in Southgate Subdivision and;

WHEREAS, the Director of Engineering in a memorandum dated April 6, 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 Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Southgate Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for faithful performance in the amount of $95,600.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of $47,800.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO.90-456A

A RESOLUTION OF CONGRATULATIONS TO THE MODESTO BRANCH OF
THE SALVATION ARMY CORPS ON ITS CENTENNIAL.

WHEREAS, the Salvation Army Corps was founded by William Booth who
espoused the importance of people being fed, clothed, and housed as well as
being attended to on a spiritual level, and

WHEREAS, the Salvation Army Corps opened its "Modesto doors" on
March 1, 1890, and

WHEREAS, the early years in Modesto were met with some open
resistance and a precarious beginning, and

WHEREAS, the Modesto Corps has demonstrated 100 years of continuous
service to the poor and less fortunate of our community, and

WHEREAS, last year the Salvation Army served over 100,000 people in
Modesto through its social, senior service, food, and corps programs, and

WHEREAS, the Salvation Army is the largest not-for-profit social
service agency in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto congratulates the Salvation Army Corps of Modesto on its Centennial
and encourages the community to join in the May 7, 1990, celebration at the
Modesto Centre Plaza.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY Q. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF COMPUTER HARDWARE AND OPERATING SYSTEM SOFTWARE

WHEREAS, the Finance Department is requesting the replacement of the current utility billing system; and

WHEREAS, staff recommends purchasing computer hardware and operating system software from IBM or computer remarketers, whichever is lowest in price (not to exceed $414,362 based on a quote from IBM).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of computer hardware and operating system software is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer hardware and operating system software from IBM or computer remarketers, whichever is lowest in price (not to exceed $414,362 based on quote from IBM) 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 April, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-458

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DELOITTE & TOUCHE FOR PURCHASE AND IMPLEMENTATION OF CUBIS SOFTWARE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and DeLoitte & Touche for purchase and implementation of CUBIS software 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 April, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-459

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTER SYSTEMS AND APPLICATIONS, INC. FOR PURCHASE AND IMPLEMENTATION OF CUBIS SOFTWARE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Computer Systems and Applications, Inc. for purchase and implementation of CUBIS software 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 April, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-460

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FINANCING FOR THE UTILITY BILLING SYSTEM.

WHEREAS, certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1989-90 to provide financing for the purchase of a new Utility Billing System which was authorized by the Council at its meeting of April 17, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for the Fiscal Year 1989-90.

Appropriations:

<table>
<thead>
<tr>
<th>Fund/Agency/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>610/800/8000/8004</td>
<td>Water Fund Contingency Res.</td>
<td>($338,681)</td>
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<tr>
<td>610/700/7000/7130</td>
<td>Transfer Out To Fund 130</td>
<td>338,681</td>
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<tr>
<td>621/800/8000/8003</td>
<td>Sewer Fund Contingency Res.</td>
<td>(338,681)</td>
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<td>621/700/7000/7130</td>
<td>Transfer Out to Fund 130</td>
<td>338,681</td>
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<tr>
<td>130/120/P935/6000</td>
<td>Finance Computer System</td>
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Revenue:

<table>
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<tr>
<th>Fund/Agency/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
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</thead>
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<tr>
<td>130/700/7000/9610</td>
<td>Transfer In From Fund 610</td>
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</tr>
<tr>
<td>130/700/7000/9621</td>
<td>Transfer In From Fund 621</td>
<td>$338,681</td>
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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 17th day of April 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-461

A RESOLUTION TRANSFERRING TWENTY-ONE THOUSAND TWO HUNDRED FIFTY-FIVE ($21,255) 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 the financing of two teams of consultants to prepare a Specific Plan, an Environmental Impact Report, and a Financing Plan for the Village I planning effort, and

WHEREAS, additional funding is now needed for additional services by Roma Design Group for said Village I in the amount of Twenty-one Thousand Two Hundred Fifty-five ($21,255) Dollars to complete the contract, and

WHEREAS, the sum of Twenty-one Thousand Two Hundred Fifty-five ($21,255) 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 financing of two teams of consultants to prepare a Specific Plan, an Environmental Impact Report, and a Financing Plan for said Village I,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of Twenty-one Thousand Two Hundred Fifty-five ($21,255) Dollars be and it is hereby transferred from the Unappropriated Fund Balance of the General Fund (Acct. No. 010-800-8000-8003) as follows:
Account Description Amount

**Expenditure:**
130-140-P894-6000 Village I Contract $16,445
010-502-6502-0207 Conference Expense 4,810
010-700-7000-7130 Transfer Out To Fund 130 15,445
010-800-8000-8003 Contingency Reserve (21,255)

**Revenue:**
130-700-7000-9010 Transfer In From Fund 010 16,445

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 17th day of April, 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, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Muratore

**ATTEST:** NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION DETERMINING ASSESSMENTS REMAINING UNPAID

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

The Director of Finance has filed a list of all payments received on account of assessments levied in Public Facilities District No. 6, and a list of all assessments or portions of assessments unpaid after thirty (30) days following the recordation of the assessments.

A copy of the Paid and Unpaid List is attached to this resolution as Exhibit A and included in it. The City of Modesto shall issue improvement bonds under the provisions of the Improvement Bond Act of 1915 of the State of California upon the security of the assessments shown as unpaid on the attached list.

The City Clerk shall transmit a copy of this resolution to the County Auditor. The County Auditor is requested to comply with the provisions of Section 8682 of the Streets and Highways Code in the collection of installments of these assessments on the assessment roll for taxes.

* * *

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 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: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By City Attorney
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<th>Assessment Number</th>
<th>Assessment Amount</th>
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<th>Amount Credited</th>
<th>Unpaid Balance</th>
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$348,659.76 $60,811.23 $67,568.04 $281,091.72
RESOLUTION APPROVING PRELIMINARY OFFICIAL STATEMENT

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

As a part of the proceedings for the sale of improvement bonds in Public Facilities District No. 6, City of Modesto, Stanislaus County, California, this Council hereby approves the Preliminary Official Statement which has been submitted to the City Council and an Official Statement derived substantially therefrom. Distribution of the Preliminary Official Statement and the Official Statement is hereby authorized.

The Preliminary Official Statement is final except for certain information which will not be known until the time of sale and is therefore "deemed final" within the meaning of Rule 15c2-12 of the Securities and Exchange Commission.

The Director of Finance is authorized to sign the Preliminary Official Statement and the Official Statement.

* * * *

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 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: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

ATTEST: JUDY C./HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By City Attorney
The City Council of the City of Modesto resolves:

Section 1. RECITALS. On January 23, 1990, the City Council of the City of Modesto adopted its Resolution No. 90-54, Resolution Rescinding Resolution No. 88-291 and Stating Intention, to order improvements in Public Facilities District No. 6, City of Modesto, Stanislaus County, California, under the provisions of the Municipal Improvement Act of 1913 (the "Act"), as amended. Proceedings taken under the Act led to the levy of a special assessment by the City Council against parcels of land within the assessment district in the total amount of $348,659.76. These assessments were recorded in the office of the County Recorder of Stanislaus County, and thereupon became a lien on each parcel assessed. The period within which parcel owners might pay their assessments in cash without interest expired on or about April 9, 1990.

Section 2. ISSUANCE OF BONDS. The City Council hereby authorizes the issuance of improvement bonds under the provisions of the Improvement Bond Act of 1915 to represent unpaid assessments in an amount not to exceed $281,091.72. Each bond shall be designated, "Limited Obligation Improvement Bond, City of Modesto, Public Facilities District No. 6, Series No. 1990-1." Bonds shall be dated approximately the date of delivery and issued in denominations of $5000 or integral multiples thereof, except for Bond No. 1, which shall be an odd amount. Bonds shall mature in principal amounts as set forth in the table attached as Exhibit A. The bond date and interest rates on the bonds shall be as set forth in the bond purchase agreement.

Section 3. APPOINTMENT OF PAYING AGENT, FISCAL AGENT, REGISTRAR AND TRANSFER AGENT. The City Council hereby appoints the State Street Bank and Trust Company of California, N.A. as paying agent, fiscal agent, registrar and transfer agent, hereinafter the "Fiscal Agent," for the bonds in accordance with an agreement between the City of Modesto and State Street Bank and Trust Company of California.

Section 4. FORM AND EXECUTION. Bonds shall be issued as fully registered bonds substantially in the form set forth as Exhibit B to this resolution. The bonds shall be signed by the Director of Finance and the City Clerk and the seal of the City shall be affixed. Both signatures and seal may be reproduced on the bonds by facsimile, but upon its registration or reregistration each bond shall be authenticated by the manual signature of the Fiscal Agent.
The Fiscal Agent shall assign to each bond authenticated and registered by it a distinctive letter, or number, or letter and number, and shall maintain a record thereof which shall be available to the City for inspection.

Section 5. ESTABLISHMENT OF SPECIAL FUNDS. For administering the proceeds of the sale of bonds and payment of interest and principal on the bonds, there are hereby established six funds to be known as the improvement fund, the redemption fund, the special reserve fund, the investment earnings fund, the excess investment earnings fund and the administrative costs fund, respectively, for Public Facilities District No. 6.

Section 5.1. IMPROVEMENT FUND. Except as provided in Section 5.3, proceeds of sale of the bonds, together with all amounts paid on the assessments before bond issuance, shall be deposited in the improvement fund to be maintained by the Fiscal Agent. Disbursements from the improvement fund shall be made by the Fiscal Agent in accordance with the budget of estimated costs and expenses set forth in the amended engineer's report heretofore approved by the City Council, which report and budget are subject to modification by the City Council from time to time as prescribed by the Act.

Section 5.2. REDEMPTION FUND. The redemption fund shall be maintained by the Fiscal Agent. All payments of principal and interest installments on the assessments, together with penalties, if any, shall be deposited in the redemption fund, which shall be a trust fund for the benefit of the bondholders. Payment of the bonds at maturity, or at redemption before maturity, and all interest on the bonds shall be made from the redemption fund.

