RESOLUTION NO. 93-350


Del Este Water System Acquisition

IT IS RESOLVED by the City Council of the City of Modesto, California, as follows:

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain property, particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to provide uniformity of water quality and service and rate stability to the water users of the City of Modesto and surrounding areas in the city sphere of influence; and

WHEREAS, the City Council of the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Government Code Sections 38730 and 40404, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1240.410, 1240.510 and 1240.610 of the Code of Civil Procedure of the State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be
heard before the City Council of the City of Modesto on the following matters:

(a) Whether the public interest and necessity require the acquisition;

(b) Whether the use for which the property is sought to be acquired is a more necessary public use than the use to which the property is appropriated;

(c) Whether the acquisition is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(d) Whether the property sought to be acquired is necessary; and

(e) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED as follows:

1. The public interest and necessity require the acquisition in order to provide uniformity of water quality and service and rate stability to the water users in the City of Modesto and surrounding areas in the City's sphere of influence;

2. The use for which the property described in Exhibit "A" is sought to be acquired--to provide uniformity of water quality and service and rate stability to water users in the City and surrounding areas within its sphere of influence--is a more necessary public use than the use to which the property is appropriated;
3. The acquisition is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

4. The taking of the fee simple and/or absolute title in and to the property more particularly described in said Exhibit "A" is necessary;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the property;

6. The property described in Exhibit "A" which is outside the territorial limits of the City of Modesto should be acquired for water supply purposes;

7. The City Attorney of the City of Modesto or his duly authorized designee be, and he is hereby, authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith; and

8. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAELE D. MILICH, City Attorney
The assets of the Del Este Water Company water systems in the Modesto Service Area (identified by Department of Health Services number) are described as follows:

DHS 50-002
DHS 50-003
DHS 50-011
DHS 50-015
That portion of DHS 50-016A west of Highway 99 only
DHS 50-022
DHS 50-024
DHS 50-027
DHS 50-036

and specifically with regard to said systems:

1. Water Supply Facilities

All water wells, reservoirs and equipment to draw water from underground and surface sources for distribution within the service area, including all motors, pumps, valves, fittings, water production meters, controls, sand separators, enclosing structures, site improvements, and any other appurtenances necessary for proper operation and control of the identified systems.

2. Pumping Facilities

All pumps and equipment located at reservoirs, well sites, storage tanks, treatment plants and "in-line" within the distribution piping used for the purpose of raising the water pressure to the prescribed system pressure, including pumps, motors, valves, fittings, all controls, vaults, site improvements, and any other appurtenances necessary for proper operation and control of the distribution pumping facilities.

3. Water Treatment Facilities

All structures and improvements and water treatment equipment used for the purpose of treating surface and raw water pumped from the ground for use as a potable water supply. This category of utility plant property includes, but is not limited to:

(a) Chemical feed equipment, including pumps, motors, tanks, metering devices and controls.

(b) Chlorine analyzers, recorders, and leak detectors.
EXHIBIT A (Cont.)

(c) Pressure tanks, filters, chemical reaction tanks and degasser tanks.
(d) Water production meters and appurtenances.
(e) Buildings and other enclosures including laboratory facilities.
(f) Yard piping, all site improvements, and any other appurtenances necessary for proper operation and control of the water treatment facility.

4. Water Storage Facilities

All reservoirs and tanks used for the purpose of treated and/or untreated water storage or water pressure regulation for the identified systems. These facilities include, but are not limited to, such items as the reservoirs, tanks, yard piping, valves, level indicators, cathodic protection, controls, vaults, site improvements and any other appurtenances necessary for proper operation and control of the water storage facility.

5. Transmission and Distribution Facilities

All pipelines for the identified systems used in the transmission and distribution of treated water from the treatment plants and storage tanks to the water consumer, including all service lines, meters, meter installations, and fire hydrant installations, and appurtenant valves, fittings, vaults, locating wire, cathodic protection, location markers and any other control or appurtenances necessary for proper operation and maintenance of the transmission and distribution facility.

6. Water Rights, Capacity, Permits, and Pending Litigation

All water rights appurtenant to or used by any of the identified systems, the proportionate share of said systems in any and all surface water treatment and delivery capacity and/or contract rights relating to the identified systems including but not limited to the "Treatment and Delivery Agreement Among Modesto Irrigation District, City of Modesto, and Del Este Water Company", any and all shares of California Department of Health Service permits relating to said systems, and said systems' proportionate share of any claims and/or recovery obtained by Del Este Water Company in the action known as City of Modesto v. Shell Oil Co., et al. (San Francisco Superior Court No. 939526; Master File No 914400).
EXHIBIT A (Cont.)

7. Records

All deeds, books, maps and records relating to the operation and maintenance of the identified systems, including, but not limited to, operating records of every nature, including engineering records, accounting records (including invoices for materials and services purchased) and billing records.

Without limiting the specificity of the above description of assets, the City of Modesto states that the facilities, lands, property rights and systems described are intended to comprise all of the identified systems of the Company lying within the Modesto Service Area, not including, however, office furniture and equipment, automotive and other transportation equipment, communications equipment, tools, materials and supplies, cash or accounts receivable, debts, current and accrued liabilities, except for the obligation for repayment of advance contracts relating to the identified systems.

8. Land and Land Rights

With the exception of the lands, buildings, and storage yard located at 430 Tenth Street, Modesto, California, all lands within the City of Modesto and its sphere of influence that are being used by the Company for the operation of the identified systems, including all real property leases, rights of way and easements to maintain or place and maintain, the works described above in paragraphs 1, 2, 3, 4 and 5, or any part or portion thereof, whether existing by virtue of grant, prescription or otherwise, and including real property leases for Well Sites 1, 25, 76, 77, 79, 91, 92, 93, 94 and 96 which are located in DHS System 50-002. Attached hereto as Schedule 1 is a legal description of the real property interests referred to in this paragraph with the exception of leases for the well sites referred to above.
SCHEDULE 1
LEGAL DESCRIPTIONS

PARCEL NO. 1:
All of Lot 18 in Block 3071 of SUNSET MANOR, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 6, 1947 in Volume 15 of Maps, at page 50.

EXCEPTING THEREFROM all that portion of said Lot 18, lying Westerly of a line described as:

BEGINNING at the Southeast corner of Lot 19 in said Block 3071 and running thence Northwesterly to the Southwest corner of Lot 17 in Block 3071.

PARCEL NO. 2:
Lot 3 in Block 1 of EL ROYA TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 16, 1938 in Volume 11 of Maps, at page 52.

PARCEL NO. 3:
Lot 5 in Block 2241 of STEVENS TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 26, 1958 in Volume 19 of Maps, at page 1.

PARCEL NO. 4:
All of Block 2172 of RE-SUBDIVISION OF THOUSAND OAKS, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 12, 1946 in Volume 14 of Maps, at page 63.

PARCEL NO. 6:
The South 85.64 feet of Lot 9 lying East of Conejo Avenue in Block 2141 of SIERRA SUBDIVISION NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 14, 1936 in Volume 11 of Maps, at page 31.

EXCEPTING THEREFROM the East 20 feet thereof.

PARCEL NO. 7:
Lots 11 and 12 in Block 9151 of RIVER VIEW TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on February 28, 1946 in Volume 14 of Maps, at page 44.

PARCEL NO. 8:
Lots 19, 18 and the South half of Lot 20 in Block 4017 of PARADISE HOMES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 14, 1929 in Volume 11 of Maps, at page 9.

EXCEPTING THEREFROM that portion thereof conveyed to County of Stanislaus, by Deed recorded September 25, 1940 in Volume 710 of Official Records, at page 476, as Instrument No. 12112. Stanislaus County Records.
PARCEL NO. 9:
An easement for the construction, operation and maintenance of underground pipelines, and/or mains, and underground appurtenances necessary thereto, for the purpose of conveying water, described in the Deed from Modesto Irrigation District to Del Este Water Company, dated October 3, 1972, recorded October 12, 1972 in Book 2504 of Official Records, at page 119, in the following real property situate in the County of Stanislaus, State of California and described as follows: A strip of land five (5) feet in width consisting of the South five (5) feet of the North Six (6) feet of Lot 10 in Block 5 of SIERRA SUBDIVISION, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on February 20, 1930 in Volume 11 of Maps, at page 15.

PARCEL NO. 10:
All that portion of Lot 20 of MAZE RANCH SUBDIVISION, according to the Map filed in Stanislaus County Recorders office in Volume 4 of Maps, at page 18, more particularly described as follows:

COMMENCING at the Northwesterly corner of Parcel "B" as shown on that certain Parcel Map filed February 10, 1975 in Book 20 of Parcel Maps, page 81, Stanislaus County Records; being a portion of Lots 20 and 21 of Maze Ranch Subdivision; thence South 1 degree 04' 30" West along the Westerly line of said Parcel B a distance of 270.36 feet to the true point of beginning of this description; thence at right angles South 88 degrees 55' 30" East 60.00 feet; thence South 1 degree 04' 30" West 106.82 feet to a point on the Northerly right-of-way line of Modesto Irrigation Lateral No. 4; thence North 73 degrees 15' 36" West along said Northerly right-of-way line a distance of 62.31 feet; thence North 1 degree 04' 30" East 90.00 feet to the true point of beginning of this description.

TOGETHER with the "easement" described in the Deed to Del Este Water Company recorded February 10, 1975 in Book 2682 of Official Records of said County, at page 254, particularly described in said Deed as follows:

A 15.00 foot easement measured at right angles, the Westerly line being described as follows: BEGINNING at the Northwest corner of Parcel "B" as shown on that certain Parcel Map filed February 10, 1975 in Book 20 of Parcel Maps, at page 81, Stanislaus County Records; being a portion of Lots 20 and 21 of Maze Ranch Subdivision; thence South 1 degree 04' 30" West along the Westerly line of said Parcel B a distance of 270.36 feet to the termination of this description.
PARCEL NO. 13:
A Right of Way to construct, operate and maintain underground pipelines and/or mains and appurtenances necessary thereto, for the purpose of conveying water, upon over and through that certain real property situate in the County of Stanislaus, State of California, and more particularly described as follows:

All that certain piece or parcel of land situate in and being a portion of the Northwest one-quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

COMMENCING at the Northwest corner of Section 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, thence South 0 degrees 39' 47" East along the Westerly line of said Section 36, a distance of 797.20 feet to the Southerly line of a 75 foot wide canal known as Modesto Irrigation District Lateral No. 1; thence North 83 degrees 06' 44" East along said Southerly line, a distance of 457.56 feet; thence South 83 degrees 57' 19" East along said Southerly line, a distance of 2.13 feet to the true POINT OF BEGINNING of this description; thence South 0 degrees 18' 22" East, a distance of 475.14 feet to the Northerly line of a 60 foot road known at Farrar Avenue; thence South 89 degrees 14' 35" East along said Northerly line, a distance of 10.00 feet; thence North 0 degrees 18' 22" West, a distance of 474.21 feet to the Southerly line of said Lateral No. 1; thence North 83 degrees 57' 19" West along the Southerly line of said Lateral No. 1, a distance of 10.06 feet to the point of beginning of this description, as created in the Deed from Beard Land Improvement Company, recorded April 3, 1974 in Book 2620 of Official Records, in said County, at page 216.

PARCEL NO. 17:
Lots 17 and 18 in Block 2323 of ALTA VISTA TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 15, 1947 in Volume 16 of Maps, at page 43.

PARCEL NO. 18:
Lot 1 in Block 6343 of HIGHWAY VILLAGE TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 25, 1947 in Volume 16 of Maps, at page 41, Stanislaus County Records.
PARCEL NO. 23:
All that portion of the Northeast quarter of the Northwest quarter of Section 1, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the Southwest corner of the Northeast quarter of the Northwest quarter of said Section 1; thence North 0 degrees 32' West along the West line of the Northeast quarter of the Northwest quarter of said Section 1, said West line being also the center line of a 40 foot County Road known as Grimes Avenue, a distance of 451.84 feet to a point on the South right of way line of Lateral No. 5 of the Modesto Irrigation District; thence North 64 degrees 45' East and along the South right of way line of said Lateral No. 5, a distance of 22.02 feet to a point on the East line of said 40 foot Grimes Avenue and the true point of beginning of this description; thence South 0 degrees 32' East and along the East line of said 40 foot Grimes Avenue, a distance of 27.52 feet to a point; thence North 64 degrees 45' East, parallel with and distant 25 feet at right angles from the South right of way line of said Lateral No. 5, a distance of 75 feet; thence North 0 degrees 32' West and parallel with the West line of the Northeast quarter of the Northwest quarter of said Section 1, a distance of 27.52 feet to a point on the South right of way line of said Lateral No. 5; thence South 64 degrees 45' West and along the South right of way line of said Lateral No. 5, a distance of 75 feet to the true point of beginning.

PARCEL NO. 27:
Lot 9 in Block 1242 of CAMELIA GARDENS TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 19, 1950 in Volume 17 of Maps, at page 5.

PARCEL NO. 28:
Lots 2 and 3 in Block 4903 of WILSON MANOR, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 24, 1947 in Volume 16 of Maps, at page 40.

EXCEPTING the West 30 feet of said Lots 2 and 3, also excepting the North 30 feet of said Lot 3.

PARCEL NO. 29:
Lot 10 in Block 5179 of LEO C. HAMMETT TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 2, 1948 in Volume 16 of Maps, at page 54.

PARCEL NO. 30:
Lots 16 and 17 in Block 7255 of HIGHWAY VILLAGE, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 25, 1947 in Volume 16 of Maps, at page 41.
An easement over the following described property, for the purpose of placing and maintenance of a water pipe, together with right of ingress and egress:

The Easterly 3 feet of Lot 4 in Block 5014 of EMERALD ACRES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 14, 1950 in Volume 17 of Maps, at page 2.

PARCEL NO. 32:

The East one-half of Lot 6 in Block 6990 of the HARRIE TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 15, 1950 in Volume 17 of Maps, at page 4.

Excepting therefrom all that certain real property in the Northwest quarter of Section 16, Township 3 South, Range 9 East, M.D.B. & M., described as follows:

COMENCING at the Northwest corner of said Section 16, thence South 0 degrees 43' 00" East, along the West line of said Section 16, and the center line of McHenry Ave., a distance of 44.00 feet; thence South 89 degrees 30' 30" East, 50.00 feet to the East right-of-way line of said McHenry Ave., thence South 0 degrees 43' 00" East, along said East right-of-way line of McHenry Ave., a distance of 155.47 feet; thence South 89 degrees 29' 40" East, 180.00 feet to the West line of a 20.00 foot wide alley; thence South 0 degrees 43' 00" East; along said West line of alley, a distance of 104.00 feet; thence North 89 degrees 29' 40" West, 41.00 feet to the point of beginning; thence South 0 degrees 43' 00" East, 52.00 feet; thence North 89 degrees 29' 40" West, 19.00 feet; thence North 0 degrees 43' 00" West, 52.00 feet; thence South 89 degrees 29' 40" East, 19.00 feet to the point of beginning.

PARCEL NO. 33:

Lot 1 in Block 12,919 of REWARD MANOR, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 23, 1952 in Volume 17 of Maps, at page 38.

PARCEL NO. 34:

Lots 1 and 2 in Block 2272 of YOSEMITE VILLA, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 1, 1950 in Volume 17 of Maps, at page 1.

PARCEL NO. 35:

A Right of Way for the installation, repair and maintenance of domestic water lines, over, across and under the following described property:

The North 5 feet of Lot 2 and the South 5 feet of Lot 3 in Block 637 of RAMONA PARK TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 15, 1952 in Volume 17 of Maps, at page 30.
PARCEL NO. 36:

Parcel A as per Parcel Map filed October 8, 1980 in Volume 30 of Parcel Maps, page 154, Stanislaus County Records.

PARCEL NO. 38:

East 20 feet of the South 85.64 feet of Lot 9 in Block 2141 of SIERRA SUB. NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 14, 1938 in Volume 11 of Maps, at page 31.
PARCEL NO. 39:

That portion of the Southwest quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMING at the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 9, said point being on the centerline of 50 foot McHenry Avenue; thence along the East-West quarter quarter line through the Southwest quarter of said Section 9, South 89 degrees 23' 20" East 25.01 feet to a point on the East Line of said McHenry Avenue; thence along said East Line North 0 degrees 47' 30" West 20.01 feet; thence parallel with and 20 feet Northerly at right angles from the East-West quarter quarter line through the Southwest quarter of said Section 9, South 89 degrees 23' 20" East, 304.51 feet to the true point of beginning of this description; thence continue South 89 degrees 23' 20" East 130.22 feet to the Northwest corner of alley running through Block 12321 of SHERWOOD FORREST, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on August 13, 1956 in Volume 18 of Maps, at page 56, Stanislaus County Records; thence along the Westerly line of alley running through said Block South 0 degrees 47' 30" East 104.47 feet to the intersection thereof with the Northerly line of Robin Hood Drive; thence along said Northerly line being along a curve concave to the Northeast having a radius of 500 feet, central angle of 8 degrees 34' 50" a distance of 74.88 feet; thence continuing along the Northerly line of said Robin Hood Drive, along a reverse curve concave to the Southwest having a radius of 700 feet through a central angle of 18 degrees 39' a distance of 70 feet, more or less, to a point thereon that bears South 0 degrees 47' 30" East from the point of beginning; thence North 0 degrees 47' 30" West a distance of 46 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed by Deed dated June 15, 1964 and recorded July 15, 1964 in Volume 1962 of Official Records, at page 9, executed by Del Este Company to Forrest G. Hanzis, Jr., described as follows:

BEGINNING at the Northwesterly corner of that certain Parcel of land conveyed to the Del Este Water Company, a corporation, by Deed filed on December 11, 1957 in Volume 1457 of Official Records, at page 579, as Instrument No. 30943, Stanislaus County Records; thence South 89 degrees 23' 20" East along the Northerly line of said Parcel a distance of 87.70 feet to a point on the East line of a proposed 50.00 foot street to be known as Greenwich Lane; thence along the East line of said street along a curve concave to the Southeast, having a central angle of 5 degrees 36' 46", a radius of 468.88 feet, an arc length of 45.88 feet; thence South 15 degrees 04' 28" West a distance of 9.35 feet; thence along a curve concave to the Northeast, having a central angle of 78 degrees 39' 00", a radius of 28.04 feet, an arc length of 38.49 feet, to a point on the Northerly line of a 60.00 foot street known as Robin Hood Drive; thence along the Northerly line of said street along a curve concave to the Northeast, having a central angle of 2 degrees 51' 56", a radius of 500.00 feet, an arc length of 25.01 feet; thence continuing along said Northerly street line, along a curve concave to the Southwest, having a central angle of 5 degrees 44' 52", a radius of 700.00 feet; an arc length of 70.22 feet, to the Southwest corner of aforesaid Del Este Water Company Parcel; thence North 0 degrees 47' 38" West along the Westerly line of said Del Este Water Company Parcel, a distance of 43.76 feet to the point of beginning.
PARCEL NO. 47:

All that portion of Block 1607 of the LINCOLN ESTATES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 15, 1959 in Volume 19 of Maps, at page 32, and more particularly described as follows:

BEGINNING at the Northwest corner of said Block 1607, said point being on the Easterly line of a 50 foot County Road known as Gettysburg Way; thence along the Northerly boundary of said Lincoln Estates North 75 degrees 02' 20" East 31.70 feet; thence South 3 degrees 56' West 80.27 feet; thence North 86 degrees 04' West 30.00 feet to a point on the Easterly line of said Gettysburg Way; thence along said Easterly road line along a curve to the right having a radius of 2257.00 feet through a central angle of 1 degrees 46' 38" a distance of 70.01 feet to the true point of beginning of this description.

PARCEL NO. 48:

All that portion of Block 1607 of LINCOLN ESTATES, according to the Official Map thereof filed in the office of the Recorder of Stanislaus County, California, on December 15, 1959 in Volume 19 of Maps, at page 32, and more particularly described as follows:

BEGINNING at the Southeast corner of that certain real property as conveyed to the Del Estes Water Company on January 15, 1960 by Instrument No. 1296; thence South 3 degrees 56' 00" West 44.60 feet to a point on the Northerly line of a 60 foot road known as Shenandoah Way; thence along said Northerly line of Shenandoah Way along the arc of a curve to the left whose radius of 2400 feet through a central angle of 0 degrees 14' 52" a distance of 10.38 feet to the point of reverse curve; thence along the arc of a curve to the right whose radius is 15 feet through a central angle of 104 degrees 54' 13" a distance of 27.46 feet to a point of compound curve on the Easterly line of a 60 foot road known at Gettysburg Way; thence along said Easterly line of Gettysburg Way along the arc of a curve to the right whose radius is 2257 feet through a central angle of 0 degrees 51' 15" a distance of 33.65 feet to the Southwest corner of said property conveyed to the Del Estes Water Company, thence South 86 degrees 04' 00" East 30.00 feet to the point of beginning.

PARCEL NO. 49:

Lot 1 in Block 12,555 of COFFEE VILLAGE, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 20, 1960 in Volume 19 of Maps, at page 34.
Lot 1 in Block 12,563 of COFFEE VILLAGE NO. 2, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on July 26, 1960 in Volume 19 of Maps, at page 44.

PARCEL NO. 51:

Lot 1 in Block 1102 of DOWNY PARK NO. 1, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on August 18, 1959 in Volume 19 of Maps, at page 25.

PARCEL NO. 52:

All that portion of Lot 3 in Block 5230 of ELM ESTATES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 15, 1960 in Volume 19 of Maps, at page 37, described as follows:

BEGINNING at the Southeasterly corner of said Lot 3, running thence along the Southerly line of said Lot, North 68 degrees 51' 40" West 10 feet to the true point of beginning of this description; thence parallel with the Easterly line of said Lot North 21 degrees 08' 20" East 96.04 feet to a point on the Northerly line of said Lot; thence along the Northerly line of said Lot, and being along a curve to the right, having a radius of 40 feet; central angle of 42 degrees 58' 50" an arc distance of 30.01 feet; thence South 52 degrees 09' 42" West 117.08 feet to the Southwesterly corner of said Lot 3; thence along the Southerly line of said Lot South 68 degrees 51' 40" East 89.32 feet to the true point of beginning.

PARCEL NO. 53:

Easement over and under the following described property:

The North 10 feet of Lot 36 of the SUNSET ACRES TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 14, 1911 in Volume 5 of Maps, at page 25.

"Said easement is for the purposes of grantees placing thereupon domestic water pipe lines under the surface with right of entry to repair, replace or renew said pipe lines; that said pipe is to be underground approximately 20 to 30 inches deep; that any damage caused to said property in placing or retaining said pipe lines is to be repaired and paid for at the sole expense of the grantees, and that the terms of this easement shall be binding upon the heirs, administrators and assigns of grantees", all as set forth in that certain Deed from Charles F. Bose, et ux, to Joseph A. Moore, et ux, recorded October 9, 1952, as Instrument No. 24751, Volume 1110, page 598.

PARCEL NO. 54:

An easement for public utility purposes over the East 5 feet of the following described land:

The West half of the South 50 feet of Lot 17, according to the "REVISED MAP OF GRAHAM ACRES", according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 16, 1912 in Volume 6 of Maps, at page 49.
PARCEL NO. 55:

An easement for public utility purposes over the East 10 feet of the South 1.25 chains of Lot 15 of "REVISED MAP OF GRAHAM ACRES", according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, in July 16, 1912 in Volume 6 of Maps, at page 49.

PARCEL NO. 59:

Lots 42 and 43 in Block 3286 of SOUTH MODESTO ACRES NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 9, 1940 in Volume 11 of Maps, at page 69.

PARCEL NO. 60:

Lot 9 in Block 3281 of BAROZZI TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on February 11, 1947 in Volume 16 of Maps, at page 25.

PARCEL NO. 61:

Lot 17 in Block 9807 of RUTHERFORD TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 19, 1947 in Volume 16 of Maps, at page 37.

PARCEL NO. 62:

Lot 38 in Block 9848 of RUTHERFORD TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 19, 1947 in Volume 16 of Maps, at page 37.

PARCEL NO. 63:

Lot 20 in Block 9714 of FAIRVIEW TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 30, 1950 in Volume 17 of Maps, at page 16.
PARCEL NO. 65:

A Right of Way 6 feet in width for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof, and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom, the centerline of which is described as follows:

COMMENCING at the North quarter corner of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence South 0 degrees 11' 30" East a distance of 901.30 feet; thence South 89 degrees 47' East 20 feet to the East Line of Emerald Avenue and the point of beginning of the aforementioned center line; thence describing said line, South 89 degrees 47' East, parallel with the North line of Lot 5 of SPENCER COLONY, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 16, 1904 in Volume 2 of Maps, at page 3, a distance of 645 feet.

PARCEL NO. 68:

A Right of Way for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom over and across the East 10 feet of Lot 14 of Block 2322 of ALTA VISTA TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 15, 1947 in Volume 16 of Maps, at page 43.

PARCEL NO. 70:

A Right of Way for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom over and across a strip of land 6 feet in width, starting at the North property line, 11 feet West of the East property line and running parallel to the East property line South to the South property line of the following described property:

Section 8/3/9 E. 6.33 chains of S 3.39 chains of N-1/2 of SE CTY 2 ac.

Sch 1. Legal Description Page 11
PARCEL NO. 71:

A Right of Way for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom, over and across a strip of land 6 feet in width, starting at the North property line 11 feet West of the East property line and running parallel to the East property line South to the South line of the following described property:


PARCEL NO. 74:

Easement conveyed by the Deed from Parkview Water Company to Del. Este Water Company by Deed dated September 16, 1976 and recorded October 15, 1976 in Book 2840 of Official Records, at page 823, in the following described land:

All that certain piece of parcel of land situate in and being a portion of Lot A of PARKVIEW ESTATES, being in Section 23, Township 3 South, Range 9 East, Mont Diablo Base and Meridian, being more particularly described as follows:

COMMENCING at a 3/4" iron pipe marking the point of curvature at the Southwest corner of Lot A of PARKVIEW ESTATES, according to the Official Map thereof recorded in Volume 18 of Maps, at page 57, Stanislaus County Records; thence Easterly along the arc of a curve concave to the Northwest, a distance of 11.01 feet, said curve having a central angle of 5 degrees 44' 04" and a radius of 110.00 feet, to the true POINT OF BEGINNING of this description; thence Northeasterly along the arc of a curve concave to the Northwest, a distance of 66.40 feet, said curve having a central angle of 34 degrees 35' 06" and a radius of 110.00 feet; thence Northerly along the arc of a curve concave to the West, a distance of 29.50 feet; said curve having a central angle of 99 degrees 21' 40" and a radius of 17.06 feet; thence Northwesterly along the arc of a curve concave to the Southwest, a distance of 67.69 feet, said curve having a central angle of 35 degrees 15' 24" and a radius of 110.00 feet; thence South 1 degrees 10' 35" East along an existing fence, a distance of 77.32 feet to the point of beginning.

PARCEL NO. 75:

Lot 1 in Block 4105 of ANWAR MANOR, as per map filed November 13, 1980 in Vol. 29 of Maps, page 61, Stanislaus County Records.

PARCEL NO. 86:

PARCEL 1 AS SHOWN ON PARCEL MAP FILED NOVEMBER 16, 1990 IN BOOK 43, AT PAGE 59 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, BEING A PORTION OF PARCEL B OF PARCEL MAP 31, PAGE 15.

Sch 1. Legal Description Page 12
MODESTO CITY COUNCIL
RESOLUTION NO. 93-351

A RESOLUTION ESTABLISHING FEES FOR PARKS AND RECREATION COMMERCIAL LANDSCAPE PLAN REVIEWS AND INSPECTIONS.

WHEREAS, Section 12-1.08 of the Modesto Municipal Code, provides that the Council, by resolution, shall establish fees for reviewing plans and performing site inspections for landscape on new or revised commercial sites and for other procedures required or authorized by Chapter 1 of Title XII of the Modesto Municipal Code, and

WHEREAS, the Parks and Recreation Department has recommended establishing fees for fiscal years 1993, 1994, and 1995, for commercial landscape plan reviews and inspections which are currently being provided to commercial developers at no charge, and

WHEREAS, the Council held a public hearing at its regular meeting on June 22, 1993, to consider said proposed fees for reviewing plans and performing site inspections for landscape on new or revised commercial sites,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fees for fiscal years 1993, 1994, and 1995 for commercial landscape plan reviews and inspections, as set forth on Exhibit "A", entitled "Parks and Recreation Department Landscape Plan Reviews and Inspections", attached hereto and incorporated herein by reference, are hereby adopted.