Section 5.3. SPECIAL RESERVE FUND. The special reserve fund shall be maintained by the Fiscal Agent. There shall be deposited into the special reserve fund the amount of $19,676.42 (the "Reserve Requirement") from the proceeds of the sale of bonds. The Fiscal Agent shall invest said reserve fund in accordance with the City of Modesto's statement of investment policy to be provided to the Fiscal Agent by the Director of Finance.

A. During the term of the bonds, the amount in the special reserve fund shall be available for transfer into the redemption fund in accordance with Section 8808 of the Streets and Highways Code. The amount so advanced shall be reimbursed to the special reserve fund from the proceeds of redemption or sale of the parcel for which payment of delinquent assessment installments was made from the special reserve fund.

B. If any assessment is prepaid before final maturity of the bonds, the amount of principal which the assessee is required to prepay shall be reduced by an amount which is in the same ratio to the original amount of the special reserve fund as
the original amount of the prepaid assessment bears to the total amount of unpaid assessments originally securing the Bonds. This reduction in the amount of principal prepaid shall be balanced by a transfer from the special reserve fund to the redemption fund in the same amount.

C. The amounts deposited in the reserve fund will never exceed 10% of the proceeds of the bond issue. Proceeds of investment of the special reserve fund shall be deposited in the investment earnings fund.

D. When the amount in the special reserve fund equals or exceeds the amount required to retire the remaining unmatured bonds (whether by advance retirement or otherwise), the amount of the special reserve fund shall be transferred to the redemption fund, and the remaining installments of principal and interest not yet due from assessed property owners shall be cancelled without payment.

Section 5.4. INVESTMENT EARNINGS FUND. Proceeds of the investment of amounts in the improvement fund and the special reserve fund will be deposited in the investment earnings fund. As of September 2 of each year during the term of the bonds, the Director of Finance shall determine whether any portion of investment earnings must be rebated to the United States pursuant to Section 148 of the United States Internal Revenue Code and regulations adopted thereunder. Any amounts required to be rebated will be transferred to the arbitrage rebate fund, and the balance will be transferred as follows:

(a) To the extent that the balance in the special reserve fund is less than the Reserve Requirement, a transfer will be made from the investment earnings fund to the special reserve fund.

(b) The remaining balance in the investment earnings fund, if any, will be transferred to the improvement fund until the improvement is completed and the improvement fund is closed; thereafter the balance in the investment earnings fund will be transferred to the redemption fund to be used, in the discretion of the Director of Finance, as a credit upon the annual installments of assessment or for the advance retirement of bonds.

The Director of Finance is authorized to retain independent attorneys, accountants and other consultants to assist in complying with Federal requirements.

Section 5.5. EXCESS INVESTMENT EARNINGS FUND. Amounts in the excess investment earnings fund shall be invested in the same manner as amounts in the other funds and shall be held in trust for rebate to the United States at the times required by
Section 148 of the United States Internal Revenue Code and
regulations adopted thereunder.

Section 5.6. Administrative Costs Fund. The Director
of Finance shall establish and maintain the Administrative Costs
Fund and shall make disbursements from time to time to defray any
reasonable cost or expense incurred by the City in the normal
course of administering the liens and the Bonds.

Section 6. PAYMENT ON BONDS. The principal and interest
on the bonds shall be payable at the principal office of the State
Street Bank and Trust Company of California, N.A., 725 South
Figueroa Street, Suite 975, Los Angeles, CA 90017. Principal and
interest shall be paid by check, draft or warrant mailed to the
registered owner of each bond at the owner's address appearing on
the register maintained by the Fiscal Agent on the 15th day of the
month preceding the date of interest payment or maturity of each
bond.

Section 7. REREGISTRATION. Any bond may be registered
to a new owner by completing the assignment certificate on the
reverse of the bond and delivering the bond to the Fiscal Agent.
Upon reregistration, any bond may be replaced by one or more bonds
of the same maturity and aggregate amount in denominations of $5000
or any integral multiple thereof.

Section 8. COVENANTS. In the event of a default in the
payment of any bond or any installment of interest thereon,
bondholders shall have the remedies set forth in the Improvement
Bond Act of 1915. In addition, the City Council makes the
following covenants, which shall constitute a contract with the
bondholders:

Section 8.1. FORECLOSURE OF LIENS. Not later than
September 1 in any year, the City shall file an action in the
Superior Court to foreclose the lien of each delinquent assessment
if the sum of uncured assessment delinquencies for the preceding
fiscal year exceeds five percent (5%) of the assessment
installments posted to the tax roll for that fiscal year, and if
the amount of the special reserve fund is less than the Reserve
Requirement.

Section 8.2. ARBITRAGE. During the term of the
bonds, the City will make no use of bond proceeds which, if such
use had been reasonably expected at the date the bonds are issued,
could have caused the bonds to be "arbitrage bonds" within the
meaning of Section 148 of the United States Internal Revenue Code
of 1986, and regulations of the Internal Revenue Service adopted
thereunder, and further shall rebate to the United States any
amounts actually earned as arbitrage in accordance with the
provisions of that Code and those regulations.
Section 8.3. MAINTENANCE OF TAX EXEMPTION. The City will take all reasonable actions required to maintain the status of interest on the bonds as excludable from gross income for federal income tax purposes and as exempt from the State of California personal income taxes.

* * *

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 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: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

(Seal)

ATTEST: JUDY C. HALL, Acting City Clerk

APPROVED AS TO FORM:

By ____________________________

City Attorney
MATUREY SCHEDULE OF BONDS

CITY OF MODESTO
Public Facilities District No. 6

Bonds mature on September 2 in the years and amounts, and bear interest at the annual rates, set forth below.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>FACE AMOUNT</th>
<th>RATE(%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>6,091.72</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>10,000.00</td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>10,000.00</td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td>15,000.00</td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>15,000.00</td>
<td></td>
</tr>
<tr>
<td>1996</td>
<td>15,000.00</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>15,000.00</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>20,000.00</td>
<td>(RATES TO COME.)</td>
</tr>
<tr>
<td>1999</td>
<td>20,000.00</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>20,000.00</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>25,000.00</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>25,000.00</td>
<td></td>
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<td>2003</td>
<td>25,000.00</td>
<td></td>
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<tr>
<td>2004</td>
<td>30,000.00</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>30,000.00</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL: 281,091.72
United States of America
State of California
County of Stanislaus

REGISTERED Number

LIMITED OBLIGATION IMPROVEMENT BOND
CITY OF MODESTO
PUBLIC FACILITIES DISTRICT NO. 6
SERIES NO. 1990-1

INTEREST RATE    MATURITY DATE    BOND DATE    CUSIP NUMBER

REGISTERED OWNER:

PRINCIPAL SUM: DOLLARS

Under and by virtue of the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500), of the Streets and Highways Code, (the "Act"), the City of Modesto, Stanislaus County, California, (the "City"), will, out of the redemption fund for the payment of the bonds issued upon the unpaid portion of assessments made for the acquisition, work and improvements more fully described in proceedings taken pursuant to Resolution No. 90-54, Resolution Rescinding Resolution No. 88-291 and Stating Intention, adopted by the City Council of the City of Modesto on the 23rd day of January, 1990, pay to the registered owner stated above or registered assigns, on the maturity date stated above, the principal sum stated above, in lawful money of the United States of America and in like manner will pay interest from the interest payment date next preceding the date on which this Bond is authenticated, unless this Bond is authenticated and registered as of an interest payment date, in which event it shall bear interest from such interest payment date, or unless this Bond is authenticated and registered prior to March 2, 1991, in which event it shall bear interest from its date, until payment of such principal sum shall have been discharged, at the rate per annum stated above, payable semiannually on March 2 and September 2 in each year commencing on March 2, 1991. Both the principal hereof and redemption premium hereon are payable at the principal corporate trust office of the State Street Bank and Trust Company of California, N.A., or its successor, as Fiscal Agent, Transfer Agent, Registrar and Paying Agent, hereinafter the "Fiscal Agent," in Los Angeles, California, and the interest hereon is payable by check or draft mailed to the owner hereof at the owner's address as it appears on the registration books of the Fiscal Agent, or at such address as may have been filed with the Fiscal Agent for that purpose, as of the fifteenth day of the month preceding each interest payment date.

EXHIBIT B
REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH IN THE REVERSE SIDE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

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

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

IN WITNESS WHEREOF, said City of Modesto has caused this Bond to be signed in facsimile by the Director of Finance of said city and by its Clerk, and has caused its corporate seal to be reproduced in facsimile hereon all as of the 1st day of June, 1990.

CITY OF MODESTO

---------------------------
Clerk                        Director of Finance

(SEAL)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

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

THE STATE STREET BANK AND TRUST COMPANY OF CALIFORNIA
as Fiscal Agent

By________________________
Authorized Officer
(REVERSE OF BOND)

LIMITED OBLIGATION IMPROVEMENT BOND
CITY OF MODESTO
PUBLIC FACILITIES DISTRICT NO. 6
SERIES NO. 1990-1

ADDITIONAL PROVISIONS OF THE BOND

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

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

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

Neither the City nor the Fiscal Agent shall be required to make such exchange or registration of transfer of bonds after the fifteenth day of the month preceding any interest payment date.

The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

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

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

I hereby certify that the following is a correct copy of the signed legal opinion of STURGIS, NESS, BRUNSELL & SPERRY a professional corporation, Emeryville, California, on file in my office.

City Clerk
RESOLUTION APPROVING NOTICE OF SALE
AND CALLING FOR BOND BIDS

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

1. This Council hereby approves the proposed form of Notice of Sale presented to the Council by Seidler-Fitzgerald Public Finance and hereby sets 10:00 A.M., May 8, 1990, at the offices of Seidler-Fitzgerald Public Finance, 515 South Figueroa Street, Suite 600, Los Angeles, California 90071-3396, as the date, time and place for the receipt and opening of sealed bids for the purchase of not less than all of the authorized issue. Said Notice of Sale, as filed, refers to a principal amount of $281,091.72 for the subject bond issue.

2. This Council hereby authorizes the City Clerk of the City of Modesto, in coordination with Seidler-Fitzgerald Public Finance to provide all required publication and other distribution of the Notice of Sale and all required report forms to the California Debt Advisory Commission.

* * *

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 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: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-466

RESOLUTION ORDERING CHANGE OF PROCEEDINGS WITHOUT NOTICE OR HEARING

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

Section 1. Recitals

(a) On February 27, 1990 this Council approved the Amended Engineer's Report and Assessment and ordered the improvement in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California. Subsequently, the Assessment Diagram and Notice of Assessment were recorded in the office of the Stanislaus County Recorder as required by law, as a result of which the individual assessments became liens upon the respective parcels of land in the amounts stated in said recorded Notice of Assessment.

(b) Subsequent thereto, the owner of Assessments No. 5 (Parcel No. 13-68-37) and No. 6 (Parcel No. 13-68-36) has combined these parcels into one, resulting in reduction in assessment.

(c) The owner of Assessment No. 3 (Parcel No. 13-68-39) had water service extended to his property on July 27, 1989. Therefore, the cost included in the Amended Engineer's Report for water service to this property has to be eliminated and the amount assessed has to be reduced.

(d) The owner of Assessment No. 10 (Parcel No. 13-82-64) installed certain improvement and paid a deposit to the City of Modesto. In consideration of the improvement installed and the deposit made by this property owner, the assessment for this parcel has been reduced to zero.

Section 2. Changes of Proceedings Ordered

(a) Changes of proceedings were ordered by resolutions as follows:

(1) On March 13, 1990, this Council adopted its Resolution No. 90-173, A Resolution Amending Assessments for Parcels No. 13-68-36 and No. 13-68-37, combining these two parcels into one parcel and amended the assessment as follows:

<table>
<thead>
<tr>
<th>Assessment No.</th>
<th>Parcel No.</th>
<th>Amount of Assessment in Assessment Roll</th>
<th>Amended Assessment on 3/13/90</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>13-68-37</td>
<td>$2,886.73</td>
<td>$0.00</td>
</tr>
<tr>
<td>6</td>
<td>13-68-36</td>
<td>$23,538.58</td>
<td>$5,773.46</td>
</tr>
</tbody>
</table>
(2) On April 3, 1990, this Council adopted its Resolution No. 90-417, Resolution Amending Assessment for Parcel No. 13-68-39 (Assessment No. 3), reducing the assessment from $8,412.07 to $7,661.55.

(3) Also on April 3, 1990, this Council adopted its Resolution No. 90-418, Resolution Amending Assessment for Parcel No. 13-82-64 (Assessment No. 10), reducing the assessment from $2,389.67 to $0.00.

(b) The changes of proceedings were taken without notice or hearing pursuant to Section 10352 of the California Streets and Highways Code.

(c) These changes of proceedings represent the cumulative additional changes which have come to the attention of the city staff and its Council. This Council reserves entitlement to order further changes of proceedings during the pendency of said proceedings as circumstances may dictate.

Section 3. Approving Reduced Cost Estimate and Assessment Roll

This Council hereby approves the revised cost estimate (Exhibit B to the Amended Engineer's Report) and the revised assessment roll (Exhibit D to the Amended Engineer's Report) attached hereto and by its reference incorporated herein to embody the reduction in assessments ordered by said Resolutions No. 90-173 No. 90-417 and No. 90-418.

*     *     *
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 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: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

ATTEST

JUDGEN C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By City Attorney
I. CONSTRUCTION COST

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Construction Cost</td>
<td>$867,074.51</td>
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<tr>
<td>Construction Contingency (10 percent)</td>
<td>$86,707.45</td>
</tr>
<tr>
<td><strong>Total Estimated Construction Cost</strong></td>
<td><strong>$953,781.96</strong></td>
</tr>
<tr>
<td>Including Contingency Allowance</td>
<td></td>
</tr>
</tbody>
</table>

II. LAND ACQUISITION COST

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraisal Fee</td>
<td>$0.00</td>
</tr>
<tr>
<td>Estimated Property Agent Expense</td>
<td>$0.00</td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>$42,317.00</td>
</tr>
<tr>
<td>Existing Improvements</td>
<td>$42,185.00</td>
</tr>
<tr>
<td><strong>Total Estimated Land Acquisition Cost</strong></td>
<td><strong>$104,502.00</strong></td>
</tr>
</tbody>
</table>

III. ESTIMATED INCIDENTAL EXPENSES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Testing Agency</td>
<td>$3,962.31</td>
</tr>
<tr>
<td>Engineering and Inspection</td>
<td>$47,689.10</td>
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<tr>
<td>Bond Counsel</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>County Administration</td>
<td>$29.00</td>
</tr>
<tr>
<td>Bond Printing and Publication</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Paying Agent</td>
<td>$15,500.00</td>
</tr>
<tr>
<td>Printing Official Statement</td>
<td>$7,500.00</td>
</tr>
<tr>
<td><strong>TOTAL ESTIMATED PROJECT COST INCLUDING LAND ACQUISITION AND INCIDENTAL EXPENSES LESS</strong></td>
<td>$1,174,964.37</td>
</tr>
<tr>
<td>City Construction Contribution</td>
<td>$559,978.61</td>
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<tr>
<td>County Construction Contribution</td>
<td>$93,376.89</td>
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<tr>
<td>Right Of Way Acquisition</td>
<td>$62,317.00</td>
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<tr>
<td>Existing Improvements</td>
<td>$42,185.00</td>
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<tr>
<td>Testing Agency</td>
<td>$2,936.87</td>
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<tr>
<td>Engineering and Inspection</td>
<td>$35,347.22</td>
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<tr>
<td>Bond Counsel</td>
<td>$17,000.00</td>
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<tr>
<td>Financial Advisor</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>County Administration</td>
<td>$29.00</td>
</tr>
<tr>
<td>Bond Printing and Publication</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Paying Agent</td>
<td>$15,500.00</td>
</tr>
<tr>
<td>Printing Official Statement</td>
<td>$7,500.00</td>
</tr>
<tr>
<td><strong>ASSESSMENTS PAID IN CASH</strong></td>
<td><strong>$281,691.72</strong></td>
</tr>
<tr>
<td><strong>TOTAL PROJECT COST LESS CONTRIBUTIONS</strong></td>
<td><strong>$252,982.55</strong></td>
</tr>
<tr>
<td>Bond Discount Rate at Three (3) Percent</td>
<td>$8,432.75</td>
</tr>
<tr>
<td>Bond Reserve Fund at Seven (7) Percent</td>
<td>$19,676.42</td>
</tr>
<tr>
<td><strong>AMOUNT OF BOND ISSUE</strong></td>
<td><strong>$281,691.72</strong></td>
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EXHIBIT B
<table>
<thead>
<tr>
<th>Assessment Number</th>
<th>Assessment Amount</th>
<th>Parcel Description</th>
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<tbody>
<tr>
<td>1</td>
<td>$7,078.42</td>
<td>13-68-46</td>
</tr>
<tr>
<td>2</td>
<td>6,822.28</td>
<td>13-68-40</td>
</tr>
<tr>
<td>3</td>
<td>7,661.55</td>
<td>13-68-39</td>
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<tr>
<td>4</td>
<td>10,685.78</td>
<td>13-68-38</td>
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<tr>
<td>5</td>
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<td>13-68-37</td>
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<tr>
<td>6</td>
<td>5,773.46</td>
<td>13-68-36</td>
</tr>
<tr>
<td>7</td>
<td>6,635.12</td>
<td>13-68-35</td>
</tr>
<tr>
<td>8</td>
<td>6,742.07</td>
<td>13-70-65</td>
</tr>
<tr>
<td>9</td>
<td>49,141.00</td>
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<td>10</td>
<td>0.00</td>
<td>13-82-64</td>
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<tr>
<td>11</td>
<td>6,929.98</td>
<td>13-82-63</td>
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<tr>
<td>12</td>
<td>1,170.58</td>
<td>13-82-62</td>
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<td>13</td>
<td>7,122.48</td>
<td>13-84-48</td>
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<td>14</td>
<td>21,572.46</td>
<td>13-84-49</td>
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<td>20,147.43</td>
<td>65-20-41</td>
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<td>49,041.09</td>
<td>65-20-42</td>
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<td>17</td>
<td>35,900.04</td>
<td>77-07-11</td>
</tr>
<tr>
<td>18</td>
<td>82,556.87</td>
<td>77-07-20</td>
</tr>
<tr>
<td>19</td>
<td>23,679.15</td>
<td>54-44-01</td>
</tr>
</tbody>
</table>

**TOTAL:** $348,659.76
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(472). (PHILLIP D. OVERHOLTZER, INC.)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Phillip D. Overholtzer, Inc. on November 17, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a combination commercial and business/professional office condominium development, property located on the south side of Standiford Avenue opposite Longbridge Drive, described as follows:

All that certain real property situate in a portion of Section 7, Township 3 South, 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the centerline intersection of Carver Road and Standiford Avenue as shown on that certain map of "Tully Manor No. 6" filed in Volume 23 of Maps, at Page 55, Stanislaus County Records; thence along said centerline of Standiford Avenue and also being a quarter section line, South 89° 08' 00" East, 1,543.20 feet to a quarter quarter Section line and the true point of beginning of this description; thence leaving said centerline of Standiford Avenue and along said quarter quarter Section line, South 1° 02' 40" East, 270.00 feet to the intersection with the eastern prolongation of the North line of said "Tully Manor No. 6"; thence along said Eastern prolongation and said North line, North 89° 08' West, 225.00 feet; thence leaving said North line; North 1° 02' 40" West, 270.00 feet to aforementioned Standiford Avenue center; thence along said centerline, South 89° 08' 00" East, 225.00 feet to the point of beginning.