BE IT FURTHER RESOLVED that this resolution shall become effective on July 1, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs

ABSENT: Councilmembers: Muratore

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
## PARKS AND RECREATION DEPARTMENT
### LANDSCAPE PLAN REVIEWS AND INSPECTIONS

**EXHIBIT "A"**

<table>
<thead>
<tr>
<th>Plan Check</th>
<th>July 1, 1993</th>
<th>July 1, 1994</th>
<th>July 1, 1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>to 5,000 s.f.</td>
<td>$55.00</td>
<td>$58.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>5-10,000 s.f.</td>
<td>$72.00</td>
<td>$75.00</td>
<td>$78.00</td>
</tr>
<tr>
<td>10-15,000 s.f.</td>
<td>$90.00</td>
<td>$94.00</td>
<td>$98.00</td>
</tr>
<tr>
<td>15-50,000 s.f.</td>
<td>$106.00</td>
<td>$111.00</td>
<td>$115.00</td>
</tr>
<tr>
<td>50,000+ s.f.</td>
<td>$140.00</td>
<td>$146.00</td>
<td>$152.00</td>
</tr>
<tr>
<td>Resubmittal</td>
<td>$20.00</td>
<td>$21.00</td>
<td>$22.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspection</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>to 15,000 s.f.</td>
<td>$75.00</td>
<td>$78.00</td>
<td>$82.00</td>
</tr>
<tr>
<td>15-50,000 s.f.</td>
<td>$90.00</td>
<td>$94.00</td>
<td>$98.00</td>
</tr>
<tr>
<td>50,000+ s.f.</td>
<td>$110.00</td>
<td>$115.00</td>
<td>$120.00</td>
</tr>
<tr>
<td>Reinspection</td>
<td>$40.00</td>
<td>$42.00</td>
<td>$44.00</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 93-352

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS AND TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 92-272.

WHEREAS, upon request, documents and transcripts are made available to the public by various departments of the City, and

WHEREAS, the Council has periodically established fees and charges for obtaining said documents and transcripts, and

WHEREAS, City staff has recommended an increase in said fees and charges to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on June 22, 1993, to consider the recommended changes,

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

SECTION 1. The fees and charges set forth on Exhibit "A", which is attached hereto and made a part hereof as if set forth herein, are hereby established for the documents and transcripts listed thereon, and which are obtained from the City of Modesto.

SECTION 2. The City Clerk may charge governmental agencies for copies of documents as mandated by law except when required to produce such documents in the performance of an official service.

SECTION 4. Rates established by this resolution shall become effective on and after __July 1________, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __22nd__ day of __June________, 1993, by Councilmember __Friedman____, who moved its adoption, which motion being duly seconded by Mayor __Lang_____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
## Title/Description

### A. City Clerk

1. **Modesto Municipal Code***
   
   a. Municipal Code (without binder) $108.00/ea
   b. Municipal Code binder (without Title X) 12.00/ea
   c. Municipal Code binder (with Title X) 8.50/ea
   d. Continuing Code service, per year 95.00/yr
   
   e. Individual Subjects/Titles/Articles:
      
      1. Business, Professions & Trades 4.15/ea
      2. CATV 3.10/ea
      3. Charter 4.15/ea
      4. Health 3.35/ea
      5. Planning & Zoning 18.25/ea
      6. Public Utilities 5.50/ea
      7. Public Works 4.15/ea
      8. Sales, Use & Admissions Tax 3.30/ea
      9. Sign Regulations 4.15/ea
      10. Subdivision of Land 5.30/ea
      11. Building Mechanical, Plumbing,
          Housing, Dangerous Building,
          Electrical & Fire Codes 4.40/ea

   f. Individual Code pages .50
      
      (The City Clerk is authorized to not charge
      persons requesting a small number of
      individual Code pages.)

2. City Council Agendas or Minutes 61.25/yr

3. Request to Continue Public Hearings Concerning
   Rezoning, Prezoning, Conditional Use Permit,
   Unclassified Use Permit or Variance 18.50

### B. General Reproduction

1. Copies of any Official City Documents
   (other than maps or prints)
   
   a. First Copy .35/page
   b. Additional copies .15/page

   (FPPC regulation sets 10¢ each for
   copies of Economic Interest and campaign
   statements)
C. Transcripts

D. Base Map/Zoning Map*  
   Actual Cost  
   Plus Indirect Costs  
   $ 9.00

E. Notice of Intent to Circulate Initiative Petition  
   (California Elections Code Section 4002(b))  
   $200.00  
   To be refunded after Clerk certifies sufficiency of petition.

*These fees exclude postage and handling which may be added if mailing is required.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-353

A RESOLUTION ESTABLISHING FEES FOR POLICE DEPARTMENT SERVICES RELATING TO FALSE ALARMS.

WHEREAS, on June 22, 1993, the City Council introduced Ordinance No. _2859_-C.S., which added Chapter 11 to Title III of the Modesto Municipal Code entitled Security Alarms, and

WHEREAS, Section 3-11.06 of the Modesto Municipal Code provides that a service charge shall be imposed on any Modesto alarm system permittee for each false alarm response made by the Modesto Police Department in excess of two (2) responses in any consecutive ninety (90) day period or four (4) responses in any twelve (12) month period, and

WHEREAS, Section 3-11.06 further provides that multiple false alarms occurring in any twenty-four (24) hour period may be charged as one (1) call, if shown that the owner was not notified and provided the opportunity to correct the defect, and

WHEREAS, Section 3-11.06 further provides that a false alarm shall not be charged against a permittee if it is determined that the alarm was activated by a utility power outage, and

WHEREAS, Section 3-11.06 further provides that the service charges will be based on an escalating scale determined by the frequency of false alarms after the authorized false alarm standard is met, and shall be in the amount established from time to time by resolution of the City Council, and
WHEREAS, the City Council held a public hearing at its regular meeting held on June 22, 1993, to consider the establishing of fees and charges as recommended by the Modesto Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto Police Department False Alarm Service Fees are hereby established in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Response</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Response</td>
<td>No fee</td>
</tr>
<tr>
<td>Second Response</td>
<td>No fee</td>
</tr>
<tr>
<td>Third Response</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>Fourth Response</td>
<td>$100.00</td>
</tr>
<tr>
<td>Fifth to Tenth Response</td>
<td>$200.00</td>
</tr>
<tr>
<td>11th and Up</td>
<td>$400.00</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that this resolution shall become effective the date the effective date of the Ordinance referred to above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-354

A RESOLUTION REVISING SEWER SERVICE CHARGES
RESCINDING RESOLUTION NO. 92-532.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City’s storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in sewer storm drainage surcharges for lots with no curbs and gutters, and
WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, revenue and budget estimates after several months of this revenue program indicate that a rate increase is needed to meet the minimum requirements to maintain the level of services and to comply with the Federal water quality regulations, and

WHEREAS, on May 26, 1992, City staff presented the rate increase proposal to the Utility Services and Franchise Committee, which recommended that the proposed rate increases be considered by the City Council, and

WHEREAS, on June 16, 1992, the Council held a public hearing to consider the recommended revisions to the storm drainage sewer surcharges to meet minimum requirements to maintain the level of service and to comply with Federal water quality regulations, and

WHEREAS, by motion, said matter was referred by the Council back to City staff, and

WHEREAS, on August 25, 1992, the Council again held a public hearing to consider recommended rate increases as outlined in a report to the Council from the Public Works and Transportation Director dated August 19, 1992, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of
the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.
8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<table>
<thead>
<tr>
<th>Density Category</th>
<th>Property Sq. Ft. Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>0-1000</td>
</tr>
<tr>
<td>Medium</td>
<td>1001-3500</td>
</tr>
<tr>
<td>Low</td>
<td>3501-7000</td>
</tr>
<tr>
<td>Very Low</td>
<td>Over 7000</td>
</tr>
</tbody>
</table>

9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

14. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.
15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Parks": shall include all developed parcels operated as a park by a public agency.

17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

<table>
<thead>
<tr>
<th>Description</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each single-family dwelling or mobile home</td>
<td>$10.04</td>
</tr>
<tr>
<td>on a lot</td>
<td></td>
</tr>
<tr>
<td>Each dwelling unit in a duplex</td>
<td>7.84</td>
</tr>
<tr>
<td>One additional dwelling unit or mobile home</td>
<td>7.84</td>
</tr>
<tr>
<td>on a lot</td>
<td></td>
</tr>
<tr>
<td>Each dwelling unit in an apartment building</td>
<td>6.46</td>
</tr>
<tr>
<td>or dwelling group or mobile home space in a mobile home park</td>
<td></td>
</tr>
</tbody>
</table>

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.
SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

<table>
<thead>
<tr>
<th>Sewer Service Charges</th>
<th>Per 1000 Gals. of Water Used</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Group 1</strong></td>
<td>$1.66</td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less</td>
<td></td>
</tr>
<tr>
<td><strong>Group 2</strong></td>
<td>1.93</td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l</td>
<td></td>
</tr>
<tr>
<td><strong>Group 3</strong></td>
<td>2.35</td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l</td>
<td></td>
</tr>
<tr>
<td><strong>Group 4</strong></td>
<td>2.82</td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l</td>
<td></td>
</tr>
</tbody>
</table>
(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

<table>
<thead>
<tr>
<th>Group</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$20.85</td>
</tr>
<tr>
<td>Group 2</td>
<td>24.02</td>
</tr>
<tr>
<td>Group 3</td>
<td>29.45</td>
</tr>
<tr>
<td>Group 4</td>
<td>35.33</td>
</tr>
</tbody>
</table>

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths ($1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:
(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $678.13 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $80.20 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.
(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $73.83 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District’s system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City’s system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family or mobile home on a lot (1 dwelling unit only)</td>
<td>$3.59</td>
</tr>
<tr>
<td>Each dwelling unit in a duplex</td>
<td>2.49</td>
</tr>
</tbody>
</table>
One additional dwelling unit or mobile home on a lot 2.49

Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park 2.49

Billing Fee 0.39

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:
(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.57</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.08</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>4.62</td>
</tr>
</tbody>
</table>

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.
(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(g) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective July 1, 1993.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 92-532.

SECTION 11. MOBILE HOME PARKS. That in response to mobile home parks' interests and inquiries, the continuing issue of fee equity in relation to mobile home parks is hereby referred to City staff for further study.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Cogdill, 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, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney

06/23/93
MODESTO CITY COUNCIL
RESOLUTION NO. 93-355

A RESOLUTION AUTHORIZING A SEWER BOND STRATEGY FOR APPROXIMATELY $7.66 MILLION FOR PART OF THE FY 93-94 SEWER CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the Wastewater Treatment Plant Master Plan and its Revenue and Financing Plan will be prepared over the next twelve to eighteen months, and

WHEREAS, said plan will identify the facilities needed to serve the City as certain population milestones are reached over the next twenty to thirty years, and

WHEREAS, five critical sewer capital improvement projects recommended for FY 93-94 are proposed for bond funding, and the remaining twelve capital improvement projects which are recommended are equally critical for continued operation of the system and are proposed to be funded from cash reserves, said projects are more specifically identified as listed in a report to the Mayor and City Council from the Public Works and Transportation Director, dated June 15, 1993, on file in the office of the City Clerk, and

WHEREAS, a sewer bond strategy is proposed for approximately $7.66 million for five critical projects which are part of the FY 93-94 sewer capital improvement program, with twelve projects remaining to be funded from cash reserves amounting to $5.2 million, and

WHEREAS, said projects as proposed are considered critical needs and consistent with what the Master Plan is expected to recommend,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that some type of a sewer bond to fund approximately $7.66 million for five of the FY 93-94 sewer capital improvement projects is hereby authorized with the remaining twelve projects to be funded with cash reserves amounting to $5.2, said projects are more specifically identified as listed in a report to the Mayor and City Council from the Public Works and Transportation Director, dated June 15, 1993, on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAELE D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-356

A RESOLUTION ESTABLISHING PRICE AND POPULATION FACTORS TO BE USED IN DETERMINING THE 93-94 "APPROPRIATIONS LIMIT" ACCORDING TO ARTICLE XIIIIB OF THE CALIFORNIA CONSTITUTION.

WHEREAS, adoption of the fiscal year 1993-94 budget requires that Council also establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for fiscal year 1993-94, and

WHEREAS, Article XIIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the City's appropriation limitation imposed by Article XIIIIB (Proposition 4) for the State Constitution for 1993-94 is estimated at $129,000,000, said limitation pertains only to appropriations financed from tax proceeds, and

WHEREAS, by a memorandum dated June 14, 1993, the City's Finance Director has advised the City Council that the City is in no danger of exceeding the ceiling; that a complete analysis of the City's status with regard to this Constitutional requirement will be included in the published Annual Budget document; that documentation used to compute the Proposition 4 limit is available for public review, that Schedule V attached to said report shows the preferred price and population factors to
be used and the appropriation limit; that the recommended factors to be used in calculating the limit are: the price factor of "State growth in per capita income" and the population factor of "growth rate in Stanislaus County". A copy of said report including Schedule V is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the price and population factors to be used in determining the 93-94 "Appropriations Limit" according to Article XIIIIB of the California Constitution is hereby established as set forth on Exhibit "A" which is attached hereto and incorporated herein by reference:

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of ______, 1993, 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, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: ___________ JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
## City of Modesto
### Appropriation Limit Recalculation
#### Fiscal Year 1993-94

<table>
<thead>
<tr>
<th>FY 92-93 Appropriation Limit</th>
<th>$126,767,793</th>
</tr>
</thead>
</table>

**Adjustment Factors:**

<table>
<thead>
<tr>
<th>Population</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Modesto</td>
<td>1.0211</td>
</tr>
<tr>
<td>County</td>
<td>1.0269</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Price</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Capita Income (State)</td>
<td>1.0272</td>
</tr>
<tr>
<td>Local Non-residential new Construction</td>
<td>Unavailable</td>
</tr>
</tbody>
</table>

**Total adjustment Percent**  2.05%

**Annual Adjustment**  2,596,585

**Other adjustments (unknown until October 1993)**  0

**FY 1993-94 Appropriation Limit**  $129,364,378
MODESTO CITY COUNCIL
RESOLUTION NO. 93-356A

A RESOLUTION SUPPLEMENTING ORDINANCE NO.
2860-C.S. ENTITLED "AN ORDINANCE ADOPTING THE
BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL
YEAR ENDING JUNE 30, 1994, AND PROVIDING FOR
CERTAIN TRANSFERS OF FUNDS."

WHEREAS, on June 22, 1993, the City Council introduced
and adopted Ordinance No. 2860-C.S., entitled "An Ordinance
Adopting the Budget for the City of Modesto for the Fiscal Year
Ending June 30, 1994, and Providing for Certain Transfers of
Funds", and

WHEREAS, due to a Councilmember's conflict of interest,
said Ordinance No 2860-C.S. excluded an item relating to
restriping of Scenic Avenue, and

WHEREAS, said item relating to the restriping of Scenic
Avenue was then considered after the adoption of Ordinance No.
3860-C.S. which adopted the 1993-1994 Fiscal Year Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the item relating to the restriping of
Scenic Avenue, which was excluded from Ordinance 2860-C.S. due to
a Councilmember's conflict of interest, is hereby approved.

BE IT FURTHER RESOLVED that this resolution shall
supplement Ordinance No. 3860-C.S. entitled "An Ordinance
Adopting the Budget for the City of Modesto for the Fiscal Year
Ending June 30, 1994, and Providing for Certain Transfers of
Funds."
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs, Muratore

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

(SEAL)

APPROVED AS TO FORM;

By [Signature]
MICHAEL D. MILICH, City Attorney

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

WHEREAS, the appropriations to establish said reserves must be made prior to the closing of the City of Modesto's books for fiscal year 1992-93,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following reserves to be established in the annual budget of the City of Modesto for the fiscal year 1992-93 and that the amounts of said reserves, including necessary adjustments to current appropriations, be as set forth below or as determined by the Director of Finance in accordance with the following:

**Fund No. 010 - General Fund**

- **Reserve for Encumbrances** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Fund No. 050 - Local Transportation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 070 - Special Gas Tax Improvement

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 080 - Strategic Planning Fund

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.
Fund No. 090 - Downtown Improvement District

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 111 - 117 - HCDA Title 1 / Housing

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.
Fund No. 130 - Special Fund for Capital Outlays

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Funds No. 131-143 - Capital Facilities Fee Funds
Police Department (131), Fire Department (132), Expressway Loop (133), Street Lights (134), Parks (135), New Traffic Signals (136), Wastewater Treatment (137), Other City (138), Administration (139), Streets (141), Public Transportation (142), Air Quality (143).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.
Fund No. 140 - Parks

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 150 - Parks and Recreation Facilities

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1992-93 fiscal year.

Fund No. 170 - State Parks and Recreation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be
reappropriated in the 1993-94 fiscal year.

Fund No. 180 - McHenry Mansion

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Fund No. 280-340 - Drainage Area Funds
Crows Landing (280), Orchard (290), Claus Road (300), Oakdale (310), Sylvan (320), Ustick (330), Yosemite (340).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.
Fund No. 600 - Parking

**Reserve for Commitments** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

**Reserve for Reappropriated Projects** - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 610 - Water

**Reserve for Commitments** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

**Reserve for Reappropriated Projects** - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

**Reserve for Pending Projects** - The amount required to fund projects approved but not yet appropriated.
Fund No. 621 - Sewer

**Reserve for Commitments** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

**Reserve for Reappropriated Projects** - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 628 - Storm Drainage

**Reserve for Commitments** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

**Reserve for Reappropriated Projects** - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

**Reserve for Pending Projects** - The amount required to fund projects approved but not yet appropriated.
Fund No. 631 - 632 - Airport

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 651 - 653 - Public Transit

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.
Fund No. 660 - Golf

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

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

Fund No. 670 - Centre Plaza

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.
Fund No. 885 - Stanislaus County Drug Enforcement Agency

**Reserve for Encumbrances** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Fund No. 890 - Tuolumne River Regional Park

**Reserve for Encumbrances** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

Fund No. 900 - 907 - Redevelopment Agency

**Reserve for Encumbrances** - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

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

BE IT FURTHER RESOLVED that said reserves are established as restrictions against fund balances in the General Ledger Accounts of the City of Modesto available for appropriation in the 1993-94 fiscal year, and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of __________, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FEDERAL REVENUE FOR THREE NEW CIP PROJECTS.

WHEREAS, the City was awarded federal funds for three projects, and

WHEREAS, these projects were included in the amended Federal Transportation Improvement Program (FTIP) submitted by SAAG, and

WHEREAS, the construction of these projects was budgeted in the 1993-94 CIP, the engineering portion was not budgeted because it was anticipated that the funds would be awarded during FY 1992-93, and the engineering portion would be budgeted at that time so that project construction could start as soon as possible, and

WHEREAS, this resolution appropriates funds for engineering as set forth below,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

Gas Tax Fund (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase</th>
<th>(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
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<tr>
<td>070-430-D272-6010</td>
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<td></td>
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<tr>
<td>070-800-8000-8003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H Street: 9th to 17th</td>
<td></td>
<td>$83,000</td>
</tr>
<tr>
<td>I Street: 6th to SPRR</td>
<td></td>
<td>22,000</td>
</tr>
<tr>
<td>Yosemite Blvd: 14th to Los Flores (Street Lights)</td>
<td></td>
<td>6,000</td>
</tr>
<tr>
<td>Yosemite Blvd: 14th to Los Flores (Street Lights)</td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>Contingency Reserve</td>
<td></td>
<td>(14,000)</td>
</tr>
</tbody>
</table>
Revenues

070-510-9510-3504  Federal Share of Project  $98,000

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 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-359  

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93  
ANNUAL BUDGET TO ESTIMATE GRANT REVENUE FOR A  
NEW CIP PROJECT, THE EAST LA LOMA PARK PICNIC  
SHADE STRUCTURE.  

WHEREAS, the City was awarded a grant under the Federal Land and  
Water Conservation Fund (LWCF) for the East La Loma Park Picnic Shade structure, and  

WHEREAS, grants under the LWCF program require a fifty percent local  
match, approximately 6.4% of the project cost is added by the Federal government  
as a surcharge to be paid to the State Department of Parks and Recreation as a State  
Administrative Assessment, and  

WHEREAS, the total project costs are estimated at $111,320, and the  
estimated grant amount is $52,098, the local match of $59,222 will be provided by  
Capital Facilities Fees,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the following adjustments are hereby approved:  

CFF Park Fund  

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase (Decrease)</th>
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<tr>
<td>135-310-C227-6010 La Loma Shade Structure-engineering</td>
<td>$ 8,900</td>
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<tr>
<td>135-310-C227-6040 La Loma Shade Structure-construction</td>
<td>89,120</td>
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<td>135-310-C227-6050 La Loma Shade Structure-contingency</td>
<td>4,400</td>
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<td>135-310-C227-6060 La Loma Shade Structure-Construction admin</td>
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<tr>
<td>135-800-8000-8003 Parks Fund Contingency Reserve</td>
<td>(59,222)</td>
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</tbody>
</table>
Revenues

135-310-3504 State Share of Project $52,098

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 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-360

A RESOLUTION APPROVING A GRANT AGREEMENT WITH THE STATE OF CALIFORNIA, UNDER THE FEDERAL LAND AND WATER CONSERVATION FUND FOR THE CONSTRUCTION OF A GROUP PICNIC SHADE STRUCTURE AT EAST LA LOMA NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement with the State of California, under the Federal Land and Water Conservation Fund, for the construction of a group picnic shade structure at East La Loma Neighborhood Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-361

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93
ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE
FEDERAL FUNDS FOR THE ATMS-SYSTEM
DESIGN/ADMINISTRATION.

WHEREAS, the City actively pursued avenues for Federal funding and
was successful in obtaining a $1.246 million grant from the Congestion Management
and Air Quality (CMAQ) Funds, and

WHEREAS, the City is required to match this grant money with a
contribution of approximately $161,000, said funds have been budgeted in the
1993-94 CIP, and

WHEREAS, to help the City carry out the second phase of the project,
the City needs to hire a consultant who will prepare plans and specifications for
installing the communication network in the rest of the city as per the conceptual
plan, work with the system vendor in establishing connectivity between the
communication network and the system, and ensure a working system, the
resolution provides funding this portion of the project, and

WHEREAS, Caltrans, which is the administering agency for the CMAQ
funds, authorizes the $1.246 million of CMAQ funds in steps; the first step is to hire
the consultant, for which Caltrans has authorized $132,795; the City’s match is
$17,205,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the following adjustments are hereby approved:
CFF Streets Fund

Fund/Agy/Org/Rev-Obj | Increase (Decrease)
---|---
Expenditures
141-160-C226-6010 ATMS Design/System Administration Project | $150,000
141-160-P854-6040 ATMS System | (17,205)
Revenues
141-430- -3504 Federal Share of Project | $132,795

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 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Kittelson & Associates, the consultant for the first phase of the Advanced Traffic Management System Design (ATMS) Design/System Administration Project, to help the City carry out the second phase of the project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, 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, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-363

A RESOLUTION DETERMINING THAT CANDIDATES FOR ELECTION TO THE CITY OF MODESTO OR THE MODESTO CITY SCHOOLS DISTRICT SHALL PAY THE COST OF THE CANDIDATE'S STATEMENT THAT IS PRINTED IN THE VOTERS' INFORMATION PAMPHLET.

WHEREAS, Section 10012(e) of the California Elections Code provides that prior to the nomination period for a local election, the local agency shall determine whether a charge shall be levied against candidates for the candidate's statement sent to each voter in the Voter Information Pamphlet for that election, and

WHEREAS, the Council has determined that candidates for election to the City of Modesto or the Modesto City Schools District in the November 2, 1993, Regular Municipal Election should pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that in accordance with the provisions of Section 10012 of the California Elections Code the Council hereby finds and determines that candidates for election to the City of Modesto or the Modesto City Schools District in the November 2, 1993, Regular Municipal Election in the City of Modesto shall pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election.

BE IT FURTHER RESOLVED that the City Clerk, as the officer charged with overseeing conduct of the election, is hereby authorized to establish the pro rata fees to be paid by each candidate filing a candidate's statement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM SIDNEY EARL CARPER AND VIOLET LINEL CARPER FOR THE BRIGGSMORE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sidney Earl Carper and Violet Linel Carper for the acquisition of 450 square feet of their property for the Briggsmore widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the Right of Entry from Sidney Earl Carper and Violet Linel Carper for the Briggsmore widening project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

JUDY C. HALL, Acting City Clerk
A RESOLUTION ADOPTING FORMAL HEARING PROCEDURES FOR ADJUDICATING PARKING CITATIONS.

WHEREAS, with the passage of Assembly Bill-408, cities have been given total control over the issuing, processing and adjudication of locally issued parking citations, and

WHEREAS, cities have been given the responsibility to develop a fair and equitable procedure for adjudicating parking citations which may have been improperly issued, thus, AB-408 takes parking fines adjudication out of the courts and gives the responsibility to cities and other agencies, and

WHEREAS, AB-408 will become law on July 1, 1993, with the provisions concerning the establishment of an administrative review procedure to be phased in, and fully implemented by January 1, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to Assembly Bill-408, the City of Modesto hereby adopts Administrative Adjudication Procedures for the City of Modesto to be implemented July 1, 1993, a copy of which is on file in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-366

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and
Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODesto City Council
Resolution No. 367

A resolution ordering the Public Works and Transportation Director to prepare and file an annual report relating to Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10.

Whereas, Resolution No. 89-459 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

Whereas, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

Whereas, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, the Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING IMPROVEMENTS IN HILLVIEW ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, JFK Construction, subdividers of Hillview Estates Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $78,700.00 and $39,350.00 respectively to guarantee improvements in Hillview Estates Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated June 11, 1993, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

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

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

1. The improvements in Hillview Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $78,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $39,350.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Freidman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-369

A RESOLUTION APPROVING THE FINAL MAP OF THE CREEKWOOD MEADOWS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, CREEKWOOD MEADOWS INVESTORS, a California general partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 16.456 acres, known as the Creekwood Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 4th day of June, 1991, 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 Creekwood 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, and

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

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

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

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

Data Processing Technician
Fire Supply Specialist
Nursery Propagator
Public Services Supervisor

The specifications for the above classifications are abolished to bring the City's Position Classification Plan into conformance with current employment status within the various city departments.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 22, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __22nd____
day of __June________, 1993, by Councilmember

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

AYES: Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Patterson,
Mayor Lang

NOES: Councilmembers:  None

ABSENT: Councilmembers:  Muratore

(SIGNATURE)

ATTEST:  JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney

06/17/93--CA
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-371  

A RESOLUTION AMENDING EXHIBIT "M" OF  
RESOLUTION NO. 91-464 ENTITLED, "A RESOLUTION  
GRANTING A SALARY INCREASE TO MANAGEMENT AND  
CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL  
APPOINTEES, AND RESCINDING RESOLUTION NO. 90-  
608".  

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.  
Exhibit "M" entitled "City of Modesto Class Range Table Executive  
Management Effective July 2, 1991", attached to Resolution No.  
91-464, is hereby amended as shown on the amended Exhibit "M"  
entitled "City of Modesto Class Range Table Executive Management  
Effective June 22, 1993", which is attached hereto and made a  
part hereof as though set forth in full herein. Said amended  
Exhibit "M" increases the salary for Finance Director from salary  
range 715 ($5266-$6584) to salary range 717 ($5534-$6918).  