Also including all of the 14.00-foot-wide alley located immediately adjacent to the East line of the above described property.

and

WHEREAS, after a public hearing held on March 5, 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. 90-23,
that rezoning of the property as requested is not required by public necessity, convenience, and general welfare; but that approval of a planned development zone, as a business/professional office condominium development is required by public necessity, convenience and general welfare for the following reasons:

1. A Planned Development Zone, necessary to allow a business/professional office complex as a condominium would conform to the Zoning and Development Plan for Standiford Avenue adopted by the Planning Commission in 1985, which calls for P-O, Professional Office Zoning.

2. Commercial uses added to an otherwise exclusive business/professional office complex could add to traffic generation and turning movement impact and also be less compatible with adjoining residential properties.

WHEREAS, by Resolution No. 90-23, the Planning Commission denied neighborhood commercial uses as part of the rezoning of the south side of Standiford Avenue opposite Longbridge Drive, and

WHEREAS, after a public hearing held on April 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Phillip D. Overholtzer, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2712-C.S. on the 17th day of April, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(472).
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(472), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "Project: Standiford Offices" as amended in red, stamped approved by the City Council on April 17, 1990.

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

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Eight-foot solid double alternating board fence with decorative masonry pilasters along the south 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. 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. Prior to occupancy, the developer shall dedicate six feet and construct full alley improvements along the east side of the subject property as required by the Public Works and Transportation Director.

7. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

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

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

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

12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures. The loop driveway shall be a "fire lane" and be maintained in accordance with the requirements of the Fire Chief.

13. All signs shall comply with the sign requirements of the P-O Zone.

14. Prior to the sale of any condominium units, a final subdivision map shall be recorded.

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

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(472):

032690

-4-

9802CA2
The entire construction program be accomplished in one phase, construction to begin on or before March 5, 1992, and completion to be not later than March 5, 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(472), becomes effective.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 17th day of April, 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, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and
Community Development

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 90-468

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO
P-D(472). (PHILLIP D. OVERHOLTZER, INC.)

WHEREAS, on April 17, 1990, the City Council introduced
Ordinance No. 2712-C.S. giving approval to a project relating to an
amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to
reclassify from Low Density Residential Zone, R-1, to Planned Development
Zone, P-D(472), property located on the south side of Standiford Avenue
opposite Longbridge Drive, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Director of Planning and Community Development of the City of Modesto
is hereby directed to file or cause to be filed with the Stanislaus County
Clerk a Notice of Determination in regard to the environmental impact of the
subject project relating to an amendment to Section Map 7-3-9 of the Zoning
Map of the City of Modesto to reclassify from Low Density Residential Zone,
R-1, to Planned Development Zone, P-D(472), property located on the south side
of Standiford Avenue opposite Longbridge Drive.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

(SIGNATURE)

ATTEST: __JUDY C. HALL__, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By __STAN T. YAMAMOTO__, City Attorney
RESOLUTION NO. 90-469

UNUSED
A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION COMPANY FOR AIRPORT EXIT TAXIWAY NO. 2 DRAINAGE, RUNWAY 28R-10L DISTANCE REMAINING SIGNS AND POROUS FRICTION COURSE PROJECT

WHEREAS, Resolution No. 90-114, adopted by the Council of the City of Modesto on February 20, 1990, approved the plans and specifications for the Airport exit taxiway No. 2 drainage, runway 28R-10L distance remaining signs and porous friction course project and authorized the calling for bids; and

WHEREAS, the bids received for the Airport exit taxiway No. 2 drainage, runway 28R-10L distance remaining signs and porous friction course project were opened at 11:00 a.m. on March 22, 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 Granite Construction in the amount of $308,729 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Granite Construction in the amount of $308,729 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 17th day of April, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-471

A RESOLUTION AMENDING THE Fiscal YEAR 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE FAA GRANT REVENUE AND TO APPROPRIATE A NEW CIP PROJECT, POROUS FRICTION COAT ON RUNWAY 28R-10L.

WHEREAS, the City has received approval on a grant application for a new airport capital improvement project, and

WHEREAS, this application approves Airport Project Number 3-06-0153-10. This consists of removing the existing striping, overlaying with porous friction course and restriping Runway 28R-10L, and

WHEREAS, the anticipated cost to complete this project is $225,000. The FAA grant will provide 90% of the total project, or $202,500, and

WHEREAS, the City receives a $5,000 state allocation per year which must be spent on capital needs. Twenty thousand dollars of this allocation, which represents 4 years of savings that has accumulated in the Airport Reserve, has been approved for appropriation on this project, and

WHEREAS, the remaining required match of $2,500 will be provided out of the Airport Contingency Reserve, and

WHEREAS, it is necessary to increase revenue by the FAA Grant amount, and

WHEREAS, it is necessary to decrease the Airport Contingency Reserve by the required 10% match amount of $22,500, and to appropriate a new CIP project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto, Fiscal Year 1989-90.
SPECIAL AVIATION FUND (632)

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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 17th day of April 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING THE PLANNING COMMISSION'S RECOMMENDATION THAT SITE #2 BE CHOSEN AS THE PREFERABLE SITE FOR THE PROPOSED WEST SIDE POST OFFICE AND RECOMMENDING SELECTION OF SITE #2 TO THE UNITED STATES POSTAL SERVICE.

WHEREAS, the United States Postal Service is proposing to select a site for a new West Side Post Office which will serve the southwest portion of the City of Modesto and the unincorporated urban surroundings, and

WHEREAS, the United States Postal Service has caused an Environmental Assessment to be prepared with regard to the three sites being considered for the West Side Post Office, and

WHEREAS, the Planning Commission has reviewed the Environmental Assessment which has been prepared with respect to site selection, and all three sites have been deemed to have negative impacts, and

WHEREAS, by Resolution No. 90-34, the Planning Commission has, for reasons of providing optimum service to both sides of the Tuolumne River, and for future land use pattern and traffic implications, recommended Site #2 as the preferable location for the new West Side Post Office,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning Commission's recommendation of Site #2, a parcel of land located on the north side of Paradise Road west of Carpenter Road and east of Ohio Avenue, as the preferable location for a new West Side Post Office is hereby approved.

BE IT FURTHER RESOLVED that the City Council hereby recommends to the United States Postal Service that said Site #2 is the preferable location for a new West Side Post Office in Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 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, 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. 90-473

A RESOLUTION APPPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. FOR THE PREPARATION OF THE MASTER PLAN FOR AQUEDUCT NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Recreation Systems, Inc. for the preparation of the master plan for Aqueduct Neighborhood 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 17th day of April, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:
RUBY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-474

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR $67,000 FOR THE RENTAL
REHABILITATION PROGRAM FOR THE CITY'S HOUSING PROGRAM OFFICE FOR 1990-91

BE IT RESOLVED by the Council of the City of Modesto that the submission
of an application for $67,000 of Rental Rehabilitation Grant funds for fiscal
year 1990-91 for the rehabilitation of low-income rentals is hereby approved.

BE IT FURTHER RESOLVED that the execution of the application by the
City's designated official, Garth Lipsky, City Manager, be and it is hereby
authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 17th day of April, 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, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-475

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A NEW BUS BENCH FRANCHISE.

WHEREAS, the City Council Transportation Committee has suggested by a report dated April 9, 1990, that it would be more economical to have bus benches supplied through a franchise agreement rather than having the City provide bus benches at City's expense, and, therefore, said Committee has recommended that bus benches should be supplied through a franchise agreement, and

WHEREAS, at its meeting of April 17, 1990, the Council considered the Committee's recommendation to solicit proposals for a new bus bench franchise to replace the existing franchise which expires on December 31, 1990, and

WHEREAS, the City Council desires to send out a request for proposals for a new bus bench franchise,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for a new bus bench franchise.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 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, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ________________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-476
AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND RESOURCE DEVELOPMENT TO COVER THE ADDITIONAL COST OF PREPARING THE COLLEGE WEST E.I.R.

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Resource Development, to cover the additional cost of preparing the College West E.I.R.

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 17th day of April , 1990 , by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-477
AMENDED
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL CLAYTON AND ASSOCIATES TO COVER THE ADDITIONAL COST OF PREPARING THE COLLEGE WEST E.I.R.

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Michael Clayton and Associates to cover the additional cost of preparing the College West E.I.R.

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 17th day of April , 1990, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES:          Councilmembers: None

ABSENT:        Councilmembers: Bird, Muratore

ATTEST:        JUDY C. HALL, Acting City Clerk

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1989-90,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjustments listed on Exhibit "A", which is attached hereto and incorporated herein by reference, are hereby approved and shall be made to the Annual Budget of the City of Modesto for the Fiscal Year 1989-90.

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 24TH day of April, 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

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**Revenue - General Fund**

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**Total**

1,464,200
A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO DELETE A COMMUNITY PARK SITE FROM THE YOSEMITE NEIGHBORHOOD AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, a General Plan for the City of Modesto entitled "Modesto-Ceres-Empire Area General Plan," as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and

WHEREAS, thereafter, as recommended by the Planning Commission, said General Plan has been amended by Modesto City Council Resolutions:

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)
No. 70-235, adopted on March 15, 1970 (Housing Element, Phase #1)
No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)
No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)
No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)
No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)
No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)
No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)
No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)
No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)
No. 78-854, adopted on August 14, 1978 (Conservation Element)
No. 78-855, adopted on August 14, 1978 (Noise Element)
No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)
No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)
No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)
No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)
No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)
No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)
No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)
No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)
and

WHEREAS, pursuant to the provisions of the Government Code Section 65402 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, on March 5, 1990, the Modesto City Planning Commission held a public hearing on a proposal to delete a community park in the Yosemite Neighborhood, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 90-28 on March 5, 1990, recommending an amendment to the General Plan Map to delete a community park site from the Yosemite Neighborhood, and
WHEREAS, the Council on April 3, 1990, by Resolution No. 90-415, set April 24, 1990, at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for consideration of the proposed amendment to the General Plan Map to delete a community park site from the Yosemite Neighborhood, and

WHEREAS, said public hearing was held on the date and at the time above-mentioned, as required by law, at which time evidence both oral and documentary was received and considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to delete a community park site from the Yosemite Neighborhood, located on the west side of Claus Road, south of MID Lateral No. 2, in the City of Modesto is required for the public health, safety and welfare for the following reasons:

1. The proposed amendment is consistent with the Open Space and Recreation Element of the General Plan which sets forth goals, objectives, and implementation strategies for developing a park system.

2. A community park in the Empire West Neighborhood meets the open space needs for community parks in the "East Area" identified in the Open Space and Recreation Element; therefore, the community park in the Yosemite Neighborhood can be deleted.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to delete a community park site from the Yosemite Neighborhood as shown on the map which is attached hereto marked as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan Map to the Board of Supervisors of the County of Stanislaus.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-480

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 DELETION OF A
COMMUNITY PARK SITE IN THE YOSEMITE NEIGHBORHOOD.

WHEREAS, on April 24, 1990, the City Council adopted Resolution
No. 90-479, amending the Modesto Urban Area General Plan Map to delete a
community park site in the Yosemite Neighborhood, property located on the west
side of Claus Road, south of MID Lateral No. 2, in the City of Modesto, and

WHEREAS, the City Council certifies that at its meeting of April 24, 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 an amendment to the General Plan Map to delete a community
park site from the Yosemite Neighborhood, property located on the west side of
Claus Road, south of MID Lateral No. 2, in the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION GRANTING THE APPEAL OF PHILLIP D.
OVERHOLTZER, INC. TO REZONE PROPERTY FROM R-1 TO P-D(474),
PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE WEST OF
COFFEE ROAD, AND OVERRULING THE DECISION OF THE PLANNING
COMMISSION.

WHEREAS, a verified application for an amendment to Section 16-3-9
of the Zoning Map was filed by Phillip D. Overholtzer, Inc. on December 12,
1989, to reclassify from Low Density Residential Zone, R-1, to Planned
Development Zone, P-D, to allow a business/professional office complex,
property located on the south side of Floyd Avenue west of Coffee Road,
described as follows:

All that certain real property situate in a portion of the Northeast
quarter of Section 16, 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 Northwest corner of the Montgomery Village Park
subdivision, according to the official map thereof, filed in the
office of the Recorder of Stanislaus County, California, on June 6,
1961, in Volume 19 of Maps, Page 72; thence South 0°58'00" East,
5.00 feet along the West line of said Montgomery Village Park
subdivision; thence leave said West line North 89°27'57" West 100.00
feet along the North line of Montgomery Village No. 4 subdivision,
according to the official map thereof, filed in the office of the
Recorder of Stanislaus County, California, on April 4, 1961, in
Volume 19 of Maps, Page 63; thence continuing along said North line
North 0°53'00" West, 40.00 feet; thence continuing along said North line
North 89°27'57" West, 20.00 feet to the Southeast corner of
Parcel "B" as shown on that certain Parcel Map filed in the office
of the Recorder of Stanislaus County, California, on April 11, 1980,
in Volume 30 of Parcel Maps, Page 50; thence along the East line of
said Parcel "B" North 0°53'00" West, 127.32 feet to the South line
of 60.00 foot wide Floyd Avenue; thence continuing along the
Northerly prolongation of said East line North 0°53'00" West, 30.00
feet to the centerline of said Floyd Avenue; thence along the
centerline of Floyd Avenue, South 89°29'40" East, 320.00 feet to the
intersection with the Northern prolongation of the East line of
Parcel "D" as shown on that certain Parcel Map filed in the office
of the Recorder of Stanislaus County, California, on October 21,
1969, in Volume 7 of Parcel Maps, Page 77; thence leaving the
centerline of Floyd Avenue and along said Northern prolongation,
South 0°53'00" East, 120.00 feet to the Northeast corner of said
Parcel "D"; thence along the East line of said Parcel "D" South
0°53'00" East 70.00 feet to the Southeast corner of said Parcel "D" and the aforementioned North line of the Montgomery Village Park subdivision; thence along said North line, North 89°27'57" West, 200.00 feet to the point of beginning.

and

WHEREAS, a public hearing was held by the Planning Commission on March 5, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-25, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Kimball Hall on behalf of Phillip D. Overholtzer, Inc. by letter dated March 19, 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 10, 1990, and

WHEREAS, a continuance of the hearing to April 24, 1990, was requested by Troy Wright of Mid-Valley Engineering on behalf of Phillip D. Overholtzer, Inc., by letter dated April 4, 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 24, 1990, at 7:30 p.m., for consideration, 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, to Planned Development Zone, P-D(474), should be granted for the following reasons:

1. Neighborhood compatibility will tend to be ensured by eight foot property line fencing with adjacent screen landscaping and an efficient off-street parking design as provided by the P-D plot plan.

2. The planned development zone will allow needed condominium office space in close proximity to a major street and centers of commercial activity.

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

SECTION 1. APPEAL GRANTED. The appeal of Phillip D. Overholtzer, Inc. to reclassify the property described above from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(474), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(474), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Floyd Professional Offices" as amended in red, stamped approved by the City Council on April 25, 1990.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south and portion of the west property lines adjacent to the parking area. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Eight foot wood fence with decorative masonry pilasters along the most western property line not adjacent to the parking area.
b. Eight foot double-sided pilaster and wood, stucco, or masonry wall or fence along the south and portion of the west property lines adjacent to the parking area.

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

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

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

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

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

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

10. Drainage shall be provided as required by the Public Works and Transportation Director.

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

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

13. No signs shall be permitted above eight feet in height on the south face of the building or the west face of the most western building noted as Building A.

14. All signs shall comply with the sign requirements of the P-O Zone.
15. Prior to the sale of any condominium unit, a final subdivision map shall be recorded.

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

17. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan.

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

19. 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 proceedings and shall cooperate fully in the defense.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(474):

The entire construction program to be accomplished in one phase, with start of construction on or before April 24, 1992 and completion to be not later than April 24, 1993.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE. The development plan and development schedule for Planned Development Zone, P-D(474), set forth in Sections 1 and 2 above, shall not become effective unless and until Ordinance No. 2713-C.S., introduced on the 24th day of April, 1990, reclassifying the property to Planned Development Zone, P-D(474), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 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, Lang, Muratore, Patterson
NOES: Councilmembers: Dobbs, Irizarry, 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
RESOLUTION GRANTING THE APPEAL OF PHILLIP D. OVERHOLTZER, INC. TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR FLOYD PROFESSIONAL OFFICES. (OVERHOLTZER)

WHEREAS, the vesting tentative map of the Floyd Professional Offices Subdivision was filed in the office of the Secretary of the Planning Commission on January 31, 1990, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

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

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

WHEREAS, a public hearing was held by the Planning Commission on March 5, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing the Planning Commission, by Resolution No. 90-26, found and determined that the vesting tentative map of the Floyd Professional Offices Subdivision accepted for filing in the office of the Secretary of the Planning Commission on January 31, 1990, should be denied for the reasons set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for the Floyd Professional Offices Subdivision was filed with the City Clerk by Kimball Hall of Phillip D. Overholtzer, Inc. on behalf of Phillip D. Overholtzer by letter dated 12/21/90.
March 19, 1990, and

WHEREAS, said matter was set for a public hearing on April 10, 1990, at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, a continuance of the hearing to April 24, 1990, at 7:30 p.m. was requested by Troy Wright of Mid-Valley Engineering on behalf of Phillip D. Overholtzer, Inc., by letter dated April 4, 1990, and

WHEREAS, at its meeting of April 24, 1990, at 7:30 p.m., after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Phillip D. Overholtzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision should be granted for the following reason and the decision of the Planning Commission should be overruled:

Approval of the requested vesting tentative subdivision map will allow development of a condominium office complex in accordance with P-D(472) and fill a need for owner-occupant office space.

and

WHEREAS, at said meeting, the Council reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the proposed vesting tentative map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. Prior to recordation of the subdivision map, the proposed subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste as a result of the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated January 31, 1990 should be certified as adopted.

BE IT FURTHER RESOLVED by the Council that the appeal of Phillip D. Overholtzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Floyd Professional Offices Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on January 31, 1990, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the private driveway easement located along the west line of lot 14, the common area, shall be abandoned in a form approved by the City Attorney.

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

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

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

5. That prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Property Owners' Association which shall guarantee continued maintenance of common facilities in the
development. Said documents shall be recorded concurrently with the final subdivision map.

6. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through building units to serve other building units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.

7. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final map.

8. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Director of Engineering. Maintenance of all sanitary sewers outside of the street right of way shall be by the Property Owners' Association.

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

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

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

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

13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that
the Secretary of the Planning Commission is hereby directed to file with the
Stanislaus County Clerk a Notice of Determination in regard to the
environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 24th day of April, 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, Lang, Muratore, Patterson
NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
The date shown on the original resolution was incorrect. The actual filing date is the day the map is accepted by the Environmental Assessment Committee. The corrected resolution was held by the Planning Department due to questions by the attorney for Overholtzer.

Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-482

A RESOLUTION GRANTING THE APPEAL OF PHILLIP D. OVERHOLTZER, INC. TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR FLOYD PROFESSIONAL OFFICES. (OVERHOLTZER)

WHEREAS, the vesting tentative map of the Floyd Professional Offices Subdivision was filed in the office of the Secretary of the Planning Commission on December 12, 1989, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

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

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

WHEREAS, a public hearing was held by the Planning Commission on March 5, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing the Planning Commission, by Resolution No. 90-26, found and determined that the vesting tentative map of the Floyd Professional Offices Subdivision accepted for filing in the office of the Secretary of the Planning Commission on December 12, 1989, should be denied for the reasons set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for the Floyd Professional Offices Subdivision was filed with the City Clerk by Kimball Hall of Phillip D. Overholtzer, Inc. on behalf of Phillip D. Overholtzer by letter dated

042690
WHEREAS, said matter was set for a public hearing on April 10, 1990, at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, a continuance of the hearing to April 24, 1990, at 7:30 p.m. was requested by Troy Wright of Mid-Valley Engineering on behalf of Phillip D. Overholtzer, Inc., by letter dated April 4, 1990, and

WHEREAS, at its meeting of April 24, 1990, at 7:30 p.m., after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Phillip D. Overholtzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision should be granted for the following reason and the decision of the Planning Commission should be overruled:

Approval of the requested vesting tentative subdivision map will allow development of a condominium office complex in accordance with P-D(472) and fill a need for owner-occupant office space.

and

WHEREAS, at said meeting, the Council reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the proposed vesting tentative map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. Prior to recordation of the subdivision map, the proposed subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste as a result of the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated January 31, 1990 should be certified as adopted.

BE IT FURTHER RESOLVED by the Council that the appeal of Phillip D. Overholtzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Floyd Professional Offices Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on December 12, 1989, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the private driveway easement located along the west line of lot 14, the common area, shall be abandoned in a form approved by the City Attorney.

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

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

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

5. That prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Property Owners' Association which shall guarantee continued maintenance of common facilities in the
development. Said documents shall be recorded concurrently with the final subdivision map.

6. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through building units to serve other building units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.

7. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final map.

8. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Director of Engineering. Maintenance of all sanitary sewers outside of the street right of way shall be by the Property Owners' Association.

9. That a final map shall not be recorded until such time as appropriate P-D zoning to allow the proposed development is granted by the City Council and is in effect.

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

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

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

13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that
the Secretary of the Planning Commission is hereby directed to file with the
Stanislaus County Clerk a Notice of Determination in regard to the
environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 24th day of April, 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, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO REZONING OF PROPERTY FROM
R-1 to P-D(474) AND RELATING TO THE VESTING TENTATIVE MAP
FOR THE FLOYD PROFESSIONAL OFFICES SUBDIVISION.

WHEREAS, on April 24, 1990, the City Council adopted Resolution No.
90-481 giving approval to a project relating to the granting of the appeal
filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the
decision of the Planning Commission denying rezoning of property from
Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(474),
property located on the south side of Floyd Avenue west of Coffee Road and
overruling the decision of the Planning Commission, and

WHEREAS, on April 24, 1990, the City Council adopted Resolution No.
90-482 giving approval to a project relating to the granting of the appeal
filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the
decision of the Planning Commission denying a vesting tentative map for the
Floyd Professional Offices Subdivision, and approving said map, 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 projects,

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
projects relating to the granting of the appeal filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the decision of the Planning Commission denying rezoning of property from R-1 to P-D(474), property located on the south side of Floyd Avenue west of Coffee Road, and overruling the decision of the Planning Commission; and relating to the granting of the appeal filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the decision of the Planning Commission denying a vesting tentative map for the Floyd Professional Offices Subdivision, and approving said map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 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, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION ACCEPTING THE BID OF H.V. CARTER FOR FURNISHING ONE TRIPLEX GREENS MOWER

WHEREAS, Resolution No.90-353, adopted by the Council of the City of Modesto on March 13, 1990, approved the plans and specifications for the purchase of one diesel triplex greens mower and one diesel 3-gang mower and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one diesel triplex greens mower and one diesel 3-gang mower were opened at 11:00 a.m. on April 9, 1990, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of H.V. Carter for one triplex greens mower, in the amount of $17,425 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H.V. Carter for one triplex greens mower, in the amount of $17,425 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 24th day of April, 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: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF DUKE EQUIPMENT FOR FURNISHING ONE THREE-GANG MOWER

WHEREAS, Resolution No. 90-353, adopted by the Council of the City of Modesto on March 13, 1990, approved the plans and specifications for the purchase of one diesel triplex greens mower and one diesel 3-gang mower and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one diesel triplex greens mower and one diesel 3-gang mower were opened at 11:00 a.m. on April 9, 1990, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Duke Equipment for furnishing one three-gang mower, in the amount of $25,684, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Duke Equipment for furnishing one three-gang mower, for $25,684, 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 24th day of April, 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: Judy C. Hall, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF MODESTO DISPOSAL SERVICE FOR FURNISHING A TRASH COMPACTOR FOR THE CORPORATION YARD

WHEREAS, Resolution No. 90-5, adopted by the Council of the City of Modesto on January 2, 1990, approved the plans and specifications for the purchase and installation of a refuse compactor/container for the Corporation Yard and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of a refuse compactor/container for the Corporation Yard were opened at 11:00 a.m. on February 12, 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 Modesto Disposal Service in the amount of $17,063.67 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Modesto Disposal Service in the amount of $17,063.67 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 24th day of April, 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:
MODESTO CITY COUNCIL
RESOLUTION NO. 90-486

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $7,100 FOR THE
PURCHASE OF A TRASH COMPACTOR FOR THE CORPORATION YARD

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

FROM: General Contingency Fund
(010 800 8000 8003) $7,100.00

TO: Garbage Compactor
(010 310 3112 5745) $7,100.00

Funds are needed to help finance a trash compactor for the
Corporation Yard.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 24th day of
April, 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: JUDY C. HALL, Acting City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO KIRKES ELECTRICAL FOR INSTALLING AN ELECTRICAL PANEL AT THE CROCKER BUILDING

WHEREAS, the electrical panel located in the basement of the Crocker Building is over 50 years old and needs to be replaced because current power demands exceed its capacity; and

WHEREAS, Kirkes Electrical is being recommended by staff to perform the work because they were the primary electrical contractor during the building renovation and are totally familiar with the building and its electrical system.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the installation of an electrical panel at the Crocker Building is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Kirkes Electrical for installing an electrical panel at the Crocker Building is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 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: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-488

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FINANCING FOR AN ELECTRICAL PANEL IN THE CROCKER BUILDING.

WHEREAS, certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1989-90 to provide financing for the purchase of a new electrical panel in the Crocker Building,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for the Fiscal Year 1989-90.

Appropriations:

<table>
<thead>
<tr>
<th>Fund/Agency/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>010/800/8000/8003</td>
<td>General Fund Contingency Res.</td>
<td>($50,000)</td>
</tr>
<tr>
<td>010/700/7000/7130</td>
<td>Transfer Out To Fund 130</td>
<td>50,000</td>
</tr>
<tr>
<td>130/490/P923/6000</td>
<td>Crocker Bldg Electrical Panel</td>
<td>50,000</td>
</tr>
</tbody>
</table>

Revenue:

<table>
<thead>
<tr>
<th>Fund/Agency/Org/Object</th>
<th>Description</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>130/700/7000/9010</td>
<td>Transfer In From Fund 010</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 90-489

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR
CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves contribute numerous hours each
year to the City of Modesto assisting the Police Department in protecting the
health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-four (44) officers in the
organization, private citizens from all walks of life, who devote many hours
of their own time to the Modesto Police Department, apart from their
employment or business, without any pay whatsoever, and

WHEREAS, the Modesto Police Reserves work constantly with the
Modesto Police Department, performing whatever duties may be requested in the
way of enforcing laws, searching for missing persons, apprehending escaped
convicts, aiding during times of disaster, and helping with various community
activities taking place in the City, and

WHEREAS, during the year 1989 alone, the Police Reserves served a
total of Seventeen Thousand Six Hundred (17,600) hours of time for the City of
Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that each and every person serving with the Modesto Police Reserves be
commended for their untiring work in the organization which so greatly
contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that duly authenticated copies of this
resolution be presented to each of those officers who devoted so many of their
personal hours to the Police Reserves during 1989, in recognition of performance of outstanding service to the City of Modesto.

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

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

(Seal)

ATTEST: JUDY C. HALL, Acting City Clerk

042390 -2- 2957CA
AN URGENCY RESOLUTION EXTENDING RESOLUTION NO. 90-351 ENTITLED "MODESTO CITY COUNCIL INTERIM URGENCY RESOLUTION" FOR AN ADDITIONAL TWELVE (12) DAY PERIOD.

WHEREAS, on March 13, 1990, the Modesto City Council adopted Resolution No. 90-351 which adopted Stanislaus County's Public Facilities Fees and made them applicable to development projects occurring in the City of Modesto, and

WHEREAS, said resolution is effective only for a period of thirty (30) days, and

WHEREAS, on April 3, 1990, the Modesto City Council extended Resolution No. 90-351, as allowed by State law, for an additional thirty (30) day period, and

WHEREAS, it is appropriate to extend said resolution for an additional twelve (12) day period, through May 12, 1990,

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

1. Pursuant to the authority conferred by Government Code section 65962, Resolution No. 90-351 is hereby extended for an additional twelve (12) day period from and after the effective date of this resolution, through May 12, 1990.

2. The County Public Facilities Fees adopted on an interim urgency basis with the passage of Resolution No. 90-351 need to remain in continuous effect in order to protect the public health, safety, and welfare of citizens throughout the County. It is necessary that the County Public Facilities Fees remain in effect on a continuous basis so that the comprehensive County Public Facilities Fees which have been imposed throughout the County can begin at the
same time and thereafter remain in continuous effect. Failure to extend the interim urgency resolution for an additional twelve (12) day period may create deficiencies that may have an adverse effect on the County’s ability to provide necessary public facilities, thereby causing a threat to the public health, safety and welfare; therefore, this resolution is effective immediately after adoption.

3. In addition to any other findings made by this resolution, the City Council further finds that CEQA does not apply to the adoption of this resolution pursuant to the provisions of sections 15061 and 15273 of the State CEQA Guidelines, because:

(a) The fees established by this resolution will be collected, in part, for the purposes of obtaining funds to be used for development projects and improvements which are necessary to maintain the current levels of service within the County.