SECTION 2. EFFECTIVE DATE. This resolution shall  
become effective on and after June 22, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

(Seal)

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

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 22, 1993

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<th>RANGE</th>
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<th>MAXIMUM</th>
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### CITY OF MODESTO
### CLASS RANGE TABLE
### EXECUTIVE MANAGEMENT

Effective June 22, 1993

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MODESTO CITY COUNCIL
RESOLUTION NO. 93-372

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS, TO EXTEND THE COMPLETION DATE FROM JULY 1, 1993, TO JULY 1, 1994 FOR INSTALLING WHEELCHAIR RAMPS AND TRAFFIC SIGNAL MODIFICATIONS ON MCHENRY AVENUE (STATE HIGHWAY 108) AND MORRIS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Caltrans to extend the completion date from July 1, 1993, to July 1, 1994 for installing wheelchair ramps and traffic signal modifications on McHenry Avenue (State Highway 108) and Morris Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-373

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR WIDENING THE SOUTH SIDE OF SCENIC DRIVE EAST OF COFFEE ROAD TO ROSE AVENUE

WHEREAS, Resolution No. 92-284, adopted by the Council of the City of Modesto on May 11, 1993, approved the plans and specifications for widening the south side of Scenic Drive east of Coffee Road to Rose Avenue and authorized the calling for bids; and

WHEREAS, the bids received for widening the south side of Scenic Drive east of Coffee Road to Rose Avenue were opened at 11:00 a.m. on June 10, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of George Reed, Inc. in the amount of $180,948 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of $180,948 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-374

A RESOLUTION ACCEPTING THE AIRPORT TERMINAL APRON RECONSTRUCTION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Airport Terminal apron reconstruction has been completed by Teichert Construction Company in accordance with the contract agreement dated September 24, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Airport Terminal apron reconstruction be accepted from said contractor, Teichert Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $123,939.88 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-375

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,000 FROM CONTINGENCY RESERVE TO HELP FUND THE AIRPORT TERMINAL APRON RECONSTRUCTION PROJECT

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

FROM: Airport Contingency Reserve $4,000.00
(631 800 8000 8003)

TO: Aircraft Parking Apron Reconstruction 2,500.00
(632 480 G586 6050)
Construction Administration 1,500.00
(632 480 G586 6060)

Unanticipated construction time and testing services were performed to insure installation of materials on the project to meet strict Federal Aviation Administration requirements, resulting in a shortfall to the approved budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF BRANNON TIRE FOR FURNISHING TIRE RECAPPING AND SERVICE REQUIREMENTS

WHEREAS, Resolution No. 93-286, adopted by the Council of the City of Modesto on May 11, 1993, approved the plans and specifications for the purchase of tire recapping and service requirements and authorized the calling for bids; and

WHEREAS, the bids received for furnishing tire recapping and service requirements were opened at 11:10 a.m. on June 7, 1993, and later tabulated for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Brannon Tire in the amount of $27,448 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Brannon Tire in the amount of $27,448 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-377

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF TOM ROBINSON FROM THE GENERAL PLAN STEERING COMMITTEE, EFFECTIVE JUNE 22, 1993

WHEREAS, Tom Robinson was appointed a member of the General Plan Steering Committee on August 25, 1992; and

WHEREAS, Tom Robinson has tendered his resignation from the General Plan Steering Committee effective June 22, 1993; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Tom Robinson from the General Plan Steering Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Tom Robinson for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-378

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR THE SENIOR CITIZENS CENTER WALL MODIFICATIONS PROJECT

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

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

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
July 29, 1993 at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 6th day of July
1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ROCKWELL REPLACEMENT/ADDITION 1993-94 PROJECT

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

SECTION 1. The specifications for the rockwell replacement/addition 1993-94 project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 5, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR THE MELLIS, SENIOR CITIZENS AND BEYER PARKING AREAS REHABILITATION

WHEREAS, the parking areas of Mellis, Senior Citizens and Beyer are in need of a routine maintenance activity called seal coating and/or slurry sealing; and

WHEREAS, informal bids were received with Graham Contractors, Inc. submitting the low bid of $22,009.02.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, Inc. in the amount of $22,009.02 be accepted and the execution of a contract for the completion of the projects by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-381

A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION FOR THE STREET OVERLAYS ON OAKDALE ROAD AND SYLVAN AVENUE

WHEREAS, Resolution No. 93-271, adopted by the Council of the City of Modesto on May 4, 1993, approved the plans and specifications for the street overlays on Oakdale Road and Sylvan Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the street overlays on Oakdale Road and Sylvan Avenue were opened at 11:00 a.m. on May 27, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Granite Construction, Inc., in the amount of $474,985.00 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 Inc., in the amount of $474,985.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $101,639.00 FOR THE STREET OVERLAYS ON OAKDALE ROAD AND SYLVAN AVENUE

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

The street overlays on Oakdale Road and Sylvan Avenue were originally budgeted in two accounts. The appropriation transfer will combine the two project accounts into a single account (070 430 C877) to facilitate project tracking.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF H. MAX LEE, INC. FOR THE BEYER PARK PARKING AREA REHABILITATION PROJECT

WHEREAS, Resolution No. 93-315, adopted by the Council of the City of Modesto on June 1, 1993, approved the plans and specifications for the Beyer Park parking area rehabilitation project and authorized the calling for bids; and

WHEREAS, the bids received for the Beyer Park parking area rehabilitation project were opened at 11:00 a.m. on June 24, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of H. Max Lee, Inc. in the amount of $34,000.20 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H. Max Lee, Inc. in the amount of $34,000.20 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MOONTO CITY COUNCIL
RESOLUTION NO. 93-384

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS, STRIPING AND ROADWAY MODIFICATIONS AT SISK ROAD AND PELANDALE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the traffic signals, striping and roadway modifications at Sisk Road and Pelandale has been completed by Richard A. Heaps Electrical Contractor, Inc. in accordance with the contract agreement dated June 23, 1992.

NOW, THEREFORE, BE IT RESOLVED that the traffic signals, striping and roadway modifications at Sisk Road and Pelandale be accepted from said contractor, Richard A. Heaps Electrical Contractor, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $130,864.74 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 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUBY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-385

A RESOLUTION ACCEPTING THE BID OF WASTEWATER SOLIDS MANAGEMENT FOR FURNISHING DIGESTER CLEANING SERVICE REQUIREMENTS

WHEREAS, Resolution No. 93-268, adopted by the Council of the City of Modesto on May 4, 1993, approved the plans and specifications for the purchase of digester cleaning service requirements and authorized the calling for bids; and

WHEREAS, the bids received for furnishing digester cleaning service requirements were opened at 11:00 a.m. on May 24, 1993, 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 Wastewater Solids Management in the amount of $23,790 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wastewater Solids Management in the amount of $23,790.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-386

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF VOLUMETRIC WATER METER CALIBRATION SERVICES FROM WATER SPECIALTIES CORP.

WHEREAS, the Water Operations Division of Public Works & Transportation has requested the purchase of volumetric water meter calibration services; and

WHEREAS, Water Specialties Corporation of Porterville, California is the only manufacturer that can provide the required accuracy testing of any and all size meters.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of volumetric water meter calibration services is hereby waived.

BE IT FURTHER RESOLVED that purchase of volumetric water meter calibration services from Water Specialties Corp. for the total cost of $38,951 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-387

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK
MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council
of the City of Modesto on December 18, 1988, initiated
proceedings for the formation of Landscape Assessment District
No. 1 for the purpose of administering the maintenance of
landscaping in the public right of way within the street medians
and adjacent to the access control walls in Dry Creek Meadows
Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in
accordance with the Landscaping Act of 1972, (Streets and
Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code
requires the Public Works and Transportation Director, the person
designated by this Council as Engineer of Work for Assessment
District No. 1, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director,
said Engineer of Work, has prepared and filed said annual report
with the City Clerk, and

WHEREAS, the Council has approved said annual report by
motion, and

WHEREAS, Section 22623 of the Streets and Highways Code
requires the legislative body (the City Council) to adopt a
resolution of intention which shall include the following:

-1-
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1993-94.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:
a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 20th day of July, 1993, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

07/06/93
MODESTO CITY COUNCIL
RESOLUTION NO. 93-388

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK
MEADOWS SUBDIVISIONS Nos. 7-10.

WHEREAS, Resolution No. 89-460 adopted by the Council
of the City of Modesto on April 4, 1989, initiated proceedings
for the formation of Landscape Assessment District No. 2 for the
purpose of administering the maintenance of landscaping in the
public right of way within the street medians and adjacent to the
access control walls in Dry Creek Meadows Subdivisions Nos. 7-10,
and

WHEREAS, said assessment district was formed in
accordance with the Landscaping Act of 1972, (Streets and
Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code
requires the Public Works and Transportation Director, the person
designated by this Council as Engineer of Work for Assessment
District No. 2, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director,
said Engineer of Work, has prepared and filed said annual report
with the City Clerk, and

WHEREAS, the Council has approved said annual report by
motion, and

WHEREAS, Section 22623 of the Streets and Highways Code
requires the legislative body (the City Council) to adopt a
resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1993-94.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:
a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 20th day of July, 1993, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMPSON-HYSELL, INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE WIDENING OF CLAUS ROAD FROM GOMES ROAD TO MID LATERAL NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Thompson-Hysell, Inc. to provide engineering services for the design of the widening of Claus Road from Gomes Road and MID Lateral No. 2 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-391

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORTHWEST PROFESSIONAL CENTER FOR THE ACQUISITION OF 2,525 SQUARE FEET OF THEIR PROPERTY FOR THE BRIGGSMORE WIDENING PROJECT AND ACCEPTING RIGHT OF ENTRY FROM NORTHWEST PROFESSIONAL CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Northwest Professional Center for the acquisition of 2,525 sq. ft. of their property for the Briggsmore widening project and accepting right of entry from Northwest Professional Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-392

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM
ALBERT E. AND CELESTE S. NAVARRA FOR THE
BRIGGSMORE AVENUE WIDENING PROJECT.

WHEREAS, the City Council recently awarded a contract
to widen Briggsmore Avenue, and

WHEREAS, Albert E. and Celeste S. Navarra have agreed
to give the City of Modesto a right of entry which will allow the
contractor to proceed with said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Right of Entry from Albert E. and
Celeste S. Navarra for the Briggsmore Avenue widening project is
hereby accepted.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 6th day
of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 93-393

A RESOLUTION ESTABLISHING A PASSENGER FACILITY CHARGE (PFC) ON ENPLANING FLIGHTS AT MODESTO CITY-COUNTY AIRPORT.

WHEREAS, with the passage of the Aviation Safety and Capacity Act of 1990, Congress adopted a Passenger Facility Charge (PFC) program, and

WHEREAS, if approved by the Federal Aviation Administration (FAA), the nation's airports could collect a Passenger Facility Charge not to exceed $3.00 per passenger enplaned by the airlines serving their communities, and

WHEREAS, the money collected would be to provide needed improvements for capacity, safety and security of the air transportation system, to promote competition, reduce noise and expand passenger facilities, and

WHEREAS, the collection of the PFC is a responsibility of the airlines, while distribution of the funds rests with the FAA, and

WHEREAS, because the PFC regulation allows only four airports on a round trip fare to charge a facility charge, the maximum charge is $12 per passenger, and

WHEREAS, once a sponsor's (City or other airport owner) application is approved, they are authorized to use a PFC to match Airport Improvement Program (AIP) funds, and

WHEREAS, over the next 5-10 years airport staff will be recommending that approximately $3,435,470 of City and Federal
funds be spent on federally eligible airport improvement projects, and

WHEREAS, staff's recommendation is to submit an application for a seven-year PFC program, which is expected to raise approximately $630,000 for needed projects, and

WHEREAS, a City residential soundproofing program becomes necessary due to aircraft noise, staff will ask the FAA to either revise the City's existing program or will submit an application for a different and separate period of time, and

WHEREAS, depending on how soon noise impacts City residents, as much as $838,500 of City funds might be necessary to mitigate aircraft noise, and

WHEREAS, the collection of the PFC has been reviewed by the Airport Advisory Committee and the Transportation Policy Committee, and they have recommended approval of the PFC, and

WHEREAS, a duly noticed public hearing was set for June 8, 1993, at 4:00 p.m., in the City Hall Council Chambers, 801 11th Street, Modesto, California, to consider assessing a Passenger Facility Charge of $3.00 on each airline passenger enplaning a flight at the Modesto City-County Airport, and

WHEREAS, after said public hearing the Council, by motion, directed City staff to prepare the necessary documents for Council action to establish such a charge, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Passenger Facility Charge of $3.00 is hereby established, pending approval of an application to be filed with the Federal Aviation Administration, pending final adoption of an amendment to Modesto Municipal Code Section 7-3.401 authorizing the City Council to establish a PFC by resolution, and the collection of said Passenger Facility Charge shall become effective March 1, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR APPROVAL OF A PASSENGER FACILITY CHARGE (PFC) ON ENPLANING FLIGHTS AT MODESTO CITY-COUNTY AIRPORT.

WHEREAS, with the passage of the Aviation Safety and Capacity Act of 1990, Congress adopted a Passenger Facility Charge (PFC) program, and

WHEREAS, if approved by the Federal Aviation Administration (FAA), the nation's airports could collect a PFC fee not to exceed $3 per passenger enplaned by the airlines serving their communities, and

WHEREAS, the money collected would be to provide needed improvements for capacity, safety and security of the air transportation system, to promote competition, reduce noise and expand passenger facilities, and

WHEREAS, the collection of the PFC is a responsibility of the airlines, while distribution of the funds rests with the FAA, and

WHEREAS, once a sponsor's (City or other airport owner) application is approved, they are authorized to use a PFC to match Airport Improvement Program (AIP) funds, and

WHEREAS, over the next 5-10 years airport staff will be recommending that approximately $3,435,470 of City and Federal funds be spent on federally eligible airport improvement
WHEREAS, staff's recommendation is to submit an application for a seven-year PFC program, which is expected to raise approximately $630,000 for needed projects, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the FAA for approval of a Passenger Facility Charge of $3.00 per passenger enplaned by the airlines at the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

06/18/93
MODESTO CITY COUNCIL
RESOLUTION NO. 93-394

A RESOLUTION AUTHORIZING CITY STAFF TO
REQUEST PROPOSALS FROM QUALIFIED CONSULTANTS
TO CHARACTERIZE THE OCCURRENCE OF
DIBROMOCHLOROPROPAINE (DBCP) AND
ETHYLENEDIBROMIDE (EDB) IN THE CITY'S
GROUNDWATER SUPPLY.

WHEREAS, several City wells are contaminated by the
pesticides Dibromochloropropane (DBCP) and Ethylenedibromide
(EDB), and

WHEREAS, the City needs information concerning the
nature and extent of DBCP/EDB contamination in the area
surrounding the City which is the City's source of groundwater,
and

WHEREAS, City staff desires to begin solicitation of a
consultant to characterize the occurrence of DBCP and EDB in the
City's groundwater supply, this would be a study to evaluate one
year's data which must be completed by late 1994, and the subject
of the study is a very complex geotechnical analysis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes City staff to issue a
request for proposals to qualified consultants to characterize
the occurrence of Dibromochloropropane (DBCP) and
Ethylenedibromide (EDB) in the City's groundwater supply for the
purpose of performing a study to evaluate one year's data which
must be completed by late 1994, as the City needs information
concerning the nature and extent of DBCP/EDB contamination in the
area surrounding the City which is the City's source of groundwater.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

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<th>Date</th>
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<td>From</td>
<td>Jackie</td>
<td>Co./Dept.</td>
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<td>City Clerk</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 93-395

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, AND DIRECTING
THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF
THE ENVIRONMENTAL IMPACT RELATING TO THE ______
MODESTO IRRIGATION DISTRICT (MID) DRINKING___
WATER PROJECT - TERMINAL RESERVOIR___________.

WHEREAS, on _____May 26_____, 1993, the City's
Environmental Assessment Committee (EAC) conducted an initial
study to determine if the Modesto Irrigation District (MID)_____
Drinking Water Project - Terminal Reservoir____________ project
might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative
declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, City staff thereafter recommended that the
Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and
considered the negative declaration proposed by the EAC
including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-396

A RESOLUTION REVISING SEWER SERVICE CHARGES AND
RESCINDING RESOLUTION NO. 93-354.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in sewer storm drainage surcharges for lots with no curbs and gutters, and
WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, further equitability issues have arisen which can be resolved by establishment of a mixed use land use designation for sewer surcharges, and

WHEREAS, on July 6, 1993, the City Council has considered establishment of such a designation, and

WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.
3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<table>
<thead>
<tr>
<th>Density Category</th>
<th>Property Sq. Ft. Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>0-1000</td>
</tr>
<tr>
<td>Medium</td>
<td>1001-3500</td>
</tr>
<tr>
<td>Low</td>
<td>3501-7000</td>
</tr>
<tr>
<td>Very Low</td>
<td>Over 7000</td>
</tr>
</tbody>
</table>

9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.
10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks": shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

18. "Undeveloped": shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:
(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot $10.04
Each dwelling unit in a duplex 7.84
One additional dwelling unit or mobile home on a lot 7.84
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park 6.46

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:
Group 1

Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less

Group 2

Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1

Group 3

Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1

Group 4

Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

| Group 1 | $20.85 |
| Group 2 | 24.02 |
| Group 3 | 29.45 |
| Group 4 | 35.33 |

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths
($1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $678.13 per million gallons of total flow.
(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $80.20 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $73.83 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which
said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only) $3.59
Each dwelling unit in a duplex 2.49
One additional dwelling unit or mobile home on a lot 2.49
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park 2.49
Billing Fee 0.39

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on
the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

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<th>Land Use</th>
<th>Intensity of Development Factor (IDF)</th>
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<tr>
<td>Duplex</td>
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<tr>
<td>Multi-Family High</td>
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<tr>
<td>Multi-Family Medium</td>
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<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
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<tr>
<td>Multi-Family Very Low</td>
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</tr>
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<td>Schools</td>
<td>0.25</td>
</tr>
<tr>
<td>Non-Profit Organizations</td>
<td>0.40</td>
</tr>
<tr>
<td>Government</td>
<td>0.70</td>
</tr>
<tr>
<td>Hospitals</td>
<td>0.50</td>
</tr>
<tr>
<td>Parks/Cemeteries</td>
<td>0.10</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
</tr>
<tr>
<td>Undeveloped</td>
<td>0.00</td>
</tr>
</tbody>
</table>

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:
<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.57</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.08</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>4.62</td>
</tr>
</tbody>
</table>

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.
SECTION 9. EFFECTIVE DATE. This resolution shall become effective July 6, 1993.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 93-354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO CERTIFY AND TRANSMIT TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS AS THE CONGESTION MANAGEMENT AGENCY AN ANNUAL SELF-CERTIFICATION CHECKLIST FOR THE CONGESTION MANAGEMENT PROGRAM.

WHEREAS, as a requirement of the Congestion Management Program which became effective on July 1, 1992, City staff has recommended that the City Council authorize the City Manager to sign and transmit to the Stanislaus Area Association of Governments (S.A.A.G.) a Congestion Management Plan Annual Self-Certification Checklist for 1993 which has been reviewed and approved by the Transportation Policy Committee, and

WHEREAS, the self-certification serves two purposes: 1) It is one basis for determining each local jurisdiction's compliance with the Congestion Management Program, and 2) it also provides an opportunity for local jurisdictions to contribute input to the Congestion Management Program process and to identify possible additions to the Congestion Management Program System and Capital Improvement Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute and transmit to the Stanislaus Area Association of Governments (S.A.A.G.) a Congestion Management Plan Annual Self-Certification Checklist for 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-398

A RESOLUTION IN SUPPORT OF AMTRAK SERVICE TO MODESTO.

WHEREAS, the Council of the City of Modesto strongly supports AMTRAK service which is convenient to its citizens and provides fast intercity service at a reasonable cost, and

WHEREAS, the major population centers along the San Joaquin Valley rail corridor are nearest to the Southern Pacific line, and

WHEREAS, Caltrans has determined that AMTRAK service on the Atchison, Topeka and Santa Fe Railroad will require $41.6 million less than comparable service on the Southern Pacific Railroad at the six trains per day each way service level, and

WHEREAS, the City of Modesto has made a $6 million commitment to a multi-modal facility on the Southern Pacific line in its downtown,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City on a long-term basis supports AMTRAK service on the Southern Pacific tracks, especially commuter service.

BE IT FURTHER RESOLVED that the City supports short- and medium-term service on the Santa Fe lines as long as intercity service can be provided more quickly than the Southern Pacific line and at a relatively competitive cost to our citizens including travel time costs to access AMTRAK service.

BE IT FURTHER RESOLVED that the City supports continued use of the multi-modal station downtown and the provision of shuttle service from the Downtown Transportation Center to the AMTRAK service on the Atchison, Topeka and Santa Fe line.

BE IT FURTHER RESOLVED that the City believes that the need for shuttle service between the AMTRAK service on the Atchison, Topeka
and Santa Fe line and the Modesto Downtown Transportation Center is the result of the decision to use the Atchison, Topeka and Santa Fe line for such AMTRAK service and should be funded by Caltrans as part of the rail transportation envisioned under Proposition 116.

BE IT FURTHER RESOLVED that the City believes that it is in the interest of its citizens for a station in much closer proximity to our population center on the Atchison, Topeka and Santa Fe line and requests that Caltrans review the feasibility of a station in the immediate vicinity of Modesto.

BE IT FURTHER RESOLVED that the City believes that it is important and appropriate for Caltrans to identify how the $60 million which was identified in Proposition 116 for rail service to specific cities in the San Joaquin Valley will in fact be spent on rail service to those cities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D MILICH, City Attorney

(SIGNATURE)

06/29/93

JUDY C. HALL, Acting City Clerk

ATTEST:

(SEAL)

MKIPA
MODESTO CITY COUNCIL
RESOLUTION NO. 93-399

AMENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CERTIFIED/earthmetrics TO PROVIDE ADDITIONAL ANALYSIS OF THE GENERAL PLAN STEERING COMMITTEE'S PRIMARY ALTERNATIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amended the agreement between the City of Modesto and Certified/Earthmetrics to provide additional analysis of the General Plan Steering Committee's Primary Alternative be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: Dobbs, Friedman
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-400

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $29,947 FROM CONTINGENCY RESERVE TO PREPARE THE "CONSTRAINTS ANALYSIS" OF THE GENERAL PLAN STEERING COMMITTEE'S PRIMARY LAND USE ALTERNATIVE

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

FROM: Strategic Planning Fund Contingency Reserve $29,947
      (080-800-8000-8003)

TO: Professional and Contract Services $29,947
    (080-140-1432-0235)

Funds are needed to prepare the "Constraints Analysis" of the General Plan Steering Committee's Primary Land Use Alternative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs, Friedman

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
RESOLUTION DESIGNATING THE EARTH RAMMED HOUSE AT 1027 ENSLEN AVENUE AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on May 17, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 22, that the Earth Rammed House at 1027 Enslen Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, a history of the Earth Rammed House at 1027 Enslen Avenue is set forth as attached hereto, and

WHEREAS, after a public hearing held on July 13, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found
and determined that the Earth Rammed House at 1027 Enslen Avenue is eligible for
designation as a Landmark Preservation Site for the reasons set forth by the
Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the property at 1027 Enslen Avenue is more particularly described as
follows:

All that portion of the southeast quarter of Section 20, Township 3
South, Range 9 East, Mount Diablo Base and Meridian, described as
follows:

Parcel B as shown on that certain parcel map filed in Volume 28 of
Parcel Maps, at Page 47, Stanislaus County Records, recorded on
December 29, 1978, in the office of the County Recorder, Stanislaus
County.

BE IT FURTHER RESOLVED that the Earth Rammed House at 1027
Enslen Avenue has historic, architectural, archaeological, cultural, engineering or
aesthetic significance and is hereby designated a Landmark Preservation Site for the
following reasons:

1. The house is architecturally significant as an example of a
   rammed earth structure. It was constructed by Owen Bradley in
   1934.

2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of
the Modesto Municipal Code, the City Clerk shall record a copy of this resolution
with the County Recorder’s Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the [13th] day of [July], 1993, by Councilmember [Friedman], 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Norrine Coyle]

City Clerk

APPROVED AS TO FORM:

By [Michael D. Milich], City Attorney

APPROVED AS TO DESCRIPTION:

By [Amel Bostan]

PUBLIC WORKS DEPARTMENT
Engineering Division
The Earth Rammed House at 1027 Enslen Avenue

Stewart Bradley
3524 Merrill Avenue

The Bradley family has been in California since the 1850's. Stewart's grandfather came to Modesto in 1908. Mrs. Adrienne Bradley's father came to Modesto in 1910, a dairyman, Adrienne's father has his duck hunting grounds at Enslen Park. The Northern boundary of his land was at Carver and Clayton. The Prescott Community Hall was located on land that Stewart's grandfather donated. He was a very religious man, and one provision of the deed was that no drinking or dancing be allowed on the property. Another provision stipulated that when the property was no longer being used as a community project, it went back to the heirs. Fortunately, it went to Adrienne Bradley and her sisters.

Stewart attended Enslen School as a child and then the old Roosevelt School, and later on Modesto High. But he was only 6 years old in the early thirties when his father finished building the house at 1027 Enslen entirely by hand. The family story is that his parents had some money in the Modesto Saving and Loan at the time, and when they wanted to withdraw the money, the bank said they couldn't have it. So they decided to build a house and get a loan, which was the way they could take their money out.

During the thirties, Owen Bradley and his brothers went to work for Modesto City School, where his hours were 5:00 am to 2 or 3 in the afternoon, which allowed him to work on the house.

He built a wedge approximately eight inches wide with a weight on it, and he would shovel dirt into to this form. A 2 x 2 held it together. The soil had to have the proper moisture content - not too moist, not dry - to get the rammed earth to stay together. The garage wall was the first wall built, and never had a foundation underneath it. It's just dirt on dirt, and to this day the wall is still firm. One reason the Bradley's bought where they did was that the soil there was adobe type clay, and the 24-inch thick walls don't crack. Moist "adobe" houses are built of bricks containing asbestos, asphalt, concrete, straw, or horse manure to bind the bricks together.

The house is approximately 1300 square feet, with 3 bedrooms. The doors are made of 2 x 6's or 2 x 8's. The beams in the front room, which originally came around the Horn on a sailing ship, had been the foundation of a house in Stockton. Owen Bradley hewed them by hand. The tile in the kitchen is all used tiles from a wrecking yard - Mrs. Bradley put this together. The bunk bed was an 8 x 8 beam between the adobe wall and the stucco inside wall with just a board underneath and a mattress on top. Coves were left in the walls for a telephone or bookshelf. The floor in the front room are made of oak; the bedrooms and dining room have pine floors. The interior walls are stucco, done by the Edwards family of Modesto.

In 1954, Stewart and his father built two more rammed houses, but Stewart used an air compressor for tamping instead of using his arm. The Edwards family did the interior walls in these houses too, and they are still in the business. There is another earth rammed house on Lakewood St., and there is a rumor of one on Mono St., but the house at 1027 Enslen is the first here in Modesto and is genuine earth.
RESOLUTION NO. 93-402 unused
MODESTO CITY COUNCIL
RESOLUTION NO. 93-403

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, 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-2 TO P-O. (TIM FISHER/ARCHITECTURE PLUS)

WHEREAS, on April 28, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Professional Office Zone, P-O, property located on the north side of East Orangeburg Avenue between Nelson and Melrose Avenues might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council’s independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Cogdill, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-404

A RESOLUTION ACCEPTING THE BID OF VALLEY SLURRY SEAL COMPANY FOR THE 1993 STREET CAPE SEALS

WHEREAS, Resolution No. 93-323, adopted by the Council of the City of Modesto on June 8, 1993, approved the plans and specifications for the 1993 street cape seals and authorized the calling for bids; and

WHEREAS, the bids received for the 1993 street cape seals were opened at 11:00 a.m. on July 1, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Valley Slurry Seal Company in the amount of $350,772.55 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Valley Slurry Seal Company in the amount of $350,772.55 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: HORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-405

A RESOLUTION AUTHORIZING THE PURCHASE OF A SECOND FIRE APPARATUS (TRUCK) FROM GOLDEN STATE FIRE APPARATUS INC.

WHEREAS, by Resolution 92-697, bids were opened on January 25, 1993, for furnishing a fire apparatus (truck); and

WHEREAS, the successful bid submitted by Golden State Fire Apparatus offered subsequent fire apparatuses at lower prices through July 15, 1993; and

WHEREAS, the Fire Department has requested a fire apparatus to replace one 1977 Van Pelt fire apparatus that will be placed in reserve status.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of a second fire apparatus (truck) from Golden State Fire Apparatus, Inc. for a total price of $255,438.40 be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND TRANSOCEAN FUNDING, INC. FOR FINANCING OF A FIRE APPARATUS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease purchase agreement with Transocean Funding, Inc. for financing of a fire apparatus be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODesto CITY COUNCIL
RESOLUTION NO. 93-407

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94
ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE
REVENUE FOR THE LEASE PURCHASE OF A FIRE
APPARATUS.

WHEREAS, the City authorized a lease purchase of a Fire Apparatus, and
WHEREAS, the 93-94 estimated lease payment amount was included in
the 1993-94 budget, and
WHEREAS, this asset cost is $255,439, and
WHEREAS, it is necessary to estimate this revenue and budget the
expenditure in order to properly account for the asset,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the following adjustment is hereby approved:

Special Fund for Capital Outlays

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th></th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
<td>$268,856</td>
</tr>
<tr>
<td>130-180-D360-6070</td>
<td>Fire Apparatus 1993-94</td>
<td>$268,856</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
<td>$268,856</td>
</tr>
<tr>
<td>130-510-9510-8301</td>
<td>Other Financing Sources</td>
<td>$268,856</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby
authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-408

A RESOLUTION ACCEPTING THE RIP RAP REPAIR AT STORAGE PONDS ON JENNINGS ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the rip rap repair at the storage ponds on Jennings Road has been completed by Glen Wilson Trucking, Inc.

in accordance with the contract agreement dated March 23, 1993.

NOW, THEREFORE, BE IT RESOLVED that the rip rap repair at the storage ponds on Jennings Road be accepted from said contractor, Glen Wilson Trucking, Inc.

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $45,774.49 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-409

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF
A MID-BLOCK CROSSWALK ON ARDMOR AVENUE 205
FEET NORTH OF ORANGEBURG AVENUE.

WHEREAS, it is deemed desirable to establish a mid-
block crosswalk at a certain location in the City of Modesto to
facilitate street crossing by pedestrians, and

WHEREAS, Section 21106(a) of the Vehicle Code of the
State of California provides that local authorities, by ordinance
or resolution, may establish crosswalks between intersections,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Public Works and Transportation Director
is hereby directed to establish, designate and maintain a mid-
block crosswalk as hereinafter set forth, and to designate such
mid-block crosswalk by appropriate devices, marks or lines upon
the surface of the roadway:

Across Ardmor Avenue 205 feet north of
Orangeburg Avenue as shown on Exhibit "A"
attached hereto and made a part hereof as
though set forth in full herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember __Patterson__, who moved its adoption, which motion being duly seconded by Councilmember __Muratore__, was upon roll call carried and the resolution adopted by the following vote:

**AYES:**  Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

**NOES:**  Councilmembers:  None

**ABSENT:**  Councilmembers:  None

**ATTEST:**  Norrine Coyle, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By  Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-410

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES TO SWORN POLICE OFFICERS

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-411

A RESOLUTION ESTABLISHING THE INTENT OF THE CITY COUNCIL TO NAME A PARK IN VILLAGE ONE THE "MARY E. GROGAN COMMUNITY PARK."

WHEREAS, Mary E. Grogan served as an employee of the City of Modesto Parks and Recreation Department for over forty years, and

WHEREAS, Mary E. Grogan served the last twenty-eight years of her employment with the City as the City of Modesto Parks and Recreation Director, and

WHEREAS, the City Council recognizes that Mary E. Grogan's dedication and vision are responsible for most of the City's parks and recreational opportunities, and

WHEREAS, upon Mary E. Grogan's retirement in 1992, City Councilmembers unanimously expressed their desire to pay tribute to Mary E. Grogan and expressed their intent to name a community park in Village One in honor of Mary E. Grogan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in recognition of Mary E. Grogan's dedication during her forty years of employment with the City of Modesto, and in tribute of her service to the community as the City Parks and Recreation Director, and in appreciation of her vision for City parks and recreational opportunities which have become a reality for the citizens of Modesto, it is the intent of the Council to officially name the park in Village One the "Mary E. Grogan Community Park".

07/12/93

-1-
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION ESTABLISHING A NON-SALARIED HONORARY POSITION TO BE KNOWN AS "THE POET LAUREATE OF THE CITY OF MODESTO" AND APPROVING THE POLICY FOR SAID POSITION.

WHEREAS, it is the desire of the Culture Commission and the Modesto City Council to establish a non-salaried honorary position to be known as "The Poet Laureate of the City of Modesto", and

WHEREAS, The Poet Laureate would present original poems at various official occasions, and

WHEREAS, a copy of the recommended City of Modesto Policy regarding said non-salaried honorary Poet Laureate position is attached,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes a non-salaried honorary position of to be known as "The Poet Laureate of the City of Modesto".

BE IT FURTHER RESOLVED that the attached policy regarding said Poet Laureate position is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ~~~~~~~~~-

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ~~~~~~~~~~

MICHAEL D. MILICH, City Attorney
City of Modesto
Policy Regarding
Poet Laureate

It is the desire of the Culture Commission and the Modesto City Council to establish a non-salaried position to be known as The Poet Laureate of the City of Modesto, and that this position, while largely honorary, would carry with it certain expectations and obligations.

I. Qualifications
   A. Those nominated for this position should have reputations within the community as creators and lovers of poetry.
   B. Those nominated for this position should have some public speaking ability.
   C. Those nominated for this position should be published authors.

II. Terms of Office
   A. The normal term of office shall be for two years, commencing on the first day of July.
   B. An individual may serve no more than four consecutive years.

III. Nomination/Selection Procedure
   A. At least three months prior to the ending of a term, the Culture Commission shall announce the vacancy, and declare itself open for nominations.
   B. Nominations may come from any citizen of the City of Modesto.
   C. Nominations will be received by the Department of Parks and Recreation.
      • An Application/Nomination Form is attached to this document for use by those wishing to apply or to nominate someone else for the position.
   D. The Poets' Corner Committee (a sub-committee established by the Modesto Culture Commission in 1982) will review and screen the nominations, selecting two for further consideration by the Culture Commission.
   E. The Culture Commission will make the final recommendation to the Modesto City Council.
   F. The City Council will formally appoint an individual to the position.
   G. The Mayor will notify the selected poet by way of a letter of congratulations.

IV. Continuity
   A. The Poets' Corner Committee will maintain a list of all eligible nominated poets, and review this entire list every two years (or more frequently if necessary) before making subsequent selections.
   B. Persons who have published new works, received additional awards, or feel that in other ways their Applications should be updated are encouraged to do so at any time.
   C. Poems created by the Poet Laureate while acting in a formal capacity will be preserved in a book by the Poets’ Corner Committee as part of their collection on the Poets’ Bookshelf at the McHenry Museum.

—continued—
V. Expectations

A. The Poet Laureate will be expected to present a poem written especially for the event at a variety of Special Occasions involving the City of Modesto. These would include, but not be limited to, such activities as:

1. Installation of new City Council members, or new Mayor
2. Sister City receptions
3. Dedications of new city buildings
4. Openings of various cultural events
5. Civic and community functions not directly involving city government, as invited
6. Other events and occasions befitting the Poet Laureate's position

B. The Poet Laureate will be expected to present an original poem which will be included in each Anthology of the Poets' Corner Contest, beginning in 1994.

C. The Poet Laureate will be expected at all times to be an ambassador for the literary arts to the community.
City of Modesto
Application/Nomination Form

Poet Laureate

Name ____________________________

Address ____________________________

Phone ____________________________

Published Works
(List by Title and Date)

Publications Containing Works
(Don't include Vanity Publications)

Literary Organizations of which you are a member

Awards and Recognition you have won

Brief Biographical Sketch

__________________________

__________________________

__________________________

__________________________
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $50,000 FROM CONTINGENCY RESERVE TO FUND THE BALANCE OF SETTLEMENT TO HACKETT ENVIRONMENTAL SYSTEMS, INC. FOR CONSTRUCTION OF CREEKSID GOLF COURSE

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

FROM: Golf Course Contingency Reserve $50,000
TO: Dry Creek Golf Course CIP account $50,000

These funds are needed to pay the balance of the settlement to Hackett Environmental Systems, Inc. for the construction of Creekside Golf Course, accepted as complete on May 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-414

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE FINDINGS PROPOSED BY THE EAC, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE SANITARY SEWER TRUNKS THROUGH VILLAGE ONE, SONOMA SEWER TRUNK EXTENSION FROM FLOYD AVENUE TO SYLVAN AVENUE AND LAKewood SEWER TRUNK EXTENSION FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE.

WHEREAS, on __May 5__________, 1993, the City's Environmental Assessment Committee (EAC) conducted an additional analysis to determine if the sanitary sewer trunks through Village One, Sonoma Sewer Trunk Extension from Floyd Avenue to Sylvan Avenue and Lakewood Sewer Trunk Extension from Briggsmore Avenue to Sylvan Avenue project might have a significant effect on the environment, and

WHEREAS, the EAC made the findings that this project is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan adequately describes the project for the purposes of CEQA (Section 15168, State CEQA Guidelines) and the proposed changes to the project pose no new significant environmental impacts that were not considered in the (previous) Program EIR (Section 15162 State CEQA Guidelines), and no substantial changes have occurred which will require important revisions in the (previous) Program
EIR due to the involvement of new significant environmental impacts not covered in the previous EIR (Section 15162, State CEQA Guidelines) shall hereby be known as "Findings", and

WHEREAS, any comments received by the City during the public review period on the findings were forwarded to the City Council for consideration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the findings proposed by the EAC including the comments received in response to such findings.

SECTION 2. The City Council hereby finds that on the basis of information contained in the findings and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed findings for said project. The Council further finds that the findings reflect the Council's independent judgment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-414

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE SANITARY SEWER TRUNKS THROUGH VILLAGE ONE, SONOMA SEWER TRUNK EXTENSION FROM FLOYD AVENUE TO SYLVAN AVENUE AND LAKEDWARD SEWER TRUNK EXTENSION FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE.

WHEREAS, on May 5, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the sanitary sewer trunks through Village One, Sonoma Sewer Trunk Extension from Floyd Avenue to Sylvan Avenue and Lakewood Sewer Trunk Extension from Briggsmore Avenue to Sylvan Avenue project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and
WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-415

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING AND SURVEYING FOR ENGINEERING DESIGN OF SEWER TRUNKS IN VILLAGE ONE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Delamare-Fultz Engineering and Surveying for engineering design of sewer trunks in Village One be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-416

A RESOLUTION APPROVING THE FINAL MAP OF THE
LAUREL HEIGHTS - PHASE 2 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, DAVID A. SCHWARTZ AND SUSAN L. SCHWARTZ, husband
and wife; and T & L HOLDING, INC., a California corporation, is possessed of a tract
of land situate in the City of Modesto, County of Stanislaus, consisting of 0.373 acres,
known as the Laurel Heights - Phase 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission on the 19th day of August, 1991, 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 Laurel Heights - Phase 2 Subdivision meets all of the provisions
of the California Subdivision Map Act and the provisions of the Modesto Municipal
Code relating to subdivisions, and that the map is technically correct, and

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING FOR VILLAGE ONE FINANCING PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Vail Engineering for consultant services for Village One Financing Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $15,000 FROM CONTINGENCY RESERVE TO FINANCE CONSULTANT SERVICES ON VILLAGE ONE FACILITIES FINANCE PLAN

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

FROM: Strategic Planning Fund Contingency Reserve
      (080 800 8000 8003) $15,000

TO:   Services Professional and Other
      (080 140 1433 0235) $15,000

Funds are needed to finance consultant services on Village One Facilities Finance Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Cogdill, 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, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-419

A RESOLUTION APPOINTING EARL HOWARD AND SUSAN MIDDLETON KEIRN TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. The following persons are appointed to the Human Relations Commission for the respective term as indicated:

   Earl Howard - term to expire 1/1/96
   Susan Middleton Keirn - term to expire 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Boards and Commissions

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-420

A RESOLUTION APPOINTING FRED. SATARIANO AND JAMES AJA TO THE BOARD OF BUILDING APPEALS

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

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

SECTION 1. The following persons are appointed to the Board of Building Appeals for the respective term as indicated:

Fred Satariano
James Aja
Terms to expire January 1, 1997

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Board of Building Appeals and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers:
None

ABSENT: Councilmembers:
None

Boards and Commissions

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-421

A RESOLUTION APPOINTING MEMBER OF THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE (MARGARET LEAMAN)

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

SECTION 1. The following person is hereby appointed to the Tuolumne River Regional Park Citizens Advisory Committee for the respective term as indicated:

Margaret Leaman
Term to expire January 1, 1994

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Tuolumne River Regional Park Citizens Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-422

A RESOLUTION APPOINTING VIRGINIA GLESER TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Virginia Gleser
Term to expire January 1, 1997

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Boards and Commissions

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION REAPPOINTING LINDA McDaniel TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Housing Rehabilitation Loan Committee for the respective term as indicated:

Linda McDaniel
Term to expire June 30, 1997

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-424

A RESOLUTION REAPPOINTING WILLIAM COVEY TO THE NEIGHBORHOOD ADVISORY COMMITTEE, CHAIR #3

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

SECTION 1. The following person is hereby appointed to the Neighborhood Advisory Committee, Chair #3 for the respective term as indicated:

William Covey
Term to expire June 30, 1996

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Neighborhood Advisory Committee, Chair #3 and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE HOUSING MAINTENANCE AND COUNSELING COMMITTEE CHAIR #1 (COUNCILMEMBER STAN DOBBS)

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

SECTION 1. The following person is hereby appointed to the Housing Maintenance and Counseling Committee for the respective term as indicated:

Councilmember Stan Dobbs
Term expires January 1, 1997

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Housing Maintenance and Counseling Committee Chair #1 and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-426

A RESOLUTION ESTABLISHING MUNICIPAL OFF-STREET PARKING FACILITIES, PROVIDING FOR CONTROL THEREOF, AND RESSCINDING RESOLUTION NO. 87-431.

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council,

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

SECTION 1. PARKING METER LOTS. The municipal off-street parking facilities specified on Exhibit "A" attached hereto are hereby established as parking meter lots to be controlled by parking meters. Parking time limits, rates of fees, and monthly fees for parking passes and reserved parking for said parking meter lots shall be as shown on Exhibit "A". Said Exhibit "A" is hereby incorporated by reference and made a part of this resolution.
SECTION 2. ATTENDANT LOTS. (a) The following municipal off-street parking facility is hereby established as a parking attendant lot:

   (1) PAL-28 west side of 11th Street between I and J Streets

(b) Vehicular parking on said parking attendant lot shall be controlled and regulated by parking attendants as follows:

   (1) PAL-28 from 8:00 a.m. to 6:00 p.m. Monday through Friday

(c) The rate of fifty cents (50¢) per hour or fraction thereof, unless validated in accordance with the provisions of Section 3-2.1604 of the Modesto Municipal Code, is hereby established for said parking attendant lot PAL-28. The price for validation stamps to be used with the validation system on said parking attendant lot, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be fifty-five cents (55¢) per stamp.

(d) The Public Works and Transportation Director may designate spaces in said parking attendant lot for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Public Works and Transportation Director on said parking attendant lot PAL-28 when it does not encroach on the needs of
shopper parking. The monthly charges for such passes shall be Thirty and no/100ths Dollars ($30.00) for PAL-28.

(f) Additional hours of operation, including weekends, may be authorized by the Public Works and Transportation Director as appropriate to meet parking needs.

SECTION 3. PARKING TICKET LOTS. (a) The following municipal off-street parking facilities are hereby established as parking ticket lots:

(1) PTL-2 east side of 9th Street between I and J Streets, excepting the portion thereof which is Parking Meter Lot-2 (PML-2).
(2) PTL-20 west side of 10th Street between G and H Streets and south of PTL-23 (Old City Hall)
(3) PTL-23 west side of 10th Street between G and H Streets (Brack-Griffin)
(4) PTL-25 southeast corner of 9th and I Streets. (Parking in PTL-25/PML-25 is controlled by 25¢ per hour meters or $1.25 per day tickets.)
(5) PTL-34 southwest corner of 10th and K Streets

(b) Vehicular parking on said parking ticket lots PTL-2, PTL-20, and PTL-23 shall be controlled by means of ticket dispensing devices from 9:00 a.m. to 4:30 p.m., Monday through Friday. Vehicular parking on said parking ticket lot PTL-25/PML-25 shall be controlled by means of a ticket dispensing device or parking meters from 9:00 a.m. to 6:00 p.m., Monday
through Friday. Vehicular parking on said ticket lot PTL-34 shall be controlled by means of ticket dispensing devices from 9:00 a.m. to 10:00 p.m. every day.

(c) The rate of One and 25/100ths Dollars ($1.25) per day or fraction thereof is hereby established for said parking ticket lots PTL-2, PTL-20, PTL-23, PTL-25 and PTL-34.

(d) Monthly parking passes may be authorized by the Public Works and Transportation Director on any parking ticket lot when it does not encroach on the needs of shopper parking. The monthly charges for such passes shall be Twenty and no/100ths Dollars ($20.00).

(e) Monthly reserved parking passes may be authorized by the Public Works and Transportation Director on said ticket lot PTL-2 and PTL-34. The monthly charges for such passes shall be Thirty and no/100ths Dollars ($30.00) per space per month.

SECTION 4. RESERVED PARKING LOTS. (a) The following municipal off-street parking facilities are hereby designated as reserved parking lots:

(1) RPL-4a west side of 11th Street between H and I Streets (street level)

(2) RPL-39 south side of I Street between 10th and 11th Streets

(b) Vehicular parking on said reserved parking lots shall be controlled by signs and painted markings.
(c) Charges for reserved parking on RPL-4a and RPL-39 shall be Thirty and no/100ths Dollars ($30.00) per space per month.

SECTION 5. MODESTO CENTRE PLAZA PARKING. The municipal off-street parking facilities specified on Exhibit "B" attached hereto are hereby established as parking for the Modesto Centre Plaza. Said Exhibit "B" is hereby incorporated by reference and made a part of this resolution.

SECTION 6. FREE PARKING LOTS. (a) The following municipal off-street parking facilities shall be free parking lots:

(1) PL-10 east side of 8th Street between I and K Streets
(2) PL-13 north side of H Street between 15th and 16th Streets (Modesto Stanislaus Library)
(3) PL-15 east side of 11th Street between F and G Streets (north of Fire Station #1)
(4) PL-16 east side of 11th Street between F and G Streets (south of Fire Station #1)

(b) Parking time limit on PL-13 shall be either no time limit or in portions as posted, a two-hour time limit 8:00 a.m. to 5:00 p.m., Monday through Friday.

SECTION 7. DISABLED PERSONS. Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued
pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

SECTION 8. JURY PARKING. Persons ordered to appear for jury duty may park exclusively in the following municipal off-street parking facilities in compliance with the fees and regulations specified in this resolution:

(1) PL-10 - exclusive all day

(2) PTL-25 - exclusive from 8:00 a.m. to 12:00 noon

SECTION 9. EFFECTIVE DATE. The effective date of this resolution shall be August 2, 1993.

SECTION 10. RESCIND. Resolution No. 87-431 adopted June 2, 1987, is rescinded effective August 1, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>PARKING METER LOT NUMBER</th>
<th>LOCATION</th>
<th>TIME LIMITS &amp; CLASSIFICATION</th>
<th>FEES FOR MONTHLY PASSES</th>
<th>MONTHLY FEE FOR RESERVED SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. PML-2</td>
<td>East side of 9th Street between I and J Streets, excepting the portion thereof which is Parking Ticket Lot-2 (PTL-2)</td>
<td>PM-1</td>
<td>*</td>
<td>**</td>
</tr>
<tr>
<td>2. PML-2a</td>
<td>Alley between 9th, 10th, I and J Streets</td>
<td>PM-1</td>
<td>*</td>
<td>**</td>
</tr>
<tr>
<td>3. PML-3</td>
<td>Southeast corner of 12th and I Streets</td>
<td>PM-3</td>
<td>*</td>
<td>**</td>
</tr>
<tr>
<td>4. PML-11</td>
<td>Southwest corner of 10th and H Streets</td>
<td>PM-2</td>
<td>*</td>
<td>**</td>
</tr>
<tr>
<td>5. PML-21</td>
<td>Southwest corner of 11th and K Streets</td>
<td>PM-4</td>
<td>$20.00</td>
<td>**</td>
</tr>
<tr>
<td>6. PML-25</td>
<td>Southeast corner of 9th and I Streets</td>
<td>PM-3****</td>
<td>$20.00</td>
<td>**</td>
</tr>
<tr>
<td>7. PML-32</td>
<td>East side of 10th Street between J and K Streets</td>
<td>PM-1</td>
<td>$20.00</td>
<td>**</td>
</tr>
<tr>
<td>8. PML-33</td>
<td>Northeast corner of 10th and H Streets</td>
<td>PM-1</td>
<td>*</td>
<td>**</td>
</tr>
<tr>
<td>9. PML-35</td>
<td>County Administration Lot, between 11th, 12th, G and H Streets</td>
<td>PM-5</td>
<td>*</td>
<td>**</td>
</tr>
<tr>
<td>10. PML-40</td>
<td>Former Crocker Bank Lot, 10th Near I Street</td>
<td>PM-1</td>
<td>*</td>
<td>**</td>
</tr>
</tbody>
</table>

* Monthly passes are not authorized  
** Reserved spaces are not authorized  
*** No limit on the number of spaces reserved  
**** The number of spaces reserved is limited to a maximum of 15  
***** Daily $1.25 parking tickets are also authorized

Exhibit "A" Page 1
TIME LIMITS AND FEE CLASSIFICATION

PM-1: Three (3) hour limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; five cents (5¢) per twelve (12) minutes or fraction thereof.

PM-2: Five (5) hour limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; twenty-five cents (25¢) per hour or fraction thereof.

PM-3: No time limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; twenty-five cents (25¢) per hour or fraction thereof.

PM-4: No time limit, 9:00 a.m. to 10:00 p.m., Monday through Sunday, five cents (5¢) per twelve (12) minutes or fraction thereof.

PM-5: Time limit as posted, either twenty-four (24) minute, one hour or three hour time limit, 8:00 a.m. to 5:00 p.m., Monday through Friday, five cents (5¢) per twelve (12) minutes or fraction thereof.

Exhibit "A"
MODESTO CENTRE PLAZA

9th Street Garage

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>$0.50/ Hour</td>
</tr>
<tr>
<td>Monthly Pass</td>
<td>$50.00/ Month</td>
</tr>
<tr>
<td>Hourly Coupons</td>
<td>$0.55/ Hour</td>
</tr>
<tr>
<td>Parking Paid for</td>
<td>$30.00 Plus Cost of Hourly Rate</td>
</tr>
<tr>
<td>by Event Sponsor</td>
<td></td>
</tr>
</tbody>
</table>

11th Street Surface Lot

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Day/Evening</td>
<td>$2.00/Car</td>
</tr>
<tr>
<td>Hosted Parking</td>
<td>$30.00 Plus Cost of All Day Parking</td>
</tr>
<tr>
<td>RV's/Motorhomes</td>
<td>$10.00/Day</td>
</tr>
<tr>
<td>Buses</td>
<td>$20.00/Overnight</td>
</tr>
<tr>
<td></td>
<td>$20.00/Day</td>
</tr>
</tbody>
</table>

Exhibit "B"
RESOLUTION NO. 93-427

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-428

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a...
resolution of intention to levy and collect assessments within
the assessment district for the fiscal year 1993-94, and

WHEREAS, the Council has adopted Resolution No. 93-388
on July 6, 1993, which is the Resolution of Intention to levy and
collect assessments within the assessment district for fiscal
year 1993-94 and to set a public hearing to be held on July 20,
1993, in the meeting place of the City Council located in the
City Hall, 801 Eleventh Street, Modesto, California. Notice of
the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council
afforded to every interested person an opportunity to make a
protest to the annual report either in writing or orally, and the
City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby confirms the diagram and assessment as set
forth in the annual report of the Public Works and Transportation
Director, said Engineer of Work, for Landscape Maintenance
Assessment District No. 2 and hereby levies the assessment set
forth therein for fiscal year 1993-94.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A MAINTENANCE MANAGEMENT SYSTEM

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

SECTION 1. The specifications for the purchase of a maintenance management system, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 9, 1993, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July 1993, by Councilmember Friedman, 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: Councilmemebers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS FOR FURNISHING ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

WHEREAS, Resolution No. 93-285, adopted by the Council of the City of Modesto on May 11, 1993, approved the plans and specifications for annual pump repair for the City's ground water pumping stations and authorized the calling for bids; and

WHEREAS, the bids received for the annual pump repair for the City's ground water pumping stations were opened at 10:00 a.m. on June 1, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Howk Systems in the amount of $100,000 per year be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems for $100,000 per year be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HOWK SYSTEMS TO PROVIDE ANNUAL PUMP REPAIR SERVICES FOR GROUND WATER PUMPING STATIONS FOR UP TO THREE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Howk Systems, to provide annual pump repair services for the City's ground water pumping stations for up to three years be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-432

A RESOLUTION PROVIDING FOR THE BORROWING OF FUNDS FOR FISCAL YEAR 1993-1994 AND THE ISSUANCE AND SALE OF 1993 TAX AND REVENUE ANTICIPATION NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED $9,000,000, APPROVING THE PUBLICATION OF NOTICES IN CONNECTION WITH SUCH SALE, AUTHORIZING THE AWARD OF SUCH NOTES SUBJECT TO CERTAIN CONDITIONS, AND APPROVING OF A PRELIMINARY OFFICIAL STATEMENT AND CERTAIN RELATED MATTERS.

WHEREAS, pursuant to Sections 53850, et seq. of the Government Code of the State of California (the "Code") contained in Article 7.6 thereof, entitled "Temporary Borrowing", on or after the first day of any fiscal year (being July 1), a city may borrow money by issuing notes for any purpose for which a city is authorized to expend moneys, including but not limited to current expenses, capital expenditures, and the discharge of any obligation or indebtedness of a city; and

WHEREAS, Section 53853 of the Code provides that such notes shall be issued pursuant to a resolution adopted by the legislative body of the city authorizing the issuance thereof; and

WHEREAS, pursuant to Section 53853, of the Code, the City Council of the City of Modesto (the "Council") has found and determined that a sum not to exceed Nine Million Dollars ($9,000,000) is needed for the requirements of the City of Modesto (the "City") to satisfy obligations payable from the General Fund of the City, and that it is necessary that an amount up to said sum be borrowed for such purpose at this time by the issuance of temporary notes therefor in anticipation of the receipt of taxes, revenue and other moneys to be received by the City for the General Fund of the City during or allocable to Fiscal Year 1993-1994; and

WHEREAS, the City intends to borrow, for the purposes set forth above, an amount not to exceed Nine Million Dollars ($9,000,000) by the issuance of the notes, as hereinafter defined; and

WHEREAS, such notes shall be payable no later than 13 months after the date of issue, as permitted by Section 53854 of the Code, and such notes shall be payable only from revenue received or accrued during the fiscal year 1993-1994; and
WHEREAS, such notes may not bear interest exceeding twelve percent (12%) per annum, as permitted by Section 53531 of the Code, notwithstanding Section 53854 of the Code; and

WHEREAS, pursuant to Section 53856 of the Code, the City may pledge any taxes, income, revenue, cash receipts or other moneys deposited in inactive or term deposits (but excepting certain moneys of the City, including moneys encumbered for a special purpose); and this Resolution specifies that certain unrestricted revenues which will be received by the City for the General Fund of the City during or allocable to fiscal year 1993-1994 are pledged for the payment of such notes; and

WHEREAS, such notes shall be a general obligation of the City, and to the extent not paid from the taxes, income, revenue, cash receipts and other moneys of the City pledged for the payment thereof shall be paid with interest thereon from any other moneys of the City lawfully available therefor, as required by Section 53857 of the Code; and

WHEREAS, such notes will not be outstanding after a period ending 13 months after the date on which such notes are issued and will not be issued in an amount greater than the maximum anticipated cumulative cash flow deficit to be financed by the anticipated tax or other revenue source for the period for which such taxes or other revenues are anticipated and during which such notes are outstanding, all as permitted and provided, respectively, in Section 1.103-14(c) of the Income Tax Regulations of the United States Treasury;

WHEREAS, it appears, and the Council hereby finds and determines, that said sum of Nine Million Dollars ($9,000,000), when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, incoming revenue (including but not limited to revenue from state and federal governments), cash receipts and other moneys of the City for the General Fund of the City attributable to fiscal year 1993-1994, and available for the payment of said notes and the interest thereon as required by Section 53858 of the Code; and

WHEREAS, the Council desires to sell such notes pursuant to a competitive sale as herein provided and to further authorize the award of such notes to the highest bidder as provided herein;

NOW, THEREFORE, the Council does resolve as follows:

Section 1. Recitals True. All of the recitals herein set forth are true and correct, and the Council so finds and determines.
Section 2. Authorization of Notes; Details; Full Book-Entry. Solely for the purpose of anticipating taxes, revenues and other moneys to be received by the City for the General Fund of the City during or allocable to fiscal year 1993-1994, and not pursuant to any common plan of financing, the City hereby determines to and shall borrow an aggregate principal sum not to exceed Nine Million Dollars ($9,000,000) by the issuance of temporary notes under Sections 53850, et seq., of the Government Code of the State of California, designated "City of Modesto, California 1993 Tax and Revenue Anticipation Notes" (the "Notes"), to be in registered form (as described below), to be numbered 1 (and consecutively upward in order of issuance if more than one note is issued), to be in denominations of $5,000 and integral multiples thereof, to mature (without the option of prior redemption) not later than 13 months following the date of delivery of the Notes, and to bear interest, payable at maturity and computed on a 30-day month/360-day year basis at a rate not in excess of four percent (4%) per annum. The Notes shall be dated the date of initial delivery. Both the principal of and interest on the notes shall be payable, only upon surrender thereof, in lawful money of the United States of America, at the office of the Finance Director of the City of Modesto in Modesto, California (the "Paying Agent").

Except as provided below, the holder of all of the Notes shall be The Depository Trust Company, New York, New York ("DTC") and the Notes shall be initially registered in the name of CEDE & Co., as nominee for DTC. The Notes shall be initially executed and delivered in the form of a single fully registered Note in the full aggregate principal amount of the Notes. The City may treat DTC (or its nominee) as the sole and exclusive owner of the Notes registered in its name for all purposes of this Resolution, and the City shall not be affected by any notice to the contrary. The City shall not have any responsibility or obligation to any participant of DTC (a "Participant"), any person claiming a beneficial ownership interest in the Notes under or through DTC or any Participant, or any other person which is not shown on the register of the Paying Agent as being a holder, with respect to the accuracy of any records maintained by DTC or any Participant or the payment or failure to pay by DTC or any Participant of any amount in respect of the principal or interest with respect to the Notes. The Paying Agent shall pay all principal and interest with respect to the Notes only to DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest with respect to the Notes to the extent of the sum or sums so paid. Except under the conditions noted below, no person other than DTC shall receive a Note. Upon delivery by DTC to the
Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co., the term "CEDE & Co." in this Resolution shall refer to such new nominee of DTC.

If the City determines that it is in the best interest of the beneficial owners that they be able to obtain Notes and delivers a written certificate to DTC to that effect, DTC shall notify the Participants of the availability through DTC of Notes. In such event, the City shall issue, transfer and exchange Notes as requested by DTC and any other holders in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Notes at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City shall be obligated to deliver Notes as described in this Resolution. Whenever DTC requests the City to do so, the City will cooperate with DTC in taking appropriate action after reasonable notice to (a) make available one or more separate Notes evidencing the Notes to any DTC Participant having Notes credited to its DTC account or (b) arrange for another securities depository to maintain custody of certificates evidencing the Notes.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Note is registered in the name of CEDE & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to DTC as provided in the Representation Letter delivered on the date of issuance of the Notes.

Section 3. Form of Notes: Transfer and Exchange. The Notes shall be issued in registered form and shall be substantially in the form and substance set forth in Exhibit A attached hereto and by reference incorporated herein, the blanks in said form to be filled in with appropriate words and figures. There shall be on the reverse of, or attached to, each Note, the legal opinion of Brown & Wood, Bond Counsel, respecting the validity of said Notes and, immediately following such legal opinion, a certificate executed with the facsimile signature of the Mayor, the City Manager or the Finance Director said certificate to be in substantially the following form:

I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion upon the Notes therein described which was manually signed by Brown &
Wood, Bond Counsel and was dated as of the date of delivery of and payment for said Notes.

[Facsimile Signature]

Subject to the provisions of Section 2 hereof, the registration of any Note may, in accordance with its terms, be transferred, upon the registration books kept by the Paying Agent for such purpose, by the person in whose name it is registered, in person or by his or her duly authorized attorney, upon surrender of such Note for cancellation, accompanied by delivery of a written instrument of transfer, duly executed in a form approved by the Paying Agent.

Whenever any Note or Notes shall be surrendered for registration or transfer, the Paying Agent shall execute and deliver a new Note or Notes, for a like aggregate principal amount. The Paying Agent shall require the Note owner requesting such registration of transfer to pay any tax or other governmental charge required to be paid with respect to such transfer. The City may require the owner requesting such registration of transfer to pay such additional reasonable charge as may be necessary to cover customary expenses incurred and fees charged by the Paying Agent or the City with respect to such registration of transfer. The City and the Paying Agent may treat the registered owner of any Note as the absolute owner thereof for all purposes whatsoever in accordance with this resolution, and the City and the Paying Agent shall not be affected by any notice to the contrary.

Subject to the provisions of Section 2 hereof, Notes may be exchanged at the office of the Paying Agent in Modesto, California for a like aggregate principal amount of Notes in other authorized denominations. The Paying Agent shall require the payment by the Note owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange. The City may require the owner requesting such exchange to pay such additional reasonable charge as may be necessary to cover customary expenses incurred and fees charged by the Paying Agent or the City with respect to such exchange.

Section 4. Sale of Notes. The Notes shall be sold at a public sale upon the direction of the City Manager or the Finance Director, said public sale to be at the time and place and upon the terms provided in the Notice of Sale of the Notes, which Notice shall be substantially in the form set forth as Exhibit B hereto and by reference incorporated herein (the "Notice of Sale"). Sealed bids for the purchase of the Notes shall be received by the City Manager or Finance Director at
the time and place set forth in said Notice of Sale. The City Manager, the Finance Manager or a designated deputy thereof are authorized to distribute copies of said Notice of Sale. The Council hereby authorizes and ratifies publication in THE BOND BUYER of a Notice Of Intention To Sell (the "Notice of Intention to Sell") in substantially the form attached hereto as Exhibit C and made a part hereof by this reference, said Notice of Intention to Sell being required to be made in a financial publication generally circulated throughout the State at least 15 days prior to the award of the Notes at competitive bid pursuant to Section 53692 of the Government Code.

Section 5. Application of Proceeds. The moneys so borrowed shall be deposited in the General Fund of the City and used and expended by the City for any purpose for which it is authorized to expend funds from the General Fund of the City.

Section 6. Repayment of Notes; Security. The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, revenues, income, cash receipts and other moneys which are received by the City for the General Fund of the City for the Fiscal Year 1993-1994 and which are available therefore. As security for the payment of the principal of and interest on the Notes the City hereby pledges: (i) an amount equal to fifty percent (50%) of the principal amount of the Notes from the first unrestricted moneys to be received by the City in the month ending December 31, 1993; (ii) an amount equal to fifty percent (50%) of the principal amount of the Notes from the first of such moneys to be received in the month ending April 30, 1994; plus an amount sufficient to pay interest from the first of such moneys to be received in the month ending May 31, 1994 (such pledged amounts being hereinafter called the "Pledged Moneys"). The principal of the Notes and the interest thereon shall constitute a first lien and charge against and shall be payable from the first moneys received by City from such Pledged Moneys, and to the extent not so paid shall be paid from any other moneys of the City lawfully available therefor. In the event there are insufficient unrestricted moneys received by the City to permit the deposit into the Special Account, as hereinafter defined, of the full amount of the Pledged Moneys to be deposited in the applicable month, by the next to last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the notes and interest thereon. The term "unrestricted moneys" shall mean taxes, income, revenue, cash receipts, and other moneys of the City, intended as receipts for the General Fund of the City and which are generally available for the payment of current expenses and other obligations of the City.
Section 7. Establishment of Special Account. The Pledged Moneys shall be deposited by the City with and held by the Paying Agent, in trust, in a special fund designated "City of Modesto, California 1993 Tax and Revenue Anticipation Notes Special Account" (the "Special Account") and applied as directed in this Resolution. Any money deposited by the Paying Agent in the Special Account shall be for the benefit of the holders of the Notes, and until the Notes and all interest thereon are paid or until provision has been made for the payment of the Notes at maturity with interest to maturity, the moneys in the Special Account shall be applied only for the purposes for which the Special Account was created.

From the date this Resolution takes effect, all Pledged Moneys shall, when received, be paid to the Paying Agent for deposit in the Special Account. On the date of maturity of the Notes, the moneys in the Special Account shall be used, to the extent necessary, to pay the principal of and interest on the Notes. Any moneys remaining in the Special Account after the Notes and the interest thereon have been fully paid, or provision for such payment has been made, shall be transferred to the City for deposit into its General Fund.

Moneys in the Special Account shall be invested, to the greatest extent possible, as permitted by California law as it is now in effect and as it may be amended from time to time including California Government Code Section 53601; provided that no such investments shall have a maturity date later than the maturity date of the Notes. The proceeds of any such investment shall be retained by the Paying Agent in the Special Account until all of the Notes have been fully paid, at which time any amount remaining shall be paid to the General Fund of the City.

Section 8. Execution of Notes. The Mayor of the City, or any properly delegated officer of the City who is designated to sign on the Mayor's behalf, or the City Manager or the Finance Director are hereby authorized to sign the Notes by manual or facsimile signature and the City Clerk is hereby authorized to countersign the same by manual or facsimile signature; provided that at least one such signature shall be manual. The City Clerk is further authorized to affix the seal of the City thereto by facsimile impression thereof. Said officers are hereby authorized to cause the blank spaces thereof to be filled in as may be appropriate. Said signing, countersigning and sealing shall constitute a valid and sufficient execution of the Notes.

Section 9. Award of Notes. The Mayor, the City Manager or the Finance Director is hereby authorized to award the Notes in
an aggregate principal amount not exceeding the aforesaid sum to the bidder for the Notes providing the lowest net interest rate as provided in the Notice of Sale, provided that the interest rate on the Notes shall not exceed four percent (4%) per annum. Upon award of the Notes to the successful bidder, (i) the Mayor, the City Manager or the Finance Director is hereby authorized and directed to attach to this Resolution a certificate stating the principal amount of the Notes, the maturity date of the Notes and the interest rate on the Notes, and (ii) appropriate officers of the City are authorized and directed to execute and deliver the Notes to the successful bidder. In the event two or more bids setting forth identical net interest rates are received and aggregating in excess of the principal amount of the Notes, the Mayor, the City Manager or the Finance Director shall offer the Notes to such bidders on a pro-rata basis, to the extent practicable.

Section 10. Ratification of Actions. All actions heretofore taken by the officers and agents of the City with respect to the sale and issuance of the Notes are hereby approved, confirmed and ratified, and the Mayor, the City Manager and Finance Director of the City are hereby authorized and directed, for and in the name and behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Notes in accordance with this Resolution and resolutions heretofore adopted by the Council.

Section 11. Further Action Authorized. It is hereby covenanted and warranted by the City that all representations and recitals contained in this Resolution are true and correct, and that the City, and its appropriate officials, have duly taken all proceedings necessary to be taken by them, and will take any additional proceedings necessary to be taken by them, for the levy, collection and enforcement of the taxes, revenue, cash receipts and other moneys pledged hereunder in accordance with the law and for carrying out the provisions of this Resolution.

Section 12. Tax Covenant. It is hereby covenanted by the City that it will make no use of the proceeds of the Notes which would cause the Notes to be "arbitrage bonds" under Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"); and, for that purpose, so long as any of the Notes are outstanding, the City, with respect to the proceeds of the Notes, and all officers having custody or control of such proceeds, shall comply with all requirements of said section and the regulations of the United States Department of
the Treasury thereunder, to the extent that such regulations are, at the time, applicable and in effect, so that the Notes will not be "arbitrage bonds."

Section 13. Approval of Bond Counsel. Brown & Wood is hereby approved as Bond Counsel to the City in connection with the issuance of the Notes. The Mayor, the City Manager or the Finance Director is hereby authorized to execute contracts with said Bond Counsel in the form approved by the Mayor, the City Manager or the Finance Director, upon the advice of the City Attorney.

Section 14. Approval of Preliminary Official Statement. The Preliminary Official Statement relating to the Notes is hereby approved in substantially the form presented at the meeting and is authorized for distribution for the purpose of selling the Notes in substantially the form presented. The Finance Director is hereby authorized to approve the final Official Statement with such changes therein, deletions therefrom and modifications the reto, such approval to be conclusively evidenced by his execution and delivery thereof.

Section 15. Inconsistent Action Waived. Any provisions of any ordinances and resolutions inconsistent herewith are hereby waived to the extent only of such inconsistency.

Section 16. Effective Immediately. This Resolution shall be effective immediately.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT A

Registered No. ____  Registered $_______

CITY OF MODESTO, CALIFORNIA
1993 TAX AND REVENUE ANTICIPATION NOTE

<table>
<thead>
<tr>
<th>RATE OF INTEREST</th>
<th>NOTE DATE</th>
<th>MATURITY DATE</th>
<th>CUSIP</th>
</tr>
</thead>
</table>

PRINCIPAL SUM:

REGISTERED OWNER:

FOR VALUE RECEIVED, the City of Modesto (the "City"), State of California, acknowledges itself indebted to and promises to pay to the Registered Owner identified above, or registered assigns, at the office of the Finance Director of the City of Modesto, California, the Principal Sum specified above in lawful money of the United States of America, on the Maturity Date shown above, together with interest thereon at the rate per annum shown above in like lawful money from the date hereof until payment in full of said principal sum. Both the principal of and interest on this Note shall be payable only upon surrender of this Note as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the Registered Owner fails to properly present this Note for payment.

It is hereby certified, recited and declared that this Note is one of an authorized issue of Notes in the aggregate principal amount of ____________________ Dollars ($_______), all of like tenor, made, executed and given pursuant to and by authority of a resolution of the City Council duly adopted on ___________ 1993 (the "Resolution"), under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5, California Government Code, and that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note have existed, happened and been performed in regular and due time, form and manner as required by law, and that this Note,

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85260003/1
principal amount of $5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Notes purchased.

PAYMENT: Both principal and interest are payable in lawful money of the United States of America at the office of the Treasurer of the City of Modesto in Modesto, California, as Paying Agent, to DTC, which will in turn remit such principal and interest to the beneficial owners of the Notes through DTC's Participants, as described in the Preliminary Official Statement.

PURPOSE OF ISSUE: The Notes are to be issued by the City and are authorized pursuant to the provisions of Section 53850-53858 of the Government Code of the State of California and the provisions of a resolution of said City Council, for any purpose for which the City is authorized to expend moneys.

SECURITY: The Notes are obligations of the City and as security for the payment of the principal of and interest on the Notes, the City pledges an amount equal to ___ percent (___%) of the principal amount of the Notes from the unrestricted revenues received by the City in the month ending ___________; and an amount equal to ___ percent (___%) of the principal amount of the Notes plus an amount sufficient to pay interest on the Notes, from the unrestricted revenues received by the City in the month ending ___________. By statute, the Notes are declared to be a general obligation of the City and to the extent not paid from said pledged moneys shall be paid with the interest thereon from any other moneys of the City lawfully therefor. Under provisions of the California Constitution, the City is generally prohibited from incurring any indebtedness or liability exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of its qualified electors voting at an election called for such purpose.

TERMS OF SALE

HIGHEST BID: The Notes will be awarded on the basis of the lowest net interest rate including premium offered in the proposals. No bid for less than par will be entertained. In the event two or more bids setting forth identical interest rates and premium per dollar principal amount, if any, and aggregating a principal amount in excess of the principal amount of unawarded Notes are received, the City, acting through the Finance Director, reserves the right to exercise its own discretion and judgment in making the award and may award the Notes on a pro rata basis in such denominations as the City Council shall determine.
EXHIBIT B

OFFICIAL NOTICE OF SALE

$__________

CITY OF MODESTO

STATE OF CALIFORNIA

1993 TAX AND REVENUE ANTICIPATION NOTES

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Finance Director of the City of Modesto, California, at the office of Brown & Wood, 555 California Street, San Francisco, California 94104, on 

_______, 1993

at the hour of 10:00 A.M. for the purchase of $__________ principal amount of 1993 Tax and Revenue Anticipation Notes of the City of Modesto (the "Notes"), more particularly described below.

ISSUE: $__________, designated "City of Modesto, California, 1993 Tax and Revenue Anticipation Notes," consisting of registered notes, without coupons.

DATE AND MATURITY: The Notes will be dated the date of delivery, and will all mature on _______, 1994.

INTEREST RATE: The maximum interest rate bid may not exceed ____ percent (___%) per annum, payable upon maturity of the Notes. Bidders must specify the rate of interest which the Notes bid upon shall bear, provided that: (i) all Notes shall bear the same interest rate; (ii) no Note shall bear more than one rate of interest; (iii) each Note shall bear interest from its date to its stated maturity at the interest rate specified in the bid; (iv) the interest rate specified must be in a multiple of 1/1000 of one percent. Interest will be computed on a 30-day month/360-day year basis.

REDEMPTION: The Notes are not subject to call and redemption prior to maturity.

FULL BOOK ENTRY: The Notes, when delivered, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository of the Notes. Individual purchases will be made in book-entry form only, in the
IN WITNESS WHEREOF, the City of Modesto has caused this Note to be executed by facsimile signatures of the Mayor of the City, or the City Manager or the Finance Director and manually countersigned by the City Clerk, and caused a facsimile of its official seal to be reproduced hereto by facsimile this __________ day of ____, 1993.

CITY OF MODESTO

By______________________ __

Mayor

By______________________

(SEAL)

Countersigned:

____________________

City Clerk

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

I HEREBY CERTIFY that the following is a true and correct copy of the legal opinion regarding the Notes therein described that was manually signed by Brown & Wood, and was dated as of the date of delivery of and payment for said Notes.

____________________

Finance Director

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together with all other indebtedness and obligations of the City, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the City for the General Fund of the City for the Fiscal Year 1993-1994. As security for the payment of the principal of and interest on the Notes the City has pledged: (i) an amount equal to ___ percent (%) of the principal amount of the Notes from the first unrestricted moneys to be received by the City in the month ending ___________ and (ii) an amount equal to ___ percent (%) of the principal amount of the Notes plus an amount sufficient to pay interest on the Notes (net of earnings on deposits in the Special Account, as defined in the Resolution) from the first of such moneys to be received in the month ending ___________ (such pledged amount being hereinafter called "Pledged Moneys"). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from such Pledged Moneys, and to the extent not so paid shall be paid from any other moneys of the City lawfully available therefor.

This Note is transferable by the Registered Owner hereof in person or by his attorney duly authorized in writing at the office of the Paying Agent in Modesto, California, but only in the manner, subject to the limitations in the Resolution and this Note, and upon such surrender and cancellation of this Note. Upon such transfer a new Note or Notes of authorized denominations and for the same aggregate principal amount will be issued to the transferees in exchange herefor.

The City and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.
RIGHT OF REJECTION: The City, acting through the Finance Director, reserves the right, in its discretion, to reject any and all bids and to waive any irregularity or informality in any bid.

PROMPT AWARD: The City, acting through its Finance Director, will take action awarding the Notes or rejecting all bids not later than 25 hours after the expiration of the time herein prescribed for the receipt of proposals unless such time of award is waived by the successful bidder.

SUBSEQUENT BIDS: In the event that no bid is awarded, the City shall receive bids each successive Thursday at the same time and location until such time as a bid is awarded or the city determines to withdraw sale of the Notes.

DELIVERY AND PAYMENT: It is estimated that delivery of the Notes will be made to the successful bidder at the office at Brown & Wood, 555 California Street, San Francisco, California 94104, on ______, 1993. Payment of the purchase price must be made in funds immediately available to the Treasurer of the City of Modesto, California. The costs of registering the Notes in the name of Cede & Co., as nominee of DTC will be borne by the City.

RIGHT OF CANCELLATION: The successful bidder shall have the right at its option to cancel the contract of purchase if the City shall fail to execute the Notes and tender the same for delivery within 30 days from the date of sale thereof, and in such event, the successful bidder shall be entitled to the return of the deposit accompanying his bid.

FORM OF BID: Bids must be for all of the Notes, and must be for not less than the par value thereof. Each bid must be enclosed in a sealed envelope addressed to the City of Modesto at the office of Brown & Wood, 555 California Street, San Francisco, California 94104 not later than 10:00 A.M. on said date of sale, and endorsed "Proposal for City of Modesto, California 1993 Tax and Revenue Anticipation Notes." Each bid must be in accordance with the terms and conditions set forth herein, and must be submitted on, or in substantial accordance with, proposal forms provided by the City. The prescribed form of bid for the Notes is attached hereto as Exhibit A and all bids must be submitted on such form. Bids which do not conform to the terms of this paragraph will be rejected.

ESTIMATE OF NET INTEREST COST: Bidders are requested (but not required) to supply an estimate of the total net interest cost to the City on the basis of their respective bids, which shall be considered as informative only and not binding on
either the bidder or the City. For the purpose of calculating net interest cost, assume a delivery date of ________, 1993.

CUSIP NUMBERS: CUSIP numbers will be applied for and will be printed on the Notes and the cost of service bureau assignment will be the purchaser's responsibility. Any delay, error or omission with respect thereto will not constitute cause for the purchaser to refuse to accept delivery of and pay for the Notes.

CERTIFICATION OF REOFFERING PRICE: The successful bidder shall be required, as a condition to the delivery of the Notes by the City, to certify to the City in writing the price at which a substantial amount of the Notes were sold to the public, in the form and substance satisfactory to the City and Bond Counsel.

CHANGE IN TAX EXEMPT STATUS: At any time before the Notes are tendered for delivery, any successful bidder may disaffirm and withdraw its proposal if the interest received by private holders from notes of the same type and character shall be determined to be includable in gross income under present federal income tax laws, either by a ruling of the Internal Revenue Service or by a decision of any federal court, or shall be determined to be includable in gross income by the terms of any federal income tax law enacted subsequent to the date of this notice.

CALIFORNIA DEBT ADVISORY COMMISSION: The successful bidder will be required, pursuant to the State law, to pay any fees to the California Debt Advisory Commission ("CDAC"). CDAC will invoice the successful bidder after the closing of the Notes.

CLOSING PAPERS; LEGAL OPINION: Each proposal will be conditioned upon the City furnishing to each successful bidder, without charge, concurrently with payment for and delivery of the Notes, the following closing papers, each dated the date of such delivery:

(a) The opinion of Brown & Wood, San Francisco, California, Bond Counsel, approving the validity of the Notes and stating that under existing statutes, regulations and court decisions, interest on the Notes is exempt from all present State of California personal income taxes and, assuming compliance with certain covenants and requirements, is excludable from gross income for federal income tax purposes (although such interest may be subject to the corporate, alternative minimum and environmental taxes), a copy of which opinion (certified by the official in whose office the original is filed) will be printed on, or attached to, each Note without cost to the purchaser;
(b) A certificate of the City that on the basis of the facts, estimates and circumstances in existence on the date of issue, it is not expected that the proceeds of the Notes will be used in a manner that would cause the Notes to be "arbitrage bonds";

(c) An opinion of the City Attorney of the City of Modesto that there is no litigation threatened or pending affecting the validity of the Notes;

(d) A certificate of an appropriate City official, acting on behalf of the City solely in his official, and not in his personal capacity, that at the time of the sale of the Notes and at all times subsequent thereto, up to and including the time of the delivery of the Notes to the initial purchasers thereof, the Official Statement of the City pertaining to said Notes did not, and does not, contain any untrue statement of a material fact or omit to state a material fact necessary to make the statement therein, in light of the circumstances under which they were made, not misleading;

(e) The signature certificate of the officials of the City of Modesto, showing that they have signed the Notes and impressed the seal of the City thereon, and that they were respectively duly authorized to execute the same; and

(f) The receipt of the Finance Director or City Manager of the City of Modesto that the purchase price of the Notes has been received by him.

In addition, the obligation of the City to deliver the Notes to the successful bidder is conditioned upon the receipt by the City of a certificate as to issue price, dated the date of delivery, duly executed by said bidder and in form and substance satisfactory to Brown & Wood, San Francisco, California, Bond Counsel.
INFORMATION AVAILABLE: Requests for information concerning the City should be addressed to:

Evensen Dodge, Inc.
44 Montgomery Street
San Francisco, CA 94104

The Preliminary Official Statement, together with any supplements thereto, shall be in form "deemed final" by the City for purposes of SEC Rule 15c2-12, but is subject to revision, amendment and completion in a final official statement. The City will provide each successful bidder such number of printed copies of the Official Statement for this issue as such bidder may request. Up to ___ copies of the Official Statement will be furnished without cost within seven days of the sale, and any additional copies will be furnished at the expense of the bidder.

Dated: ______________, 1993

CITY OF MODESTO

By: ______________________
    Finance Director
I certify (or declare) under penalty of perjury under the laws of the State of California that this proposal is genuine, and not a sham or collusive, nor made in the interest or on behalf of any person not herein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder.

Respectfully submitted,

Name of firm

By

Address

City State

Telephone (____)__________

Following is a list of the members of our account on whose behalf this bid is made.

_________________________________________

_________________________________________

_________________________________________

_________________________________________

_________________________________________
EXHIBIT A to the NOTICE INVITING BIDS

FORM OF BID PROPOSAL FOR

$______
CITY OF MODESTO, STATE OF CALIFORNIA
1993 TAX AND REVENUE ANTICIPATION NOTES

Pursuant to the Official Notice of Sale for the above referenced Notes (the terms of which are made a part of this bid) we offer to purchase $______ principal amount, all or none, of the Notes designated as "City of Modesto, State of California, 1993 Tax and Revenue Anticipation Notes" (the "Notes") at a purchase price of $______.

The Notes bear interest to maturity (calculated on the basis of a 30-day month and a 360-day year) at a rate of ______% per annum.

This proposal is subject to acceptance not later than twenty-six (26) hours after the expiration of the time for the receipt of proposals as specified in the Notice Inviting Bids.

The Depository Trust Company, New York, New York ("DTC") will act as securities depository of the Notes. The Notes, when delivered, will be registered in the name of Cede & Co., as nominee of DTC. Individual purchases will be made in book-entry form only, in the principal amount of $5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Notes purchased.

We hereby request that ______ printed copies of the Official Statement (not to exceed ____ copies) be furnished us in accordance with the terms of the Official Notice of Sale.

Assuming a calculation date of _____, 1993, our calculation of the net interest cost and net interest rate, which is considered to be informative only and not a part of the bid, is as follows:

Total Interest ....................... $______
Less Premium (if any) ............. $______
Net Interest Cost ................... $______
Net Interest Rate .................... ______ %

1
NOTICE OF INTENTION TO SELL

_____

CITY OF MODESTO, CALIFORNIA
1993 TAX AND REVENUE ANTICIPATION NOTES

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Finance Director, acting on behalf of the City of Modesto, California (the "City") for the purchase of $_______ principal amount of City of Modesto, California 1993 Tax and Revenue Anticipation Notes at the hour of 10:00 A.M. Pacific Daylight Time, on

_____, 1993

at the office of Brown & Wood, 555 California Street, San Francisco, CA 94104. In the event that no bid is awarded, the City will receive bids each successive Thursday at the same time and location until such time as a bid is awarded or the City determines to withdraw sale of the Notes.

Dated: _____, 1993

FINANCE DIRECTOR
CITY OF MODESTO,
CALIFORNIA
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EVENSEN DODGE INC. FOR FINANCIAL ADVISORY SERVICES IN REGARD TO THE 1993 TAX AND REVENUE ANTICIPATION NOTES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Evensen Dodge Inc. for financial advisory services in regard to the 1993 Tax and Revenue Anticipation Notes be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:  Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-434

A RESOLUTION ESTABLISHING PROPERTY LIEN AND
PROPERTY TAX ASSESSMENT PAYOFF CALCULATION FEES
AND RESCINDING RESOLUTION NO. 92-168.

WHEREAS, processing a request for payoff information when real
property is sold, requires City staff to research and prepare a report for the title
company, and

WHEREAS, the Council by Resolution No. 92-168 established a property
tax assessment payoff calculation fee in the amount of Twenty-five Dollars ($25.00)
to be charged when title companies request a payoff of property tax assessment as
part of an escrow process, and

WHEREAS, in reviewing staff procedures, it has been determined that
reclassification of the existing property tax assessment payoff fee is needed to
include payoff calculations of real property liens that have not been placed on the
property tax roll as an assessment, and

WHEREAS, said proposed fees are calculated in a report dated July 13,
1993, to the City Council from the Finance Department, a copy of which is attached
hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that a property lien calculation fee in the amount of Twenty-five Dollars
($25.00) is hereby established, and the property tax assessment payoff calculation
fee in the amount of Twenty-five Dollars ($25.00) is hereby restated, to pay for the
City's costs in researching and preparing a report when a title company requests a
payoff of a property lien or property tax assessment as part of an escrow process.
BE IT FURTHER RESOLVED that Resolution No. 92-168 adopted by the Council on April 21, 1992, is hereby rescinded effective July 20, 1993.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
TO: Mayor and City Council

FROM: Interim Director of Finance

SUBJECT: Property Lien and Property Tax Assessment Payoff Calculation Fee

RECOMMENDED ACTION:

Considering approving resolution amending Resolution 92-168 for reclassification of Property Tax Assessment Payoff Calculation Fee to include payoff calculations of real property liens not an assessment on the Property tax roll.

BACKGROUND:

In April 1992, a Property Tax Assessment Payoff Calculation Fee was approved by Council and initiated by City staff. In reviewing staff procedures, it was found that reclassification was needed to include calculation of real property liens that have not been placed on the property tax roll as an assessment in this fee.

When a real property is sold or refinanced, the purchaser or property owner normally wants any liens against the property or property tax assessments cleared. Processing a request for payoff requires City staff to research and prepare a report (sample attached) for the title company. We receive 60-80 total payoff requests per month. Of these 60-80 requests, approximately 85% to 90% are from the real property liens.

The proposed fee would be charged when a title company requests a payoff of an assessment or property lien as part of the escrow process. Banks and credit institutions presently charge up to $100 for calculating mortgage loan payoffs. The City's cost is calculated as follows:

| Accountant II.  | 20.30 | 0.50 | 10.15 |
| Fringe Benefits  | 7.10  | 0.50 | 3.55  |
| Indirect Cost    | 15.80 | 0.50 | 7.90  |
| Computer Materials | 3.50 | 1.00 | 3.50  |

TOTAL COST 25.10

Date: July 13, 1993
July 20, 1993 Agenda Report

A fee of $25.00 is appropriate. It would generate approximately $15,000 of increased annual revenue which would allow the City to recover its processing costs.

REASONS FOR RECOMMENDATION:

Payoff requests require staff time and other resources. The City should be reimbursed for its costs for all payoff calculations. The fee was reviewed and approved by the Fees Committee.

STEPS FOLLOWING APPROVAL:

Finance staff will implement the fee upon approval.

Prepared by:  
Sue Black, Accountant I

Recommended by:  
Andrea Daroca  
Interim Director of Finance

Submitted by:  
J. Edward Tewes  
City Manager

cc:  Deputy City Manager  
City Attorney  
City Clerk (16)  
Laury Dowd

Attachment
PAYOFF REQUESTS

DATE OF REQUEST: 6/2/93
NAME: Linda Weaver
TITLE CO.: Chicago Title
TELEPHONE #: 571-6300
FAX #: 
ESCROW #: 615681AB
SALE? X
RE-FINANCE? 
CLOSING: 6/4/92
DEMAND PRINTED? X

MAILING ADDRESS: 1207 I St. Mdo 95354
PROPERTY ADDRESS: 2113 Cornwall Ave.
ACCT. #: 00024876
SUBS #: 26434130
APN
OWNER
Cuellar
SINCE

"PAID LIST" - cust. name & 

UNPAID BILLS LEFT ON PAYMENT HISTORY
cust. name & 
cust. name & 

PREVIOUS USER # NAME 

CURRENT USER #002-7 BILLED THRU 5/11/93 $34.35

times (x) no. of days to closing 24
W 3 14.95
TX .90
S1 7.79
G 9 10.15
D 3 4.08
LC / --- $ 37.87
FN/DN / --- SUB-TOTAL $ 72.22

COMMENTS DONE /

PAYOFFDUD LTR SENT
PAYOFFDUD RESPONSE
DEMAND CHECK RET'D
QUOTE TOTAL $ 81.22

(REVISED 2/18/93)
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-435  

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94  
ANNUAL BUDGET TO IMPLEMENT PHASE II (BRO  
REDUCTION STRATEGY) OF THE 1993-94 BUDGET.  

WHEREAS, following adoption of the Phase I Budget, the City Council held workshops to discuss alternative Budget strategies proposed to offset $1 million in budget impacts. The total impact of the implemented BRO’s is an increase to the General Fund Contingency reserve of $864,442, and  

WHEREAS, the Council approved the BRO recommendations, and all adjustments necessary to implement the BRO’s are listed on schedule I. The entire list of recommended BRO’s is listed on Attachment B with detail of each listed in Attachment C of the memo that went to Council, and  

WHEREAS, it is also necessary to incorporate the latest estimate on revenues based on updated information. These changes increase the beginning fund balance in the General Fund by $1,033,486, as well as decrease 93-94 estimated revenue by $2,025,091. These revenue adjustments are listed on Attachment A.  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjustments as set forth on Schedule I and Attachment A are hereby approved.  

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 20th day of July, 1993, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
## FINANCIAL POLICY COMMITTEE RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Department/BRO</th>
<th>Description</th>
<th>Reserve Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Rev</td>
<td>Contract Services to Other Fire Districts</td>
<td>50,000</td>
</tr>
<tr>
<td>2. Exp</td>
<td></td>
<td>50,000</td>
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<tr>
<td>Parks &amp; Recreation</td>
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<td></td>
</tr>
<tr>
<td>3. Exp</td>
<td>Tree Trimming</td>
<td>21,039</td>
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<tr>
<td>Planning</td>
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<tr>
<td>4. Exp</td>
<td>Reduce Staff Services - Current Planning Section</td>
<td>47,943</td>
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<tr>
<td>Planning</td>
<td></td>
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<tr>
<td>5. Exp</td>
<td>Reduce Secretarial Support Services</td>
<td>27,891</td>
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<tr>
<td>Police</td>
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</tr>
<tr>
<td>6. Rev</td>
<td>Animal Control License Enforcement</td>
<td>221,844</td>
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<tr>
<td>6. Exp</td>
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<td>312,257</td>
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<tr>
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<td>6. Exp</td>
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<td>4,232</td>
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<td>7,000</td>
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<td>6. Exp</td>
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<td>7,300</td>
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<td>PW &amp; Transportation</td>
<td>Reduce Street Light &amp; Traffic Signal Maintenance</td>
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<td>42,400</td>
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<td>7. Exp</td>
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<td>33,177</td>
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<tr>
<td>7. Exp</td>
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<td>9,223</td>
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<tr>
<td>PW &amp; Transportation</td>
<td>Deferred Implementation of SB939 Programs</td>
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</tr>
<tr>
<td>8. Exp</td>
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<td>45,000</td>
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<td>8. Exp</td>
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<td>8. Exp</td>
<td></td>
<td>20,000</td>
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<tr>
<td>PW &amp; Transportation</td>
<td>MAX Bus Advertising - First Year</td>
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<tr>
<td>13. Rev</td>
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<td>0</td>
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<tr>
<td>13. Exp</td>
<td></td>
<td>12,640</td>
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<td>13. Exp</td>
<td></td>
<td>20,560</td>
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<td>13. Exp</td>
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<td>7,920</td>
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## FINANCIAL POLICY COMMITTEE RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Department/BRO</th>
<th>Description</th>
<th>Reserve Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fund</strong> 130</td>
<td>Utilize up to 1/2 Capital Reserve of $768,452</td>
<td>384,000</td>
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<tr>
<td>14. Exp</td>
<td>130 700 7000 7010 276,502</td>
<td>Equipment acquisitions</td>
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<tr>
<td>14. Rev</td>
<td>010 700 7000 9130 276,502</td>
<td></td>
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<tr>
<td>14. Exp</td>
<td>010 800 8000 8003 276,502</td>
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<tr>
<td>14. Rev</td>
<td>130 700 7000 9010 (107,498)</td>
<td>G.F. Lease Payment reduction</td>
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<tr>
<td>14. Exp</td>
<td>130 800 8000 8003 (107,498)</td>
<td>Telecommunications $74,532,</td>
</tr>
<tr>
<td>14. Exp</td>
<td>010 800 8000 8003 107,498</td>
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<table>
<thead>
<tr>
<th>Parks &amp; Recreation</th>
<th>Horticulture reduction-two positions</th>
<th>54,325</th>
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<tbody>
<tr>
<td>New Exp</td>
<td>010 310 3113 0110 (42,637)</td>
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<tr>
<td>New Exp</td>
<td>010 310 3113 0188 (11,688)</td>
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<tr>
<td>New Exp</td>
<td>010 800 8000 8003 54,325</td>
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<table>
<thead>
<tr>
<th>General</th>
<th>Local Public Safety Fund Allocation</th>
<th>198,000</th>
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</thead>
<tbody>
<tr>
<td>New Rev</td>
<td>010 510 9510 1201 198,000</td>
<td></td>
</tr>
<tr>
<td>New Exp</td>
<td>010 800 8000 8003 198,000</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Parks &amp; Recreation</th>
<th>Library</th>
<th>(200,000)</th>
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</thead>
<tbody>
<tr>
<td>15. Exp</td>
<td>010 360 3623 0460 200,000</td>
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</tr>
<tr>
<td>15. Exp</td>
<td>010 800 8000 8003 (200,000)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Economic Developmt</th>
<th>Convention Visitors' Bureau</th>
<th>(28,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Exp</td>
<td>010 080 0801 1006 28,000</td>
<td></td>
</tr>
<tr>
<td>16. Exp</td>
<td>010 800 8000 8003 (28,000)</td>
<td></td>
</tr>
</tbody>
</table>

**Total Savings** $864,442

### Fund Balance Summary
- Estimated 1993-94 Fund Balance: $1,585,635
- Phase II - FPC recommendations: $864,442
- Phase II - Revised 1993-94 Fund Balance: $2,450,077
## Phase II Budget Implementation
### Revenue adjustments

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>(421,740)</td>
</tr>
<tr>
<td>Utility Users Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>(702,000)</td>
</tr>
<tr>
<td>Business License Gross Receipts Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>(139,351)</td>
</tr>
<tr>
<td>Property Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>(792,000)</td>
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<tr>
<td>Transfer in from 051</td>
<td>010</td>
<td>700</td>
<td>7000</td>
<td>30,000</td>
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<tr>
<td>Transfer out to fund 010</td>
<td>051</td>
<td>700</td>
<td>7000</td>
<td>30,000</td>
</tr>
<tr>
<td>Local Transportation Fund-motorized</td>
<td>051</td>
<td>510</td>
<td>9510</td>
<td>30,000</td>
</tr>
<tr>
<td>Contingency Reserve</td>
<td>010</td>
<td>800</td>
<td>8000</td>
<td>(2,025,091)</td>
</tr>
</tbody>
</table>

**Impact of 1992-93 revenue adjustments:**

<table>
<thead>
<tr>
<th>Contingency Reserve (beginning reserve estimate)</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>010</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>1,033,485</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 93-436

A RESOLUTION SUPPORTING CRIME PREVENTION AND
PROCLAIMING TUESDAY, AUGUST 3, 1993, AS
"NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is
sponsoring the 10th Annual edition of a special, coast-to-coast
community crime prevention event on Tuesday, August 3, 1993,
called "National Night Out", and

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

WHEREAS, the Modesto Police Department is coordinating
local activities planned by Neighborhood Watch groups and
anticipates that approximately 50 plus neighborhoods in Modesto
will have activity for "National Night Out", and

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

WHEREAS, "National Night Out" provides an opportunity
for Modesto to join together with thousands of other communities
across the country in support of safe neighborhoods and to
demonstrate the success of cooperative crime prevention efforts,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 10th Annual "National Night Out" on Tuesday, August 3, 1993.

BE IT FURTHER RESOLVED that the Council of the City of Modesto does hereby proclaim Tuesday, August 3, 1993, as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

(SEAL)
A RESOLUTION APPROVING AN INTERAGENCY AGREEMENT WITH THE STANISLAUS COUNTY REDEVELOPMENT AGENCY FOR THE INSTALLATION OF SANITARY SEWER COLLECTION FACILITIES IN THE BRET HARTE NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the interagency agreement between the city of Modesto and Stanislaus County Redevelopment Agency for the installation of sanitary sewer collection facilities in the Bret Harte Neighborhood be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-438

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(495). (MID-VALLEY
ENGINEERING/ CALIFORNIA EQUIPMENT RENTAL)

WHEREAS, a verified application for an amendment to Section 26-3-9 of
the Zoning Map was filed by Mid-Valley Engineering/California Equipment Rental on
March 23, 1993, to reclassify from Medium High Density Residential Zone, R-3, and
General Commercial Zone, C-2, to Planned Development Zone, P-D, to allow an
expansion of the California Equipment Rental Establishment and including a trailer
haul concrete mixing facility, property located on the north side of Yosemite
Boulevard west of North Riverside Drive, described as follows:

R-3 to P-D(495)

The North 165.00 feet of the East 200.00 feet and the
North 15.00 feet of the West 80.00 feet of the following
described property:

ALL that portion of the Southeast quarter of the Southwest
quarter of Section 26, Township 3 South, Range 9 East,
Mount Diablo Base and Meridian, City of Modesto, County
of Stanislaus, State of California, being more particularly
described as follows:

COMMENCING at the South quarter corner of said Section
26, said point of commencement being on the centerline
of a State Highway known as Yosemite Boulevard; thence
along the South line of said Section 26, North 89 degrees
54' 15" West, 456.51 feet thence North 0 degrees 34'
54" West, 33.00 feet to a point that is South 89 degrees 54'
15" East, 100 feet from the Southeast corner of the
property conveyed to Dave E. Wilson, et al, by deed
recorded June 4, 1958, as Instrument No. 13548, and the
TRUE POINT OF BEGINNING; thence continuing North 0
degrees 34' 45" West, parallel to the East line of said
Wilson property and the Northerly extension of said East
line, 375.66 feet to a point on the Easterly extension of the
South line of the LOS ALTOS TRACT as recorded in Book 17 of maps, at Page 45, Stanislaus County Records; thence along said Easterly extension, North 89 degrees 54' 30" West, 200.00 feet to the Southeast corner of said tract; thence South 0 degrees 34' 45" East along the West line of the East half of the Southeast quarter of the Southwest quarter of said Section 26, 150.00 feet to the Northeast corner of PARCEL 1, as described in the deed to Ronald Eugene Trimble, recorded September 24, 1980, as Instrument No. 18806; thence North 89 degrees 54' 15" West along the North line of said Trimble property, 80.00 feet to the Northwest corner thereof; thence South 0 degrees 34' 45" East along the West line of said Trimble property and the Southerly extension thereof, 225.62 feet; thence South 89 degrees 54' 15" East, 280.00 feet to the TRUE POINT OF BEGINNING.

C-2 to P-D(495)

ALL that portion of the Southeast quarter of the Southwest quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the South quarter corner of said Section 26, said point of commencement being on the centerline of a State Highway known as Yosemite Boulevard; thence along the South line of said Section 26, North 89 degrees 54' 15" West, 456.51 feet; thence North 0 degrees 34' 54" West, 33.00 feet to a point that is South 89 degrees 54' 15" East, 100 feet from the Southeast corner of the property conveyed to Dave E. Wilson, et al, by deed recorded June 4, 1958, as Instrument No. 13548, and the TRUE POINT OF BEGINNING; thence continuing North 0 degrees 34' 45" West, parallel to the East line of said Wilson property and the Northerly extension of said East line, 375.66 feet to a point on the Easterly extension of the South line of the LOS ALTOS TRACT as recorded in Book 17 of maps, at Page 45, Stanislaus County Records; thence along said Easterly extension, North 89 degrees 54' 30" West, 200.00 feet to the Southeast corner of said tract; thence South 0 degrees 34' 45" East along the West line of the East half of the Southeast quarter of the Southwest quarter of said Section 26, 150.00 feet to the Northeast corner of PARCEL 1, as described in the deed to Ronald
Eugene Trimble, recorded September 24, 1980, as Instrument No. 18806; thence North 89 degrees 54' 15" West along the North line of said Trimble property, 80.00 feet to the Northwest corner thereof; thence South 0 degrees 34' 45" East along the West line of said Trimble property and the Southerly extension thereof, 225.62 feet; thence South 89 degrees 54' 15" East, 280.00 feet to the TRUE POINT OF BEGINNING. Including also all of Yosemite Boulevard located between the above described property and the South line of said Section 26.

EXCEPTING THEREFROM the North 165.00 feet of the East 200 feet and the North 15.00 feet of the West 80.00 feet of the above described property.

and

WHEREAS, after a public hearing held on June 7, 1993, 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. 93-23, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will allow continuance of a land use that will be made more compatible with other intensive commercial uses along Yosemite Boulevard and will serve as a transition between heavy industrial uses to the south and residential uses to the north.

2. The approved plot plan, along with compatibility walls and adjacent screen landscaping, and conditions of approval of the planned development zone assure that residential compatibility will continue.

and

WHEREAS, after a public hearing held on July 27, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Mid-Valley Engineering/California
Equipment Rental 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. 93-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2863-C.S. on the 27th day of July, 1993, reclassifying the above-described property from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(495).

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

1. All development shall conform to the plot plan and floor plans titled "California Equipment Rental" as amended in red, stamped approved by the City Council on July 27, 1993.

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 portion of west property lines, as amended in red on the approved plot plan. A matching ten-foot landscaped setback shall also be provided along the remaining rental yard frontage between the entrance driveway and east 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-high solid masonry wall along north property line and Glendale Avenue. That portion adjacent to Glendale Avenue to be provided in a back-up lot configuration with adjacent alternating planters and street tree knockouts in full-width sidewalk.
b. Eight-foot-high solid masonry wall along west property line extending south from Glendale 130 feet to the southeast corner of property located at 2434 Glendale Avenue.

c. Eight-foot-high solid masonry wall along portion of a north property line adjacent to the rear property line of the residence at 2434 Glendale Avenue and extending between the rental yard shop building and southwest corner of property at 2434 Glendale Avenue.

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

5. Street dedication consistent with Standard Specifications to provide 30-feet of right-of-way south of the center line of Glendale Avenue and corner radius connection with Kingston Lane shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent to Standard Specifications along Glendale Avenue to be developed in a back-up lot configuration shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

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

12. The premises may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week.

13. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

14. Equipment storage yard area not paved shall be treated for dust control. Equipment testing and/or repair shall not be allowed on the north 105-foot portion of the equipment rental yard. This rear area shall be used only for the storage of equipment rental items.

15. No signs shall be permitted above eight feet in height on the north face of the buildings and no signs shall be allowed on the north face of the masonry wall along Glendale Avenue.

16. All signs shall comply with the sign requirements of the C-2 Zone.

17. The cement storage silo shall not exceed a maximum height of 20 feet and shall be of a uniform color with no signs permitted.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(495):

The entire construction program be accomplished in one phase, construction to begin on or before June 7, 1995, and completion to be not later than June 7, 1996.

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(495), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 93-439

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, 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 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 AND C-2 TO P-D(495). (MID-VALLEY ENGINEERING/CALIFORNIA EQUIPMENT RENTAL)

WHEREAS, on April 7, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 26-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(495), property located on the north side of Yosemite Boulevard west of Riverside Drive might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF AMERICAN BUILDING MAINTENANCE FOR FURNISHING JANITORIAL SERVICES FOR THE CENTRE PLAZA AND CENTRE PLAZA GARAGE

WHEREAS, Resolution No. 93-240, adopted by the Council of the City of Modesto on April 27, 1993, approved the plans and specifications for janitorial services for the Centre Plaza and Centre Plaza garage and authorized the calling for bids; and

WHEREAS, the bids received for janitorial services for the Centre Plaza and Centre Plaza garage were opened at 11:00 a.m. on June 2, 1993, 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 American Building Maintenance in the amount of $34,948 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Building Maintenance in the amount of $34,948 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-441

A RESOLUTION ACCEPTING THE BID OF CRAFCO, INC. FOR FURNISHING ONE MELTER APPLICATOR

WHEREAS, Resolution No. 93-270, adopted by the Council of the City of Modesto on May 4, 1993, approved the plans and specifications for purchasing one melter applicator and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one melter applicator were opened at 11:10 a.m. on May 24, 1993, 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 Crafcro, Inc. in the amount of $22,299.08 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Crafcro, Inc. in the amount of $22,299.08 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF
BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE
FISCAL YEAR 1993-94

BE IT RESOLVED by the Council of the City of Modesto that formal bid
procedures for the purchase of bulk gasoline and diesel fuels for the
fiscal year 1993-94 is hereby waived.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 27th day of July, 1993, by
Councilmember Dobbs, who moved its adoption, which motion being duly
seconded by Councilmember Bird, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-443

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS
PROPERTY ACCUMULATED BY THE CITY OF MODESTO
AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER
ERNST AND ASSOCIATES ON AUGUST 7, 1993, AT 824
KIERNAN AVENUE, AND AUGUST 9, 1993, AT 501 NORTH
JEFFERSON AND 621 11TH STREET.

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

WHEREAS, it is desirable to authorize the sale of said surplus property
at an auction to be held on August 7 and 9, 1993, and

WHEREAS, a list of the items to be sold at said auction are 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 which has
been accumulated by the City of Modesto, a list of which is on file in the Office of
the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at
a public auction to be conducted by Roger Ernst and Associates on Saturday, August
7, 1993, at 824 Kiernan Avenue, and on Monday, August 9, 1993, at 501 North
Jefferson, City Corporation Yard, and 621 11th Street, Police Department Vehicle
Maintenance Shop, subject to an agreement between the City of Modesto and Roger
Ernst and Associates for auctioneering services which was entered into on the 4th
day of October, 1988, and which agreement was approved by Council Resolution No.
88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-444

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE TO ADMINISTER PARKING CITATION HEARINGS.

WHEREAS, on June 22, 1993, the Council approved adjudication procedures for formal parking citation hearings to be administered by the City (Resolution No. 93-365). Contained in the procedures was a $25.00 hearing fee designed to cover the cost of the hearing examiner, and

WHEREAS, a new organization will be established for this service which will be a part of the Finance Department. The new organization number is 1234 - Parking Citation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment are hereby approved:

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Revenues

| 010-510-9510-7113 Parking Fines | $37,500 |
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 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-445

A RESOLUTION ACCEPTING A GRANT OFFER FOR
FEDERAL FUNDS TO COMPLETE THE AIRPORT'S
APPROVED FISCAL YEAR 1993/94 CAPITAL
IMPROVEMENT PROJECTS.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvement projects, and

WHEREAS, on June 22, 1993, the City Council approved five (5) AIP projects amounting to $455,500, and budgeted $45,550 of City funds (Airport Enterprise) for certain projects, and

WHEREAS, the Federal Aviation Administration (FAA) has agreed to fund ninety percent (90%) of each project and has issued a grant offer dated July 6, 1993, in the amount of $409,950, and

WHEREAS, acceptance of the grant offer will obligate the City of Modesto to accomplish the projects as described in the AIP Project No. 3-06-0153-16 offer, which includes upgrading airfield signs, construction of a new section of aircraft taxiway, airfield pavement rehabilitation, and the purchase of a lift vehicle for the disabled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the Federal Aviation Administration in the amount of $409,950 to complete the Airport's Fiscal Year 1993/94 capital improvement projects.

BE IT FURTHER RESOLVED that the execution of the grant
acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-446

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSALS FOR THE SELECTION OF
A SYSTEM VENDOR FOR THE ADVANCED TRAFFIC
MANAGEMENT SYSTEMS (ATMS) PROJECT.

WHEREAS, the Advanced Traffic Management System (ATMS)
will provide the means to coordinate traffic signals throughout
the City from one central location, and

WHEREAS, due to the complexity involved in identifying
and implementing cost effective state-of-the-art communications
and system hardware and software, City staff recommended that
consultants experienced in the signal system engineering field
should be retained to assist in the design and implementation
process, and

WHEREAS, considering available funding, staff decided
to implement the project in phases, the first phase of the
project is complete, and

WHEREAS, the second phase of the project involves
implementing the conceptual plan for the entire city; the first
step was to hire the consultant to prepare plans and
specifications for installing the communication network in the
rest of the City as per the conceptual plan, and

WHEREAS, the consultant will work with the system
vendor in establishing connectivity between the communication
network and the system; and the second step is to select a system
vendor, and
WHEREAS, it is the recommendation of City staff that the Council authorize City staff to issue a request for proposals for the selection of a system vendor for the Advanced Traffic Management System (ATMS) project,

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 the selection of a System Vendor for the Advanced Traffic Management Systems (ATMS) project for the purpose of installing the required hardware and software, working with the consultant to establish connectivity with the communication network, and to provide the City with a working system. The System Vendor shall also train City staff in the day-to-day operation and maintenance of the system and provide ongoing support services.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING TOM SLATER TO THE REDEVELOPMENT ADVISORY COMMISSION

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

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

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

Tom Slater
Term to expire: 12/31/96

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR A PROJECT ENTITLED "BARSCREEN REPLACEMENT"

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

SECTION 1. The specifications for the barscreen replacement copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 2, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Morrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-449

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS, INC. FOR FURNISHING ONE VAN WITH AERIAL LIFT AND THREE MIDSIZE PICKUP TRUCKS WITH EXTENDED CAB

WHEREAS, Resolution No.s 93-188 and 93-224, adopted by the Council of the City of Modesto on April 6, 1993 and April 20, 1993, approved the plans and specifications for purchasing one van with aerial lift and three midsize pickup trucks with extended cab and authorized the calling for bids; and

WHEREAS, the bids received for the van with aerial lift and three midsize pickup trucks with extended cab were opened on April 26, 1993 and May 17, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Country Ford Trucks, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-450

A RESOLUTION ACCEPTING THE BID OF FOLSOM LAKE FORD FOR FURNISHING ONE PICKUP TRUCK WITH EXTENDED CAB, CAB AND CHASSIS, ONE 3/4 TON PICKUP TRUCK, AND TWO 3/4 TON PICKUP TRUCKS WITH ELECTRO-HYDRAULIC DUMP

WHEREAS, Resolution No.s 93-225 and 93-226, adopted by the Council of the City of Modesto on April 20, 1993, approved the plans and specifications for the purchase of one pickup truck with extended cab, cab and chassis, one 3/4 ton pickup truck, and two 3/4 ton pickup trucks with electro-hydraulic dump and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one pickup truck with extended cab, cab and chassis, one 3/4 ton pickup truck, and two 3/4 ton pickup trucks with electro-hydraulic dump were opened May 17, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance recommended that the bid of Folsom Lake Ford be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Folsom Lake Ford 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 August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE MODESTO CITY-COUNTY AIRPORT TERMINAL BUILDING EXPANSION PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the Modesto City-County Airport terminal building expansion project has been completed by Shan-Lyn Construction, Inc. in accordance with the contract agreement dated December 26, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Modesto City-County Airport terminal building expansion project be accepted from said contractor, Shan-Lyn Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,561,305.37 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 August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK
A RESOLUTION WAIVING FORMAL BID REQUIREMENTS AND AUTHORIZING PURCHASE OF LANDSCAPE MAINTENANCE SERVICES FROM BIBENS NURSERY COMPANY, CONTINENTAL LANDSCAPE, INC., ENVIRONMENTAL CARE, INC., AND GROVER LANDSCAPING, INC.

WHEREAS, the Engineering Division of the Public Works & Transportation Department has requested pricing for landscape maintenance service for various locations; and

WHEREAS, an informal bid was held on May 12, 1993 in the City Clerk's Office in order to meet a deadline required by certain projects.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of landscape maintenance services is hereby waived.

BE IT FURTHER RESOLVED that purchase of landscape maintenance services from Bibens Nursery Company, Continental Landscape, Inc., Environmental Care, Inc., and Grover Landscaping, Inc. for an estimated cost of $43,212.00 be, and 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 August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1994-94 ANNUAL BUDGET TO IMPLEMENT THE PUBLIC WORKS AND TRANSPORTATION MANAGEMENT AUDIT RECOMMENDATION RELATED TO THE BUILDING SERVICES DIVISION.

WHEREAS, the Public Works and Transportation management audit recommended moving the building services functions from the Public Works and Transportation Department to the Parks and Recreation Department, and

WHEREAS, said audit also recommended a consolidation of the City's related building services under one division, and

WHEREAS, the recommended action will better coordinate building services, improve service delivery and utilization of City staff, and allow a comparative study of the cost of consolidated services versus contracting outside services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjustments set forth on Schedule A attached hereto and incorporated herein by reference are hereby approved.

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 3rd day of August 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

__________________________

MICHAEL D. MILICH, City Attorney
## Appropriation Changes

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MODESTO CITY COUNCIL
RESOLUTION NO. 93-454

A RESOLUTION ADOPTING A HARDSHIP ACQUISITION POLICY

WHEREAS, the creation of a specific plan for villages has created unique problems for some landowners in the areas designated for public uses, such as roads, schools and park sites, drainage basins, etc. Property owners who need/desire to sell may be unable to do so due to these land use regulations; and

WHEREAS, in order to give the City Council some parameters to use when evaluating requests for hardship acquisition, staff has recommended a Hardship Acquisition Policy be approved containing criteria to determine which requests would qualify in the hardship category.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "Hardship Acquisition Policy and Procedures", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
HARDSHIP ACQUISITION POLICY AND PROCEDURES

I. POLICY

A. General

Hardship is defined as a situation where unusual personal circumstances occur to an owner of a property and are aggravated or perpetuated by the anticipated purchase of said property for a public facility and where these circumstances cannot be solved by the owner without acquisition of the property by a public agency. The City of Modesto's practice is to investigate to determine the need and, if appropriate, acquire the property with a minimum of delay subject to the availability of funds.

Owners of hardship parcels should receive appraised value and consideration and service consistent with normal acquisition procedures of the City of Modesto, including sufficient time to consider the City's offer and appropriate relocation assistance.

B. Basis for Determinations

1. To be approved, a hardship request must meet the following minimum requirements:

   a. Owner can demonstrate need to dispose of a property.
b. Owner is unable to dispose a property at fair market value because of the public's need for the property.

c. Owner cannot reasonably alleviate his or her hardship in the absence of City's purchase.

d. The property is within the city limits, it complies with the City's General Plan, and it is designated for a specific use by the City.

f. City's purchase will alleviate the hardship.

g. If another agency is expected to be involved in the project, such as a school/park site, agreement from that agency must be secured regarding its participation in reimbursement, if appropriate.

2. Inconvenience experienced by all or most owners involved in the public project is not satisfactory reason for a hardship purchase. (For example, an owner's simple desire to sell or move to another area does not meet above criteria.)

II. PROCEDURE

A. Criteria

The following criteria will be given consideration when evaluating a potential hardship situation. Each owner requesting City acquisition due to hardship will be informed of the criteria and provided a copy of this policy.
1. Medical
   a. Advanced age. Care or assistance is needed from others and such care cannot be provided in the home for similar costs as the care provided elsewhere.
   b. Ambulatory defects, diseases, or major disabilities, where present facilities are inadequate or can not be reasonably retrofitted or where facilities cannot be maintained by owner.
   c. Change in climate or physical environment is recommended by a doctor.
   d. Other equivalent disabilities.

2. Financial
   a. Unsuccessful attempts to market property
   b. Litigation (e.g., probate)
   c. Loss of employment and/or financial distress involving personal or business circumstances.
   d. Retirement (Owner can not afford maintenance or has to purchase retirement home, etc.)
   e. Maintenance, taxes, and/or rehabilitation cost, or other circumstances present substantial burden.

3. Change of Work Location Creating Need to Move

B. Process

1. Application

For consideration of hardship acquisition, owner shall submit a written application to the City Manager, stating
specific reason(s). The following documentation, as applicable, shall accompany the application.

a. Map of property.

b. If previously listed, a copy of the listing, including advertisements in at least one local publication. Property must have been actively listed for a minimum of ninety days at an asking price approximately that of appraised value.

c. Statement from listing broker why the property cannot be sold.

d. If hardship is for medical reasons, a doctor's statement.

e. If hardship is because of a transfer in employment, a letter of verification from the employer.

2. Review

After review by the City Manager, applications shall be forwarded to Department Heads and to the Property Agent, who will return comments and recommendations to the City Manager. A staff recommendation will then be presented to the appropriate City Council Committee; this committee will forward its recommendation to the full City Council for consideration and action. Should the City Council determine that a potential hardship exists, the following additional documentation will be required.
a. A verified certificate of a Phase I audit stating that no hazardous waste is present.

b. An appraisal of the subject property, acceptable to the City of Modesto. This appraisal shall be no more than six months old, having been performed by a Certified Appraiser. At the time of closing, the City shall reimburse owner for all such expenses that the City in its sole discretion shall determine are reasonable.

3. Notification

a. The City of Modesto considers hardship request to be a sensitive function since the outcome of the request (approval/disapproval) could have a serious impact on the applicant.

b. To insure proper notification is given, the City is to inform the applicant by certified mail after the request has been considered and a decision rendered. This action also applies if the request is denied.

c. If no funds are available, the applicant will be advised of this and the future expectations of funding.

4. Termination

If during the process the City Manager determines that a hardship no longer exists, the process may be terminated and any outstanding offer by the City to purchase withdrawn and the owner advised of his rights to appeal the case to the City Council.
5. Hardship Appeals Process

a. All hardship applicants whose requests have been denied shall have the opportunity to have their hardship applications reviewed by the City Council. The City shall notify all hardship applicants whose applications have been denied that they can appeal the decision in writing to the City Council.

b. The file should be documented that the applicant was advised of the opportunity to appeal this hardship request and to appeal personally before the City Council if he or she so desires after having written a letter to the City Clerk requesting that this appeal be placed on the City Council agenda.

c. After a careful review of the circumstances, the City Council shall make a final finding, upholding or reversing their previous decision.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-455

A RESOLUTION GRANTING A DEFERRAL OF CAPITAL FACILITIES FEES TO HONEY BEE ESTATES FOR 15 UNITS OF VERY LOW, LOW, AND MODERATE INCOME, SINGLE-FAMILY HOUSING IN THE CITY OF EMPIRE WITHIN THE CITY OF MODESTO'S SPHERE OF INFLUENCE.

WHEREAS, Honey Bee Estates and the County Redevelopment Agency are partners in a low to moderate income 15-unit single-family housing project in the City of Empire, and

WHEREAS, building permits are proposed to be issued by the County of Stanislaus, as the site is located within the City of Empire, and

WHEREAS, the proposed project is located within the City of Modesto's sphere of influence and is subject to payment of Streets and Administrative Capital Facilities Fees (CFF), and

WHEREAS, Jim Nylen, the developer of Honey Bee Estates, has requested a deferral of the City of Modesto's Capital Facilities Fees (possible exemption) for the 15-units of very low, low, or moderate income single-family housing, and

WHEREAS, the for-profit developer is working with the County Redevelopment Agency, and said developer is limiting his units to sale prices affordable to low-income households (50-80% MAI) and moderate income households (80-90% MAI), and

WHEREAS, in return, the developer will be granted County Public Facilities Fees (PFF) exemptions and deferrals as noted below plus up to $60,000 total down payment assistance from
the County Redevelopment Agency for first-time home buyers of the
15 units, and

WHEREAS, the developer has obtained certain terms from
the County of Stanislaus and the County Redevelopment Agency, and
the developer has requested comparable treatment from the City of
Modesto, and

WHEREAS, on July 26, 1993, the Infrastructure Staff
Task Force considered this matter and recommended the deferral
on the terms and conditions designated as Alternative No. 1 in
its memo, and

WHEREAS, said matter was considered by the City Council
at its meeting held on August 3, 1993, at 7:30 p.m., in the City
Council Chambers in the City Hall, 801 11th Street, Modesto,
California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the City and County staffs have been working
together to minimize differences in interpretation of how
developer fees are to be administered: The City has been lead
agency on fees determinations for projects within the City
limits; the County has been lead agency for projects outside the
City limits in the City's Sphere of Influence; therefore, the
City Council does hereby grant a deferral of Streets and
Administrative CFF to Honey Bee Estates under the following terms
and conditions: follows:
1. Sales to very low-income household (less than 50% MAI), will be exempt from Streets and Administrative CFF.

2. For sales to low-income household (50-80% MAI) or moderate income household (89-90% MAI), the County Redevelopment Agency will monitor the situation and after ten years, will reimburse the City for Streets CFF and Administrative CFF but not accrued interest. Sales to a household with an above-moderate income (above (0% of the median area income) shall not qualify for a deferral.

3. Any resale within ten years triggers seller into paying Streets CFF and Administrative CFF but not accrued interest.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-456

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY REDEVELOPMENT AGENCY REGARDING EXEMPTION/DEFERRAL OF CAPITAL FACILITIES FEES FOR HONEY BEE ESTATES IN EMPIRE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Redevelopment Agency regarding exemption/deferral of Capital Facilities fees for Honey Bee Estates in Empire 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 August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-457


WHEREAS, as a result of budget difficulties brought on in part by the State, the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association for the Fiscal Year 1993-94 does not contain any across-the-board salary or benefit increases for employees, and

WHEREAS, said Memorandum of Understanding does addresses equity adjustments in pay differentials for several employees, provision of uniform pants for all maintenance employees, elimination of mandatory participation in the City's deferred compensation program, and adjustment in the vacation accrual formula for employees with 11 to 20 years of service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association for Fiscal Year 1993-94 is hereby approved.

BE IT FURTHER RESOLVED that all previous actions relating to Modesto City Employees Association employees not in concert with this resolution are hereby superseded by this resolution.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-458

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ALBERT L. THOMPSON
FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE

WHEREAS, Lance Thompson was appointed a member of the International Friendship Committee on March 18, 1986; and
WHEREAS, Lance Thompson has tendered his resignation, effective August 3, 1993; and
WHEREAS, Lance Thompson has been a devoted and sincere public servant and has contributed greatly to our civic progress.
NOW, THEREFORE, BE IT RESOLVED that the resignation of Lance Thompson from the International Friendship Committee be, and hereby is accepted with regret.
BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Lance Thompson for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ZEFF ROAD STREET IMPROVEMENTS AT TANK NO. 3

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

SECTION 1. The specifications for the Zeff Road street improvements at Tank No. 3, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 2, 1993 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-460

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR UPGRAADING AIRPORT RUNWAY 28R-10L ELECTRICAL REGULATOR

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

SECTION 1. The specifications for upgrading airport runway 28R-10L electrical regulator, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 9, 1993 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATERLINES IN TERESA-TEBBUTT AREA

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

SECTION 1. The specifications for installation of waterlines in Teresa-Tebbutt area, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 9, 1993 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

MORRINE COYLE, CITY CLERK
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR GRADE CROSSING IMPROVEMENTS AT WHITMORE AVENUE AND UNION PACIFIC RAILROAD CROSSING

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

SECTION 1. The specifications for grade crossing improvements at Whitmore Avenue and Union Pacific Railroad Crossing, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 9, 1993 at 11:15 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE BID OF UNITED STATES ELEVATOR CORPORATION FOR FURNISHING ELEVATOR MAINTENANCE SERVICE

WHEREAS, Resolution No. 93-207, adopted by the Council of the City of Modesto on April 13, 1993, approved the plans and specifications for furnishing elevator maintenance service and authorized the calling for bids; and

WHEREAS, the bids received for furnishing elevator maintenance service were opened at 11:00 a.m. on May 17, 1993, 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 United States Elevator Corporation in the amount of $23,856 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of United States Elevator Corporation in the amount of $23,856 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-464

A RESOLUTION ACCEPTING THE LINDEN AVENUE, MARTIN LUTHER KING BOULEVARD AND LAUREL AVENUE STORM DRAIN EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Linden Avenue, Martin Luther King Boulevard and Laurel Avenue storm drain extension has been completed by Allen Waggoner Construction, Inc. in accordance with the contract agreement dated January 26, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Linden Avenue, Martin Luther King Boulevard and Laurel Avenue storm drain extension be accepted from said contractor, Allen Waggoner Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $54,191.30 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 August, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-465

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BROKER OF RECORD SERVICES FOR EMPLOYEE GROUP INSURANCE COVERAGES FROM A.S. BENZ & ASSOCIATES

WHEREAS, the Risk Management Division of the Personnel Department has requested the purchase of Broker of Record services to provide for a variety of professional services; and

WHEREAS, specifications were developed and proposals were sought from numerous potential providers, with A.S. Benz & Associates being selected after committee review and evaluation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the formal bid procedures for the purchase of Broker of Record services for employee group insurance coverage is hereby waived.

BE IT FURTHER RESOLVED that purchase of Broker of Record services for employee group insurance coverage from A. S. Benz & Associates for the total cost of $31,000, 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 August, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND A. S. BENZ & ASSOCIATES FOR BROKER OF RECORD SERVICES FOR EMPLOYEE GROUP INSURANCE COVERAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and A. S. Benz & Associates for Broker of Record services for employee group insurance coverages 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 August, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING ISSUANCE OF NOT TO EXCEED $9,000,000 PRINCIPAL AMOUNT OF WASTEWATER REVENUE BONDS, SERIES 1993, AUTHORIZING AND DIRECTING EXECUTION OF THE FIRST SUPPLEMENTAL INDENTURE, AUTHORIZING SALE OF SUCH BONDS, APPROVING OFFICIAL STATEMENT AND AUTHORIZING OFFICIAL ACTION

WHEREAS, pursuant to the City of Modesto Wastewater Treatment Facilities Revenue Bond Law constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the "Bond Law") the City of Modesto, California (the "City") is authorized to issue revenue bonds to provide funds to finance the costs of the acquisition, construction, and equipping of improvements to the Wastewater Treatment Facilities of the City (the "Enterprise"); and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 84-862 adopted October 23, 1984, the City has previously issued its Wastewater Treatment Facility Revenue Bonds, Series 1984, in an aggregate principal amount of $11,500,000 (the "1984 Bonds") to finance the acquisition, construction, and equipping of improvements to the Enterprise; and

WHEREAS, in accordance with the Bond Law and pursuant to Resolution No. 85-964 adopted December 23, 1985, the City also issued its Wastewater Treatment Facility Refunding Bonds, Series 1985 (the "1985 Bonds"), in an aggregate principal amount of $12,720,000 to provide funds to advance refund the 1984 Bonds; and

WHEREAS, in accordance with the Bond Law, Resolution No. 87-1242 adopted November 24, 1987 and pursuant to an Indenture of Trust, dated as of December 1, 1987 (the "Indenture") the City issued $11,785,000 of its Wastewater Treatment Facility Refunding Bonds, Series 1987 to provide funds to advance refund the 1985 Bonds; and

WHEREAS, the City, after due investigation and deliberation, has determined that it is in the interests of the
City at this time to issue its Wastewater Revenue Bonds, Series 1993 (the "Series 1993 Bonds"), in an aggregate principal amount not to exceed $9,000,000 under the Bond Law to provide funds for the acquisition and construction of certain improvements to the Enterprise (the "Project" as more fully described in the First Supplemental Indenture described below), to fund a reserve fund for Series 1993 Bonds and to pay certain related expenses; and

WHEREAS, the Series 1993 Bonds are proposed to be issued in accordance with Section 304 of the Indenture and pursuant to a First Supplemental Indenture dated as of September 1, 1993 (as described below); and

WHEREAS, the City has determined to sell the Series 1993 Bonds by competitive sale; and

WHEREAS, all acts, conditions and things required by the Bond Law and the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the sale and issuance of the Series 1993 Bonds authorized hereby do exist, have happened and have been performed in regular and due time, form and manner required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue and sell the Series 1993 Bonds for the purpose, in the manner and upon the terms herein provided;

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

Section 1. Issuance of 1993 Bonds. The City Council hereby authorizes the issuance of its Wastewater Revenue Bonds, Series 1993 in an aggregate principal amount not to exceed $9,000,000. The Series 1993 Bonds shall be offered at public sale substantially as described in the Official Notice of Sale attached hereto as Exhibit A. Bids will be received for the purchase of the Series 1993 Bonds subject to the terms and conditions of such Official Notice of Sale. Public Financial Management, Inc. (the "Financial Advisor") and/or Brown & Wood, Bond Counsel, are hereby authorized and directed to open the bids at the time and place specified in the Official Notice of Sale and to present the same to the City. The Financial Advisor and/or Bond Counsel are hereby authorized and directed to receive and record the receipt of all bids made pursuant to the Official Notice of Sale, to cause the bids to be examined for compliance with the Official Notice of Sale, to cause computations to be made as to which bidder has bid the lowest true interest cost to the City, as provided in the Official Notice of Sale, along with a report as to the foregoing and any other matters deemed pertinent to the award of the Series 1993
Bonds on the basis of the lowest true interest cost to the City in accordance with said Official Notice of Sale; provided that such true interest cost shall not exceed [seven and one-half percent (7.50%)] per annum. Such winning bidder is herein called the "Purchaser."

Section 2. Official Notice of Sale. The Official Notice of Sale and the Bid Form (including the memorandum of interest cost), attached as Exhibit A and by this reference incorporated herein, are hereby approved, together with such changes in such documents as in the opinion of the City Manager or Finance Director may be considered necessary or desirable to facilitate the sale of the Series 1993 Bonds.

Section 3. Notice of Intention to Sell. The City Clerk is hereby authorized and directed to cause a notice of intention to sell the Series 1993 Bonds to be published once, at least 15 days prior to said date of sale, in The Bond Buyer, a financial publication generally circulated throughout the State of California, in accordance with Government Code § 53692. The notice shall be in substantially the form of Exhibit B hereto.

Section 4. Terms and Conditions of Sale. The terms and conditions of the offering and the sale of the Series 1993 Bonds shall be as specified in the Official Notice of Sale.

Section 5. Furnishing of Official Notice of Sale and Official Statement. The City Clerk and the Financial Advisor are hereby authorized and directed to cause to be furnished to prospective bidders a reasonable number of copies of the Official Notice of Sale (including the Bid Form) and a reasonable number of copies of the Preliminary Official Statement (as defined below).

Section 6. First Supplemental Indenture. The City Council hereby approves the form of the First Supplemental Indenture, dated as of September 1, 1993, by and between the City and Bank of America National Trust and Savings Association, as successor trustee to Security Pacific National Bank (the "Trustee") in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood, Bond Counsel, or by the City Manager or the Finance Director, whose execution thereof shall be conclusive evidence of his approval of any such additions and changes. The City Manager or the Finance Director are hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest and affix the seal of the City to, the final form of the First Supplemental Indenture for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the First Supplemental Indenture.
Section 7. Official Statement. The City Council hereby approves the form of preliminary official statement of the City relating to the Series 1993 Bonds (the "Preliminary Official Statement"), and the City Clerk is hereby directed to file the form of Preliminary Official Statement with the minutes of this meeting. The City Manager or the Finance Director is hereby authorized to certify that the Preliminary Official Statement, with such changes therein as the City Manager or the Finance Director shall approve after consultation with Bond Counsel, is as of its date "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The City Manager or the Finance Director is hereby authorized and directed to execute for and on behalf of the City a final official statement, in substantially the form of the Preliminary Official Statement, with such changes therein (and additions thereto to reflect the terms of the sale of the Series 1993 Bonds) as the City Manager or the Finance Director shall approve after consultation with the Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Financial Advisor and the purchaser of the Series 1993 Bonds (the "Purchaser") are hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Series 1993 Bonds, and the Purchaser is directed to deliver copies of any final official statement to all actual purchasers of the Series 1993 Bonds.

Section 8. Official Action. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the Series 1993 Bonds are hereby approved, confirmed and ratified. The City Manager, the Mayor, the City Clerk, the Finance Director, the City Attorney and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including the negotiating and obtaining of a municipal bond insurance policy and/or debt service reserve surety bond if the City Manager or Finance Director, upon the advice of the Finance Advisor, determine that such policy or bond will result in debt service savings to the City, and the execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful purchase, sale and financing of the Project pursuant to the agreements described herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, by Councilmember Patterson who moved its adoption, which motion being duly seconded by Councilmember
Cogdill was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

AYES: Councilmembers: None

APPROVED AS TO FORM:

Michael D. Milich, City Attorney

(S E A L)

ATTEST: Norrine Coyle, City Clerk
OFFICIAL NOTICE OF SALE

$ (prelim.)
CITY OF MODESTO
Wastewater Revenue Bonds, Series 1993

NOTICE IS HEREBY GIVEN that sealed proposals will be received and opened by a representative of the City of Modesto, California (the "City"), at the offices of Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, financial advisor to the City, on Thursday, September 9, 1993 at 10:00 o'clock a.m., local time, for the purchase of $ (prelim.) principal amount of revenue bonds of the City designated "City of Modesto, California, Wastewater Revenue Bonds, Series 1993" (the "Series 1993 Bonds"). The City, however, reserves the right to postpone such sale of the Series 1993 Bonds and to announce an alternative sale date via Munifacts News Service at least 48 hours prior to such alternative sale date as described herein. The Series 1993 Bonds are authorized to be issued under the provisions of an Indenture of Trust, dated as of December 1, 1987, by and between the City and Bank of America National Trust and Savings Association (as successor trustee to Security Pacific National Bank), as supplemented by a First Supplemental Indenture, dated as of September 1, 1993 (collectively, the "Indenture"). The Series 1993 Bonds are more particularly described in the Indenture (which is incorporated herein by reference), and are generally described as follows:

ISSUE: $ (prelim.) consisting of fully registered Series 1993 Bonds in the denomination of $5,000 or any integral multiple thereof (not exceeding the principal amount of Series 1993 Bonds maturing at any one time), all dated as of September 1, 1993.

DEPOSITORY: The Depository Trust Company, New York, New York, ("DTC") will act as securities depository for the Series 1993 Bonds. One fully registered bond for each maturity as set forth below, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC. Proposals to purchase the Series 1993 Bonds will only be accepted from those who are participants in DTC or those who clear through or maintain a custodial relationship.
with a participant in DTC, either directly or indirectly. The purchaser(s) of the Series 1993 Bonds will not receive certificated Series 1993 Bonds, but will receive a credit balance in the records of DTC in the amount of such purchaser's interest in the Series 1993 Bonds, which will be confirmed in accordance with DTC's standard procedures. The City and the Trustee shall have no responsibility or obligation to any participant or any person on behalf of whom a participant holds an interest in the Series 1993 Bonds with respect to (1) the accuracy of the records of DTC, Cede & Co., as nominee of DTC, or any participant with respect to any ownership interest in the Series 1993 Bonds, (2) the delivery to any participant or any other person, other than a bondowner, as shown in the registration books kept by the Trustee, of any notice with respect to the Series 1993 Bonds, including any notice of redemption, or (3) the payment to any participant or any other person, other than the registered owner of the Series 1993 Bonds (which will be kept by Cede & Co.), as shown in the registration books kept by the Trustee, of any amount with respect to principal or interest on the Series 1993 Bonds. A more complete description of the nature of the DTC system is contained in the preliminary official statement, described below.

INTEREST RATE: Maximum not to exceed a true interest cost of seven and one-half percent (7.50%) per annum, payable semiannually May 1 and November 1 of each year (the "Interest Payment Dates"), beginning May 1, 1994. Bidders must specify the rate or rates of interest which the Series 1993 Bonds shall bear; provided that (i) all Series 1993 Bonds maturing by their terms in any one year must bear the same rate of interest; (ii) each interest rate specified must be in a multiple of 1/20 or 1/8 of 1% and a zero rate of interest cannot be specified; (iii) no Series 1993 Bond shall bear more than one rate of interest; (iv) each Series 1993 Bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; (v) the interest rate specified for the Series 1993 Bonds of any maturity date shall not be less than the interest rate specified for the Series 1993 Bonds of any earlier maturity date; (vi) any premium must be paid in immediately available San Francisco funds as part of the purchase price and no bid will be accepted which contemplates the cancellation of any interest payment or the waiver of any interest or other concession by the bidder as a substitute for payment in full of the purchase price in immediately available San Francisco funds; and (vii) any discount specified cannot exceed 1.50% of the principal amount of the Series 1993 Bonds.

A-2
MATURITIES: Subject to the designation of Term Bonds under "SELECTION OF SERIAL BONDS OR TERM BONDS, OR BOTH," the Series 1993 Bonds will mature or have sinking account payments on November 1 in each of the years and principal amounts shown below. Each Series 1993 Bond must bear interest at the interest rate specified in the bid from its date to its stated maturity date.

<table>
<thead>
<tr>
<th>Maturity</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 1</td>
<td></td>
</tr>
</tbody>
</table>

SELECTION OF SERIAL BONDS OR TERM BONDS, OR BOTH:
Series 1993 Bonds maturing in the years ___ through ___, both inclusive, shall be Serial Bonds. Bidders shall have the option of designating whether the Series 1993 Bonds payable during the years ___ through ___, both inclusive, shall be represented by Serial Bonds or up to two Term Bond maturities, or a combination; provided, however, that bidders shall not make provision for any Serial Bonds following the commencement of sinking account payments for any Term Bond. If the bidder desires to have any of the Series 1993 Bonds payable during the years ___ to ___, both inclusive, be Term Bonds, such bidder's bid must designate the Term Bonds by inserting in the bid form the Term Bond redemption dates in the spaces provided under the heading "MANDATORY TERM BOND REDEMPTION SCHEDULE." Each Series 1993 Bond, including each Term Bond, must bear interest at the interest rate specified in the bid from its date to its maturity date. There may be more than one Term Bond maturity, but not more than two. Each Term Bond maturity selected shall be in an amount equal to the total of the consecutive principal amounts payable as shown on the maturity schedule above. The principal amounts which are not so designated in the Mandatory Term Bond Redemption Schedule to constitute Term Bonds shall constitute serial maturities. For the purposes of this Official Notice of Sale, and as provided in the Indenture, "Serial Bonds" shall mean Series 1993 Bonds which are not subject to mandatory redemption prior to their maturity from sinking account payments, and "Term Bonds" shall mean Series 1993 Bonds which are subject to mandatory redemption prior to their stated maturity date from sinking account payments.

A-3
REDEMPTION:

Optional Redemption. The Series 1993 Bonds maturing on or before November 1, 2003 are not subject to optional redemption. The Series 1993 Bonds due on or after November 1, 2004 are subject prior to their respective maturities, at the option of the City, as a whole, or in part among such maturities as designated by the City and by lot within any such maturity, from and to the extent of available funds on and after November 1, 2003, at the following redemption prices (expressed as a percentage of the principal amount of Series 1993 Bonds called for redemption) together with accrued interest thereon to the date fixed for redemption.

<table>
<thead>
<tr>
<th>Redemption Periods</th>
<th>Redemption Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 1, 2003 through October 31, 2004</td>
<td>101.0%</td>
</tr>
<tr>
<td>November 1, 2004 through October 31, 2005</td>
<td>100.5%</td>
</tr>
<tr>
<td>November 1, 2005 and thereafter</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Special Mandatory Redemption. The Series 1993 Bonds are subject to extraordinary redemption as a whole, or in part among such maturities as designated by the City and by lot within a maturity from hazard insurance or condemnation proceeds as described in the Official Statement.

PAYMENT: Interest with respect to any Series 1993 Bond shall be payable on each Interest Payment Date to the Owner thereof as of the Record Date immediately preceding each Interest Payment Date, such interest to be paid by check or draft of Bank of America National Trust and Savings Association, Los Angeles, California (the "Trustee"), mailed to the Owner by first-class mail, postage prepaid at his/her address as it appears on the Registration Books. The Series 1993 Bonds are payable as to principal and premium, if any, upon surrender thereof at maturity or earlier redemption at the principal corporate trust office of the Trustee.

MUNICIPAL BOND INSURANCE: If the Series 1993 Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor, any purchase of such insurance or commitment therefor, shall be at the sole option and expense of the bidder. The City will pay the rating fees of Standard & Poor's Corporation and Moody's Investors Service if such insurance is purchased at bidder's option. ANY FAILURE OF THE SERIES 1993 BONDS TO BE SO INSURED OR OF ANY SUCH POLICY OF INSURANCE TO BE ISSUED SHALL NOT IN ANY WAY RELIEVE THE PURCHASER OF ITS CONTRACTUAL OBLIGATIONS ARISING FROM THE ACCEPTANCE OF ITS PROPOSAL TO PURCHASE THE SERIES 1993 BONDS.
RESERVE REQUIREMENT: The City intends to fund the Series 1993 Reserve Account for the Series 1993 Bonds in an amount equal to the lesser of: (1) 10% of the net proceeds of the Series 1993 Bonds; (ii) an amount equal to Maximum Annual Debt Service on the Series 1993 Bonds; or (iii) 125% of average annual debt service due with respect to the Series 1993 Bonds. Pursuant to the Indenture, the City may substitute a surety bond or letter of credit in place of using bond proceeds to fund the Reserve Requirement.

REGISTRATION: The Series 1993 Bonds will be issued only in fully registered form, and may be exchanged for different authorized denominations of the same maturity upon the terms and subject to the conditions set forth in the Indenture. Initially, all of the Series 1993 Bonds will be registered in the name of Cede & Co., as nominee of DTC. See "DEPOSITORY" above.

PURPOSE AND SECURITY: The Series 1993 Bonds are being issued by the City to acquire and construct certain improvements to the City's existing wastewater treatment facilities. The Series 1993 Bonds are special obligations of the City and are payable, as to interest thereon, principal thereof and any premiums upon the redemption thereof, solely from Net Revenues of the Enterprise (as those terms are defined in the Indenture). Bidders are referred to the Indenture and the Official Statement described below for further particulars.

TAX-EXEMPT STATUS: A legal opinion of Brown & Wood, San Francisco, California ("Bond Counsel") will be delivered upon issuance of the Series 1993 Bonds to the effect that, subject to the qualifications described in the Official Statement described below, based on existing statutes, regulations, rulings and judicial decisions and assuming compliance with certain covenants described herein and with the requirements of the Internal Revenue Code of 1986, as amended, regarding the use, expenditure and investment of bond proceeds and the timely payment of certain investment earnings to the United States, interest on the Series 1993 Bonds is not includable in the gross income of the owners of the Series 1993 Bonds for federal tax purposes and is exempt from State of California personal income taxation. Bond Counsel is further of the opinion that interest on the Series 1993 Bonds will not be treated as an item of tax preference in calculating alternative minimum taxable income of individuals and corporations, however, such interest will be included as an adjustment in the calculation of corporate alternative minimum taxable income and may therefore affect a corporation's alternative minimum tax and environmental tax liabilities. See "LEGAL MATTERS -- Tax Exemption" in the Official Statement.
the event that, prior to the delivery of the Series 1993 Bonds, (a) the income received by any private holder from Series 1993 Bonds of the same type and character shall be declared to be included in gross income tax law, either by the terms of such law or by ruling of a federal income tax authority or official which is followed by the Internal Revenue Service or by decision of any federal court, or (b) any federal income tax law is adopted which will have a substantial adverse tax effect upon holders of the Series 1993 Bonds as such, the successful bidder for the Series 1993 Bonds may, at its option, prior to the tender of the Series 1993 Bonds by the City, be relieved of its obligation under the contract to purchase the Series 1993 Bonds, and in such case the deposit accompanying its bid will be returned.

LEGAL OPINION: The legal opinion of Bond Counsel, approving the validity of the Series 1993 Bonds, will be furnished to the successful bidder without charge.

TERMS OF SALE

BASIS OF AWARD: The Series 1993 Bonds will be awarded to the bidder submitting the bid which represents the lowest true interest cost ("TIC") to the City. The TIC will be that interest rate which, when compounded semi-annually and used to discount all payments of principal and interest payable on the Series 1993 Bonds to the date of such Series 1993 Bonds, results in an amount equal to the principal amount of such Series 1993 Bonds plus the amount of any premium offered, if any, or less that amount of discount specified, if any (disregarding for the purposes of the calculation the accrued interest to the date of delivery of such Series 1993 Bonds). In the event that two or more bidders offer bids for the Series 1993 Bonds at the same lowest TIC, the City Manager or Finance Director, on behalf of the City, shall determine the successful bidder by lot and will award all of the Series 1993 Bonds to the successful bidder. The purchaser of the Series 1993 Bonds must pay accrued interest, computed on a 30-day month, 360-day year basis, from the date of the Series 1993 Bonds to the date of delivery. The cost of preparing the Series 1993 Bonds will be borne by the City.

FORM OF BID; MAXIMUM DISCOUNT: Each bid must be for not less than all of the Series 1993 Bonds hereby offered for sale and accrued interest to the date of delivery, plus such premium as is offered or less such discount as is specified in the bid; provided that the amount of discount specified in any bid shall not exceed 1.50% of the principal amount of the Series 1993 Bonds. Each bid, together with bidder's check
referred below, must be submitted on the form of bid provided with this Notice of Sale, enclosed in a sealed envelope addressed to the City of Modesto and delivered to its representative at the address mentioned with the envelope clearly marked "Proposal for Purchase of City of Modesto Series 1993 Bonds."

RIGHT OF REJECTION: The City reserves the right, in its sole discretion, to reject any and all bids and to waive any irregularity or informality in any bid.

RIGHT OF CANCELLATION BY CITY: The City reserves the right at any time prior to and including September 9, 1993 to cancel the public sale of the Series 1993 Bonds. In such event, the City shall cause notice of cancellation of this invitation for bids and the public sale of the Series 1993 Bonds to be communicated through Munifacts News Service as promptly as practicable. However, no failure to publish such notice, failure of any prospective bidder to receive such notice or any defect or omission therein shall affect the cancellation of the public sale of the Series 1993 Bonds.

RIGHT TO MODIFY OR AMEND: The City reserves the right to modify or amend this Official Notice of Sale including, but not limited to the right to adjust and change the principal amount and principal amortization schedule of the Series 1993 Bonds being offered; however, such notification or amendments shall be made not later than 10:00 a.m., San Francisco time, on the second business day prior to the bid opening and communicated through Munifacts News Service.

RIGHT OF POSTPONEMENT BY CITY: The City reserves the right to postpone, from time to time, the date established for the receipt of bids. Any such postponement will be communicated through Munifacts News Service not later than 10:00 a.m., San Francisco time, on the second business day prior to any announced date for receipt of bids. If any date fixed for the receipt of bids and the sale of Series 1993 Bonds is postponed, any alternative sale date will be announced via Munifacts News Service at least 48 hours prior to such alternative sale date. On any such alternative sale date, any bidder may submit a sealed bid for the purchase of the Series 1993 Bonds in conformity in all respects with the provisions of this Official Notice of Sale except for the date of sale and except for the changes announced by Munifacts News Services at the time the sale date and time are announced.

PROMPT AWARD: The City Manager or Finance Director of the City will take action awarding the Series 1993 Bonds or rejecting all bids not later than 26 hours after the expiration
of the time herein prescribed for the receipt of proposals, unless such time of award is waived by the successful bidder. Notice of the award will be given promptly to the successful bidder.

REOFFERING PRICE: The successful bidder for the Series 1993 Bonds must deliver a certificate setting forth the initial reoffering prices of the Series 1993 Bonds to the public to Bond Counsel within 48 hours after the receipt of bids for the Series 1993 Bonds. The certificate shall set forth the maximum initial bona fide offering prices to the public (excluding bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers) of each maturity of the Series 1993 Bonds at which a substantial amount (at least 10%) of such maturity was sold. The form of the certificate will be provided by Bond Counsel to the successful bidder for the Series 1993 Bonds.

DELIVERY AND PAYMENT: Delivery of the Series 1993 Bonds will be made to the successful bidder through DTC in New York, New York, as of the delivery date, which is presently estimated to be September 16, 1993. Payment for the Series 1993 Bonds must be made in immediately available San Francisco funds upon delivery of the Series 1993 Bonds.

RIGHT OF CANCELLATION: The successful bidder shall have the right, at its option, to cancel the contract of purchase if the City shall fail to execute the Series 1993 Bonds and tender the same for delivery within 60 days from the date of sale thereof, and in such event the successful bidder shall be entitled to the return of the deposit accompanying its bid.

BID CHECK: A cashier's check drawn on a bank or trust company transacting business in the State of California, in the amount of one percent of the principal amount of the Series 1993 Bonds, payable to the order of the City, must accompany each proposal as a guaranty that the bidder, if successful, will accept and pay for the Series 1993 Bonds in accordance with the terms of its bid. The check accompanying any accepted proposal shall be immediately cashed and applied to the purchase price. The amount thereof shall be retained by the City if after the award of the Series 1993 Bonds the successful bidder fails to complete its purchase on the terms stated in its proposal; provided, that the amount, if any, realized by the City from cashing such check shall not be considered liquidated damages for any breach by the successful bidder of said bidder's agreement to purchase the Series 1993 Bonds nor shall such amount, if any, be deemed a settlement of any claim the City may have against such breaching bidder. The check
accompanying each unaccepted proposal will be returned promptly. No interest will be paid upon the deposit made by any bidder.

In the alternative, a financial surety bond may be used as a guarantee that the bidder, if successful, will accept and pay for the Series 1993 Bonds in accordance with the terms of this proposal. If a financial surety bond is used, it must be from an insurance company licensed to issue such a bond in the State of California, and such financial surety bond must be submitted to the City or its Financial Advisor prior to the opening of the bids. The financial surety bond must identify each bidder whose deposit is guaranteed by such financial surety bond. If the Series 1993 Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit its deposit to the City in the form of a cashier's check (or wire transfer such amount as instructed by the City not later than 3:30 p.m. California time on the next business day following the award). If such deposit is not received by that time, the financial surety bond may be drawn by the City to satisfy the deposit requirement.

ESTIMATE OF TRUE INTEREST COST: Each bidder is requested, but not required, to state in its bid its calculation of the TIC which shall be considered as informative only and not binding on either the bidder or the City.

Each bidder is also requested, but not required, to provide in its bid a computation of the total amount of interest payable over the term of Series 1993 Bonds. Such information will be considered as informative only and not binding on either the bidder or the City.

NO LITIGATION: There is no litigation pending, or to the best knowledge of the City, threatened, concerning the validity of the Series 1993 Bonds, the existence of the City or the title of the officers thereof to their respective offices, and the City will furnish to the successful bidder of the officers thereof to their respective offices, and the City will furnish to the successful bidder a no-litigation certificate certifying to the foregoing as of and at the time of delivery of the Series 1993 Bonds.

CUSIP NUMBERS: It is anticipated the CUSIP identification numbers will be inserted on the Series 1993 Bonds, but neither the failure to insert such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Series 1993 Bonds in accordance with the terms of the purchase contract. All expenses in
relation to the printing of CUSIP numbers on the Series 1993 Bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

CALIFORNIA DEBT ADVISORY COMMISSION FEE: All bidders are advised that, pursuant to Section 8856 of the California Government Code, it will be the responsibility of the successful bidder for the Series 1993 Bonds to pay the statutory fee for the Series 1993 Bonds purchased by the bidder to the California Debt Advisory Commission.

OFFICIAL STATEMENT: The City has caused a preliminary official statement to be prepared, copies of which may be obtained at the office of the City's financial advisor, Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, Attention: Peter Miller (telephone (415) 982-5544). The preliminary official statement is "deemed final" by the City for purposes of SEC Rule 15c2-12, except for the omission of certain pricing, interest rate, bond insurance and related information, and the City has authorized the use of the final Official Statement in connection with the sale of the Series 1993 Bonds. The City at its expense will provide up to 250 copies of the Official Statement in final form to the successful bidder prior to the delivery of the Series 1993 Bonds.

CERTIFICATE: The City will provide to the purchaser of the Series 1993 Bonds a certificate, signed by an official of the City, confirming to the purchaser that, at the time of delivery thereof, to the best knowledge of said official, the Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading, and that there has been no material adverse change in the material condition or affairs of the City between the date of the Official Statement and the date of delivery of the Series 1993 Bonds.

Dated: September 9, 1993

/s/ ________________
   Finance Director
BID FORM

Proposal for the Purchase of

$_________ (prelim.)
CITY OF MODESTO
Wastewater Revenue Bonds, Series 1993

Date: __________, 1993

City of Modesto
c/o Public Financial Management, Inc.
Embarcadero Center, W. Tower
275 Battery Street, Suite 2140
San Francisco, CA 94111

Subject to the provisions and pursuant to the Official Notice of Sale hereinafter mentioned, we offer to purchase the Series 1993 Bonds designated as "City of Modesto, Wastewater Revenue Bonds, Series 1993" (the "Series 1993 Bonds") in the total principal amount pursuant to the Maturity Schedule and bearing interest at the rates set forth below and to pay therefor the aggregate sum of $___________ (being the principal amount less a discount (not to exceed ___%) of $___________) plus interest accrued on such Series 1993 Bonds to the date of delivery thereof. The rate or rates bid must not exceed ___%. The rates must be level or ascending.

MATURITY SCHEDULE

<table>
<thead>
<tr>
<th>Maturity Date</th>
<th>Principal Amount</th>
<th>Serial Maturity**</th>
<th>Mandatory Sinking Fund Redemption</th>
<th>Interest Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(November 1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* The bidder may stipulate that these maturities can be either Serial Bonds or Term Bonds. See "MANDATORY REDEMPTION SCHEDULE" on text page. The rates of interest for all mandatory sinking account payments (including payment at maturity) of a designated Term Bond must be identical.

** There shall be no serial maturities after the first mandatory sinking fund redemption payment.

A-11
MANDATORY TERM BOND REDEMPTION SCHEDULE

The following schedules are for the purpose of designating up to two mandatory Term Bonds redemption dates in the bid for the Series 1993 Bonds. The mandatory Term Bond redemptions to be made on such dates are indicated on the Maturity Schedule on the previous page as principal amounts:

From November 1, 20__ to and including November 1, 20__ (final maturity).

From November 1, 20__ to and including November 1, 20__ (final maturity).

This bid is made subject to all terms and conditions of the Official Notice of Sale heretofore distributed, all of which terms and conditions are made a part hereof as fully as though set forth in full in this bid.

As specified in the Official Notice of Sale, this bid is subject to acceptance not later than twenty-six (26) hours after the expiration of the time for receipt of bids, and the delivery, at the time of delivery of the Series 1993 Bonds and at the expense of the City, of the opinion of Brown & Wood, San Francisco, California, approving the validity of the Series 1993 Bonds.

There is enclosed herewith a certified or cashier's check in the amount of $__________________________ Dollars ($_______) payable to the order of the City of Modesto. The winning bidder's check shall be immediately cashed and applied to the delivery price.

The undersigned calculates in accordance with the Official Notice of Sale, that the true interest cost to the City is ___% and that the amount of interest payable on the Series 1993 Bonds over the term of the Series 1993 Bonds is $__________.
This estimate is for information purposes only and is not binding on the City or the undersigned.

Respectfully submitted,

Name: ____________________________
Account Manager

Winning bidder's representative to be contacted regarding closing procedures:
Name:
Address:
City:
State:
Zip Code:
Phone Number:

If municipal bond insurance being purchased by bidder, please identify insurer:

Return of Good Faith Check to Unsuccessful Bidder: __________
NOTICE OF INTENTION TO SELL
CITY OF MODESTO
Wastewater Revenue Bonds, Series 1993

NOTICE IS HEREBY GIVEN that the City of Modesto (the "City"), in Modesto County, State of California, intends to offer for public sale on Thursday, September 9, at the hour of 10 o'clock a.m., local time, at the offices of Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, $________ (prelim.) principal amount of revenue bonds of the City designated "City of Modesto, California, Wastewater Revenue Bonds, Series 1993" (the "Series 1993 Bonds"). The City reserves the right to postpone the date of sale of the Series 1993 Bonds. If the sale of the Series 1993 Bonds is not conducted on Thursday, September 9, 1993, the City will announce an alternative sale date via Munifacts News Service at least 48 hours prior to such alternative sale date.

The Series 1993 Bonds will be offered for public sale subject to the terms and conditions of the Official Notice of Sale of the Series 1993 Bonds and copies of the Official Notice of Sale and the Official Statement relating to the Series 1993 Bonds will be furnished upon request mailed to Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, Attention: Peter Miller (415) 982-5544, financial advisor to the City for the Series 1993 Bonds.

Dated: August __, 1993

KEVIN RIPER
FINANCE DIRECTOR
CITY OF MODESTO
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
PUBLIC FINANCIAL MANAGEMENT, INC., FOR FINANCIAL ADVISORY SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Public Financial
Management, Inc., for financial advisory services

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of August ,
1993, by Councilmember Patterson , who moved its adoption, which motion
being duly seconded by Councilmember Cogdill , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers:   Bird, Cogdill, Dobbs, Friedman, Muratore,
                         Patterson, Mayor Lang
NOES: Councilmembers:    None
ABSENT: Councilmembers:  None

ATTEST: ___________________________
        NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-469

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CELLULAR PARTNERSHIP FOR LEASE OF 1,820 SQUARE FEET OF DAVIS PARK TO LOCATE A CELLULAR TELEPHONE ANTENNA IN DAVIS PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Cellular Partnership for the lease of 1,820 square feet of Davis Park to locate a cellular telephone antenna in Davis Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August , 19 93, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DENNIS JACKMAN FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE AUGUST 10, 1993

WHEREAS, Dennis Jackman was appointed a member of the Recycling Committee on November 3, 1992; and

WHEREAS, Dennis Jackman has tendered his resignation from the Recycling Committee, effective August 10, 1993; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Dennis Jackman from the Recycling Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-471

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (MARGIE LEE)

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Margie Lee
1412 Shoshone Place
Modesto, Ca. 95351
Term expires: 6/30/97

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
NORRINE COYLE, City Clerk
A RESOLUTION GRANTING A REQUEST FOR FINANCIAL ASSISTANCE TO A MODESTO BABE RUTH BASEBALL TEAM IN THE SUM OF $2,000 TO SUPPORT ITS ATTENDANCE AT THE 1993 BABE RUTH WORLD SERIES IN NEWARK, NEW JERSEY.

WHEREAS, the City of Modesto has supported Modesto Babe Ruth Baseball in the past, and

WHEREAS, on Thursday, August 12, 1993, a Modesto Babe Ruth Baseball team comprised of 15-year olds became the Pacific Southwest Regional Champions, and

WHEREAS, said team will represent the region in the Babe Ruth World Series in Newark, New Jersey on Thursday, August 19, 1993, and

WHEREAS, the Modesto Babe Ruth Baseball organization has requested financial assistance from the City of Modesto to help defray the costs of travel to New Jersey, and

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

WHEREAS, the Council has reviewed said request and finds said request to be in conformance with said policy and in addition finds it appropriate to grant approval for financial assistance to Modesto Babe Ruth Baseball to help defray the costs of travel to New Jersey for participation in the Babe Ruth World Series, and

08/18/93--CA
WHEREAS, the Financial Policy Committee has considered said request and has recommended approval of same, and

WHEREAS, CITY staff supports the request for financial assistance for Modesto Babe Ruth Baseball to attend this prestigious event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request of Modesto Babe Ruth Baseball for financial assistance in the amount of $2,000, as recommended by the Financial Policy Committee and City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

08/18/93--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 93-473

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(496). (MODESTO
SENIOR HOUSING INVESTORS)

WHEREAS, a verified application for an amendment to Section 30-3-9 of
the Zoning Map was filed by Modesto Senior Housing Investors on May 10, 1993, to
reclassify from Low Density Residential Zone, R-1, to Planned Development Zone,
P-D, to allow a 38-unit, elderly housing complex, property located on the north side
of Maze Boulevard west of Modesto Irrigation District Lateral No. 5, described as
follows:

R-1 to P-D(496)

Lot 24 of the MAZE RANCH SUBDIVISION, as per Map
thereof recorded March 19, 1909, in Book 4, of Maps, Page
18, Stanislaus County Records, more particularly described
as follows:

Commencing at the corner common to Sections 29, 30,
31, and 32, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian; thence North 89° 45' 30" West
1536.70 feet and along the section line to center of Lateral
No. 5 of the Modesto Irrigation District, thence along the
center of Lateral No. 5, North 24° 04' 30" East 224.16
feet; thence North 7° 18' 30" East 67.07 feet to the True
Point of Beginning; thence continuing North 7° 18' 30"
East 238.73 feet to a point in Lateral No. 4 of the Modesto
Irrigation District; thence along the center of said Lateral
No. 4, North 72° 39' 30" West 503.80 feet; thence leaving
said Lateral South 0° 14' 30" West 656.66 feet; thence
South 89° 45' 30" East 40.00 feet; thence North 0° 14'
30" East 286.35 feet; thence South 89° 45' 30" East
179.59 feet; thence South 0° 14' 30" West 14.74 feet;
thence South 89° 45' 30" East 232.56 feet to the True
Point of Beginning.

and
WHEREAS, after a public hearing held on July 12, 1993, 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. 93-27, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will contribute to the variety of housing types in this neighborhood by provide housing units for the elderly in a residential neighborhood setting.

2. The approved plot plan, along with required fencing, and conditions of approval will assure that this low density elderly housing complex will continue to be compatible with the adjacent church facility and other surrounding neighborhood residential uses.

and

WHEREAS, after a public hearing held on August 17, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Modesto Senior Housing Investors 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. 93-27 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2865-C.S. on the 17th day of August, 1993, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(496).

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

1. All development shall conform to the plot plan and floor plans titled "Christian Seniors Dwelling Units" as amended in red, stamped approved by the City Council on August 17, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan including passive open space areas for social or group bench seating shall be approved by the Parks and Recreation Department Director. The 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. A six-foot-high wood fence with decorative masonry pilasters at 16-foot on centers along the west property line adjacent to the elderly housing complex only.

   b. Six-foot-high decorative masonry wall along the north and east property lines adjacent to MID Lateral Nos. 4 and 5.

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

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

9. 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.

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

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

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

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

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

15. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(496):

The entire construction program be accomplished in one phase, construction to begin on or before July 12, 1995, and completion to be not later than July 12, 1996.
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(496), 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 August, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill, Muratore

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning and Community Development
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, 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 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(496). (MODESTO SENIOR HOUSING INVESTORS)

WHEREAS, on May 26, 1993, the City’s Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 30-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(496), property located on the north side of Maze Boulevard west of Modesto Irrigation District Lateral No. 5 might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council’s independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill, Muratore.

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-475


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the California Streets and Highways Code establishes a procedure that certain improvements may be required; and

WHEREAS, the Council did, on ___ July 21 ___, 1992, adopt its Resolution No. 92-410, ordering the construction of improvements along certain alleys and directing the Superintendent of Streets to give notice requiring such improvements; and

WHEREAS, in compliance with the provisions of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of paving abutting the property hereafter described; and

WHEREAS, ___ August 17 ___, 1993, 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; which report is as set forth in "EXHIBIT A", which is attached hereto and made a part hereof by this reference. Moreover, said Council received the report as submitted, and is 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 is hereby confirmed and the cost of such work is set forth in said "EXHIBIT A".
SECTION 2. That the cost of the aforesaid work may be paid in a lump sum or may be assessed in three annual installments as a special assessment against the parcel(s) of property fronting upon the work so constructed.

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, 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 Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said assessment be delivered to the Stanislaus County Auditor, and the amount shall be collected together with all other taxes thereon against the property. 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 17th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
## "EXHIBIT A"

### RESIDENTIAL ALLEY PAVING PROJECT NO. 17

<table>
<thead>
<tr>
<th>SITE ADDRESS / ASSESSOR’S PARCEL NO.</th>
<th>PROPERTY OWNER AND MAILING ADDRESS</th>
<th>L.F. OF ALLEY FRONTAGE / COST</th>
<th>LEGAL DESCRIPTION</th>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **1231 7th Street**
   - A.P.N. 002-173 104-1301-491
   - 50.0 l.f. / $642.20
   - Boyle, Edward J, et al
   - PO Box 5067
   - Modesto CA 95352
   - Lots 1 and 2 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

2. **1227 7th Street**
   - A.P.N. 002-173 104-1302-610
   - 37.5 l.f. / $481.65
   - Sullivan, Phillip, M, et ux
   - 1304 Bywood Lane
   - Modesto CA 95356
   - Lot 3 and the Northwest 12.5 feet of Lot 4 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

3. **1223 7th Street**
   - A.P.N. 002-173 104-1303-400
   - 37.5 l.f. / $481.65
   - Newnam, Samuel H, et ux
   - 2913 Hashem Drive
   - Modesto CA 95355
   - Lot 5 and the Southeast 12.5 feet of Lot 4 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

4. **1219 7th Street**
   - A.P.N. 002-173 104-1304-520
   - 50.0 l.f. / $642.20
   - Huffman, Gordon, et ux
   - 1219 7th St
   - Modesto CA 95354
   - Lots 6 and 7 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

5. **1215 7th Street**
   - A.P.N. 002-173 104-1305-520
   - 50.0 l.f. / $642.20
   - Ragsdale, Timothy C, et ux
   - 3436 Dragoo Park Dr
   - Modesto CA 95350
   - Lots 8 and 9 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

6. **1211 7th Street**
   - A.P.N. 002-173 104-1306-491
   - 50.0 l.f. / $642.20
   - George, Josephine, et al
   - 1211 7th St
   - Modesto CA 95354
   - Lots 10 and 11 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

7. **1207 7th Street**
   - A.P.N. 002-173 104-1307-101
   - 50.0 l.f. / $642.20
   - Woodard, Louise, Heirs of
   - 212 S Madison St
   - Modesto CA 95351
   - Lots 12 and 13 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

8. **1200 6th Street**
   - A.P.N. 002-173 104-1310-470
   - 150.0 l.f. / $1,926.60
   - Kanno, Zakarias, et ux
   - 1516 Prairie Dog Dr
   - Modesto CA 95355
   - Lots 17-22 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

9. **1212 6th Street**
   - A.P.N. 002-173 104-1311-310
   - 25.0 l.f. / $321.10
   - Taylor, Douglas J, et ux
   - 1235 W Roseburg Ave
   - Modesto CA 95350
   - Lot 23 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

10. **1216 6th Street**
    - A.P.N. 002-173 104-1312-491
    - 50.0 l.f. / $642.20
    - Cowings, Gertrude M, Heirs of
    - 111 Laurel St
    - Modesto CA 95354
    - Lots 24 and 25 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
### RESIDENTIAL ALLEY PAVING PROJECT NO. 17

<table>
<thead>
<tr>
<th>SITE ADDRESS / ASSESSOR'S PARCEL NO.</th>
<th>PROPERTY OWNER</th>
<th>LOCATION: 6TH STREET TO 7TH STREET, BETWEEN L STREET AND M STREET</th>
<th>LEGAL DESCRIPTION</th>
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<tbody>
<tr>
<td>11. 1220 6th Street</td>
<td>Edwards, Gertrude</td>
<td>Lots 26 and 27 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records</td>
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<tr>
<td>A.P.N. 002-173 104-1313-181</td>
<td>1522 Victor Way</td>
<td>Modesto CA 95351</td>
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<td>50.0 l.f. / $642.20</td>
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<td>12. 1224 6th Street</td>
<td>Newnam, Samuel H, et ux</td>
<td>Lots 28 and 29 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records</td>
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<tr>
<td>A.P.N. 002-173 104-1314-310</td>
<td>2913 Hashem Driv</td>
<td>Modesto CA 95355</td>
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<td>50.0 l.f. / $642.20</td>
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<tr>
<td>13. 1230 6th Street</td>
<td>American National Red Cross</td>
<td>Lots 30, 31 and 32 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records</td>
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<td>A.P.N. 002-173 104-1315-930</td>
<td>715 13th Street</td>
<td>Modesto CA 95354</td>
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<td>75.0 l.f. / $963.30</td>
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<td>14. 621 L Street</td>
<td>Noble, Charles W, et ux</td>
<td>Lots 14, 15 and 16 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records</td>
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<tr>
<td>A.P.N. 002-173 104-1316-610</td>
<td>1500 Scenic Dr, #11</td>
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<td>75.0 l.f. / $963.30</td>
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**RESIDENTIAL ALLEY PAVING PROJECT NO. 17**

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<th>SITE ADDRESS / ASSESSOR'S PARCEL NO.</th>
<th>PROPERTY OWNER AND MAILING ADDRESS</th>
<th>LEGAL DESCRIPTION</th>
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<tbody>
<tr>
<td>L.F. OF ALLEY FRONTAGE / COST</td>
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</tbody>
</table>

**[ BLOCK 2130 ] LOCATION: SEVERIN AVENUE TO ROSINA AVENUE, BETWEEN ROBLE AVENUE AND ENCINA AVENUE**

1. **400 Severin Avenue**  
   A.P.N. 002-001 116-0118-101  
   Lot 10 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Reyna, Valerie  
   - Lot 10 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 400 Severin Ave  
   - 400 Severin Ave  
   - Modesto CA 95354

2. **404 Severin Avenue**  
   A.P.N. 002-001 116-0119-121  
   Lot 11 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Hursh, William O, et ux  
   - Lot 11 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 404 Severin Ave  
   - 404 Severin Ave  
   - Modesto CA 95354

3. **408 Severin Avenue**  
   A.P.N. 002-001 116-0120-101  
   Lot 12 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Hubbard, Robert C Trs  
   - Lot 12 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 516 W. Orangeburg Ave  
   - 516 W. Orangeburg Ave  
   - Modesto CA 95350

4. **412 Severin Avenue**  
   A.P.N. 002-001 116-0121-101  
   Lot 13 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Housewright, Harriet M  
   - Lot 13 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 412 Severin Ave  
   - 412 Severin Ave  
   - Modesto CA 95351

5. **416 Severin Avenue**  
   A.P.N. 002-001 116-0122-101  
   Lot 14 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Muncill, Kathleen E  
   - Lot 14 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 3100 Kensington Dr  
   - 3100 Kensington Dr  
   - Modesto CA 95350

6. **422 Severin Avenue**  
   A.P.N. 002-001 116-0123-101  
   Lot 15 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Lawrence, Theresa J  
   - Lot 15 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 422 Severin Ave  
   - 422 Severin Ave  
   - Modesto CA 95351

7. **424 Severin Avenue**  
   A.P.N. 002-001 116-0124-101  
   Lot 16 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - McDowell, Thomas D, et al  
   - Lot 16 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 424 Severin Ave  
   - 424 Severin Ave  
   - Modesto CA 95354

8. **428 Severin Avenue**  
   A.P.N. 002-001 116-0125-101  
   Lot 17 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Webber, Mary H, et al  
   - Lot 17 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 428 Severin Ave  
   - 428 Severin Ave  
   - Modesto CA 95351

9. **432 Severin Avenue**  
   A.P.N. 002-001 116-0126-101  
   Lot