(b) To a limited extent, the fees established by this resolution will be used to fund some new facilities in new neighborhoods outside existing service areas. However, the addition of public facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said public facilities via the public facilities fee mechanism established by the Board of Supervisors Resolution No. 89-1724. The construction of each public facility will be subject to CEQA review. It is, therefore, reasonably certain that this resolution which merely extends Resolution No. 90-351 for an additional twelve (12) day period will not, by itself, have any possibility of causing a significant effect on the environment.
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 Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-491

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF ANNUAL PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND FOR ISSUANCE OF ONE TRIP PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND RESCINDING RESOLUTION NO. 89-1147.

WHEREAS, the Motor Vehicle Code of the State of California specifies the maximum weight and size of vehicles that may travel on public streets, and
WHEREAS, Section 35780 of said Motor Vehicle Code authorizes local authorities to issue special permits which allow variances from the specified maximum weight and size of vehicles, and
WHEREAS, it is the policy of the Council to grant such variances for the purpose of promoting commerce and industry, and
WHEREAS, Section 7-1.107 of the Modesto Municipal Code specifies that fees shall be approved by the Council from time to time by resolution, and
WHEREAS, said fees also cover terminal access of interstate trucks pursuant to Section 35401.5 (d) of the Motor Vehicle Code, and
WHEREAS, Sections 35781, 35795 and 35782 of said Motor Vehicle Code have been amended by State Assembly Bill 1849 to require a standard application permit form and to limit the fee that the local authority may charge for these permits to an amount which does not exceed a fee schedule developed by the California State Department of Transportation, and
WHEREAS, in accordance with said Assembly Bill 1849 the City proposes a fee of $70.00 be charged for issuance of annual permits for oversized or overloaded vehicles, which includes a charge for the services of a plan review, and the City proposes a fee of $15.00 be charged for the issuance of one trip permits for oversized or overloaded vehicles, which includes a charge for the services of a Police Squad Leader.
WHEREAS, the annual permit fee may be prorated downward for the time periods of less than one year, however said prorated fee shall not be less than $15.00, and

WHEREAS, California Vehicle Code Section 35795 provides that special services necessitated by unusually large or heavy loads requiring engineering investigations, or other services, may be billed separately for each permit, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 1, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, pursuant to Section 35795 of the California Vehicle Code, an Annual Permit Fee of $70.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department and a One Trip Permit Fee of $15.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department.

BE IT FURTHER RESOLVED that pursuant to Section 35795 of the California Vehicle Code, special services necessitated by unusually large or heavy loads requiring engineering investigations, or other services, may be billed separately for each permit.

BE IT FURTHER RESOLVED that Resolution No. 89-1147 adopted by the Council on November 21, 1989, is hereby rescinded effective June 30, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after July 1, 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 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. 90-492

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(473). (DENNIS HOBBY)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Dr. Dennis Hobby on October 30, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a medical/professional office condominium complex, property located on the north side of East Orangeburg Avenue, about 135 feet west of Sunrise Avenue, described as follows:

R-1 to P-D

ALL that certain real property situated in the City of Modesto, County of Stanislaus, State of California, described as follows:

ALL that portion of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the Southwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 21, being in the intersection of Melrose Avenue with Orangeburg Avenue; thence East along the South line of the Northeast quarter of the Northwest quarter of said Section 21, being the centerline of Orangeburg Avenue, a distance of 320 feet to the Point of Beginning of this Description; thence North and parallel to the West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet; thence East and parallel to the aforementioned centerline of Orangeburg Avenue, a distance of 175 feet; thence South and parallel to the aforementioned West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet; thence West along the aforementioned centerline of Orangeburg Avenue, a distance of 175 feet to the Point of Beginning.

and

WHEREAS, after a public hearing held on January 2, 1990, and continued to March 19, 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. 90-31, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed medical/professional office condominium complex constitutes good use of the land being located on a four-lane major street which lies between two major hospitals.

2. The proposed medical/professional office condominium complex will be compatible with surrounding existing and potential land uses, particularly since the revised site plans reflect anticipated shared accessways with adjoining properties.

3. The impacts of higher volumes of traffic and turning movements generated by the introduction of this more intensive zoning and land use can be mitigated in part by the pro rata sharing of the costs to provide center left-turn lanes and prohibited curb-side parking in that stretch of East Orangeburg Avenue between McHenry Avenue and Coffee Road, as reflected in the conditions of approval following.

and

WHEREAS, after a public hearing held on _____May 1_____, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Dr. Dennis Hobby 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. 90-31 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2714—C.S. on the ____1st____ day of ______May_____, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473).

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

1. All development shall conform to the plot plan and floor plans titled "Pacific Professional Park Site Plan" as amended in red, stamped approved by the Planning Commission on March 19, 1990.

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

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

   a. Six-foot board fence with decorative masonry pilasters on the north, west, and portion of the east property lines. Solid double alternating board construction shall be employed on the north portion adjoining the parking lot. Standard board construction shall be allowed adjacent to the temporary planter on the south portion of the east property line, which shall be removed at applicant's expense along with the planter at such time as adjoining reciprocal access is proposed.

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

5. The Orangeburg Avenue 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.

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

7. All curbcuts serving two-way driveways shall be a minimum of 41 feet in width.

8. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
9. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plan. The applicant shall, upon demand by the City, remove the temporary landscaping and adjacent fencing and pave to facilitate a reciprocal driveway with adjoining lands to the east.

10. Drainage shall be provided as required by the Public Works and Transportation Director.

11. That provisions for water and sanitary sewer service to individual units shall be made in a manner to be approved by the Director of Public Works and Transportation. Maintenance of all sanitary sewers outside of the street right-of-way shall be by the Property Owners' Association.

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

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

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

15. All signs shall comply with the sign requirements of the P-O zone.

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

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

18. 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.

19. Prior to issuance of a building permit, as a traffic and turning movement impact mitigation measure, the applicant shall pay to the City of Modesto a pro rata share of the costs to provide for center-turn lanes and for prohibition of on-street, curb-side parking along East Orangeburg Avenue, between McHenry Avenue and Coffee Road, as determined by the Public Works and Transportation Director. The pro rata costs shall be shared with an additional approximately 10.6 acres of land along this portion of East Orangeburg Avenue for which office zoning and development is anticipated and indicated in the "Amendments to Portions of East McHenry Neighborhood Zoning and Development Policy" recommended by the Planning Commission on March 5, 1990.

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

a. That rezoning and development of the property designated from low-density residential zone uses to office zoning/development will, as demonstrated in a report dated February 16, 1990, from the Public Works and Transportation Department generate a significant increase in traffic and turning movements along a one-mile stretch of East Orangeburg Avenue, a substandard major street.

b. That the establishment of left-turn lanes and the prohibition of on-street parking is necessary to and will partially mitigate some of the adverse impacts of the increased traffic and turning movements as demonstrated in the report from the Public Works and Transportation Department dated February 16, 1990.

c. That the funds collected for the sharing of costs for partial traffic flow impact mitigation will be used by the City for establishing left-turn lanes and prohibition of on-street parking along East Orangeburg Avenue between McHenry Avenue and Coffee Road which will partially accomplish this mitigation.

d. There is therefore a direct and reasonable relationship between the rezoning of property from R-1 to P-D(473) for
a medical office condominium and the need to impose as a condition of this development, a pro rata sharing in the costs of providing left-turn lanes and prohibition of curb-side, on-street parking along East Orangeburg Avenue between McHenry Avenue and Coffee Road.

e. The proposed rezoning of the 0.9 acres from R-1 to P-D(473) has given rise to an additional 10.6 acres of land along this portion of East Orangeburg Avenue between McHenry Avenue and Coffee Road for which office zoning and development is anticipated and so indicated on the "Amendments to Portions of East McHenry Neighborhood Zoning and Development Policy" recommended by the Planning Commission on March 5, 1990. The improvements to facilitate traffic flow and turning movements are thus made necessary by first the rezoning of the subject property, and consequently the remaining 10.6 acres upon which will be based the pro rata sharing of the costs for these improvements.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(473):

The entire construction program be accomplished in one phase, construction to begin on or before March 19, 1992, and completion to be not later than March 19, 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(473), becomes effective.
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 Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By

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 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(473). (DENNIS HOBBY)

WHEREAS, on __May 1________, 1990, the City Council introduced Ordinance No. 2714—C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), property located on the north side of East Oranageburg Avenue, about 135 feet west of Sunrise 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 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), property located on the north side of East Oranageburg Avenue, about 135 feet west of Sunrise Avenue.
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 ___ 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 REJECTING BIDS FOR MCHENRY MANSION RESTORATION PHASE III - INSTALLATION OF ELECTRICAL AND HVAC SYSTEMS, AND OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 5, 1990

WHEREAS, Resolution No. 90-382, adopted by the Council of the City of Modesto on March 20, 1990, approved the plans and specifications for the McHenry Mansion restoration phase III - electrical and HVAC systems, and authorized the call for bids; and

WHEREAS, the bids received for the McHenry Mansion restoration phase III - installation of electrical and HVAC systems were opened at 11:00 a.m. on April 5, 1990; and

WHEREAS, the only bid received was determined to be too high on a portion of the project and staff recommends the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the McHenry Mansion restoration phase III - installation of electrical and HVAC systems, and opened in the office of the City Clerk on April 5, 1990, are hereby rejected.

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, Iriarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

NORMINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING ISSUANCE OF A CONTRACT TO BOWDEN ELECTRIC, INC. FOR ELECTRICAL WORK ON THE MCHENRY MANSION RESTORATION - ELECTRICAL WORK

WHEREAS, the City has called for bids twice for the next stage of mechanical and electrical work for the McHenry Mansion restoration, with no bids being received the first time, and only one bid received the second time, from Bowden Electrical, Inc.; and

WHEREAS, although Bowden Electrical Inc.'s mechanical portion of the bid was considered to be too high, their electrical portion of the bid was determined to be acceptable; and

WHEREAS, because issuing another call for bids would delay this project to a point where completion could not be accomplished prior to the planned opening in September, staff recommends waiving the bid process and issuing a contract to Bowden Electrical Inc. for the electrical portion of the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the McHenry Mansion restoration - electrical work is hereby waived.

BE IT FURTHER RESOLVED that issuance of a contract to Bowden Electrical, Inc. for installation of the electrical work at the McHenry Mansion is hereby approved.

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
MODESTO CITY COUNCIL
RESOLUTION NO. 90-496

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON
THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE AND THE DRYDEN
PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION
NO. 90-141.

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

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

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

<table>
<thead>
<tr>
<th>Monthly Tickets (Muni/Dryden)</th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Unlimited Husband and Wife Ticket</td>
<td>$96.00</td>
</tr>
<tr>
<td>Monthly Unlimited Individual Ticket</td>
<td>$61.00</td>
</tr>
<tr>
<td>Monthly Junior Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Retired Disabled Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Senior Citizen Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Senior Citizen 70/0lder Ticket</td>
<td>$23.50</td>
</tr>
<tr>
<td>School Golf Team Monthly Ticket</td>
<td>$41.00</td>
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</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays - Late Afternoon Play</td>
<td>$ 6.00</td>
</tr>
<tr>
<td>Weekends - Late Afternoon Play</td>
<td>$ 8.00</td>
</tr>
<tr>
<td>Wednesdays, 65/0lder</td>
<td>$ 4.00</td>
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</tbody>
</table>

Regular Tickets (Dryden/Dry Creek):

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

SECTION 2. TICKETS. (a) Monthly Tickets. Each monthly ticket issued will become invalid on the last day of the month issued and will not be validated for play on the golf courses until the appropriate monthly rate has been paid. Monthly tickets will be limited to residents of the County of Stanislaus.

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

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

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

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

(f) **Senior Citizen - 70 or Older.** Residents of the County of Stanislaus, seventy (70) years of age or older, may play golf at the Nine-Hole Municipal Golf Course with a special monthly ticket at a fee of Twenty-three and 50/100ths ($23.50) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf course on Mondays through Thursdays before the hour of 2:00 p.m., except on holidays.
(g) Retired/Disabled Ticket. Retired/Disabled tickets are to be issued only to those who are on disability retirement and who display proof of such disability retirement and proof of residency. These tickets will not be valid on Saturdays, Sundays or holidays. Those on disability retirement wishing to play on weekends and holidays shall be subject to the regular green fees.

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

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


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

SECTION 6. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 2, 1990.

SECTION 7. REPEALS. Resolution No. 90-141 adopted on February 27, 1990 is hereby rescinded May 1, 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 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. 90-497

A RESOLUTION APPROVING AMENDMENTS TO THE SERVICE AGREEMENT FOR THE WASTE-TO-ENERGY PROJECT AND ASSIGNMENT OF CERTAIN RIGHTS THEREUNDER IN ORDER TO IMPLEMENT THE REFINANCING OF THE WASTE-TO-ENERGY PROJECT, AND AUTHORIZING EXECUTION OF ALL OTHER DOCUMENTS RELATING THERETO.

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 County of Stanislaus, California (the "County") is a political subdivision duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the Solid Waste-to-Energy Committee of the City of Modesto has forwarded a proposed Amendment No. 2 to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste dated as of June 1, 1986, as amended on September 27, 1988 by Amendment No. 1 thereto, (the "Service Agreement") by and among Ogden Martin Systems of Stanislaus, Inc. (formerly known as Stanislaus Waste Energy Company) (the "Company"), a California corporation, the City, and the County, and

WHEREAS, the City and County, together with the Company, desire to make certain changes in the Service Agreement, with which the City Council is familiar, relating to rights, obligations and responsibilities of the parties with respect to the operation of the facility and the refinancing thereof, including among other things, without limitation:

1. The execution and delivery of the Stanislaus Waste-to-Energy Financing Agency ("Agency") Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 (the "Certificates"), which Certificates are being issued to refund the California Pollution Control
Financing Authority Solid Waste Facility Adjustable Rate Revenue Bonds (Stanislaus Waste Energy Company Project), Series 1985 (the "Bonds").

2. Off-site drainage costs and the reimbursement of certain expenses incurred by the County and the City.

3. Fees for disposal of process residue and process rejects during interim operations.

4. Extending the term until January 1, 2010, the final maturity date of the Certificates, with an option for extending the term until July 1, 2016.

5. Reimbursement of certain costs of the Company with respect to the execution and delivery of the Certificates.

6. Processing of additional acceptable waste.

7. A study of programs to remove consumer-type dry cell batteries.

8. Costs of testing ash residue.


10. Miscellaneous provisions relating to the operation of the facility.

and

WHEREAS, the City, together with the County, desires to execute a Communities Assignment Agreement (the "Assignment Agreement") from the County and City to The Bank of New York as trustee (the "Trustee") under the Trust Agreement dated as of May 1, 1990 among the City, County, and Trustee providing for the execution and delivery of the Certificates (the "Trust Agreement"), including the County and City assignment of certain of their rights under the Service Agreement to the Trustee in the event of default thereunder, and agreement to pay the Service Fee under the Service Agreement directly to the Trustee for deposit in the Revenue Fund under the Trust Agreement, and
WHEREAS, the Certificates represent undivided and proportionate interests in lease payments made by the Agency pursuant to a Lease Agreement dated as of May 1, 1990 with the Company (the "Lease"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement dated May 1, 1990 with the Agency (the "Sublease"), and

WHEREAS, the City desires to consent to such Lease and Sublease by the Company and the execution by the Company of the Company Security Agreement dated as of May 1, 1990 to the Trustee (the "Security Agreement"), the Leasehold Deed of Trust dated as of May 1, 1990 from the Company to First American Title Company for the benefit of the Trustee (the "Leasehold Deed of Trust") and the Trust Agreement in order to secure payment of the Certificates, and

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

WHEREAS, the City, together with the County, wishes to acknowledge and accept a Letter of Instructions for Compliance with Section 148(f) of the Internal Revenue Code of 1986, from the Agency, (the "Rebate Instructions") regarding the investment of monies held under the Trust Agreement and the rebate of certain investment earnings thereon to the U. S. Treasury, and
WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the County is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

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

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 and of the documents approved herein are true and correct.

SECTION 2. Amendment No. 2 to Service Agreement. The form of Amendment No. 2 to Service Agreement, dated as of May 1, 1990, presented to this meeting on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Amendment No. 2 to Service Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the execution of Amendment No. 2 shall take place concurrently.
with the issuance of the Certificates, and if the Certificates are not issued on or before June 2, 1990, this authorization shall expire and shall be of no further force and effect.

SECTION 3. Assignment Agreement. The form of Assignment Agreement, dated as of May 1, 1990, presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representative, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Assignment Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. 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 representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and 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, 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.
SECTION 5. Acknowledge and Accept Rebate Instructions. The form of Rebate Instructions attached to the Trust Agreement, dated as of May 1, 1990, 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 representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and acceptance of such Rebate Instructions in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 6. Approval of Form of Documents and Certain Consents. The City Council hereby consents to the execution and delivery by the Company of the Trust Agreement, Lease, Sublease, Security Agreement and Leasehold Deed of Trust in the form presented to this meeting and on file with the City Clerk of the City of Modesto, and approves such form of documents. The City Manager or his designated representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and delivery further written evidence of such consents in the form as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 7. Attestation and Seal. The City Clerk of the City of Modesto is hereby authorized and directed to attest the signature of the authorized signatory, and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of Amendment no. 2 to Service Agreement, the Assignment Agreement, the Rebate Instructions or other related certificates, as necessary.
SECTION 8. Further Actions. The City Manager, Finance Director, the City Clerk and all other officers of the City are each authorized and directed in the name and on behalf of the City to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the execution and delivery of Certificates. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 9. 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 1st 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, 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
CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, hereby certify as follows:

The following is a full, true and correct copy of a resolution duly adopted at a meeting of the Council of the City of Modesto duly and regularly and legally held at the regular meeting place thereof on May 1, 1990, of which meeting all of the members of the Council of the City of Modesto had due notice and at which a quorum was present.

I have carefully compared he same with the original minutes of said meeting on file and of record in the City Clerk's office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

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.

Dated: __________________________

NORRINE COYLE, City Clerk

(Seal)
MODESTO CITY COUNCIL
RESOLUTION NO. 90-498

A RESOLUTION GRANTING A VARIANCE TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO RELATING TO EXPOSED AGGREGATE SIDEWALK STANDARD AT 1300 "K" STREET AND 13TH STREET. (TOMAR ENTERPRISES)

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

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

WHEREAS, Martin J. Ruddy and Tom Sutter of Tomar Enterprises have requested a variance from said Standard Specifications to deviate from the sidewalk requirement in the downtown area to permit placement of exposed aggregate sidewalk without the decorative trimming strips of standard concrete finish to the property at 1300 "K" Street and 13th Street, and

WHEREAS, City staff has considered said request and recommends that said request for variance to provide for placement of exposed aggregate sidewalk without the decorative trimming strips of standard concrete finish to the property at 1300 "K" Street and 13th Street, should be approved, and

WHEREAS, at its meeting of May 1, 1990, the Council considered said request and staff recommendation and determined that the requested exception should be granted,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an exception is hereby granted to the Standard Specifications of the City of Modesto, in accordance with the provisions of Section 3.27, Exposed Aggregate Sidewalk, thereof, to allow placement of exposed aggregate sidewalk without the decorative trimming strips of standard concrete finish to the property at 1300 "K" Street and 13th Street.

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

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-499

A RESOLUTION APPROVING THE FINAL MAP OF THE ENGLISH MEADOWS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bryan Grimes and Rita M. Grimes, husband and wife is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.42 acres, known as the English Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of February, 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 English Meadows 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 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING THE FINAL MAP OF THE FAIRMONT COURT
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Gary D. Fant is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.47 acres, known as the Fairmont Court Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 14th day of August, 1989, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Fairmont Court 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 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

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney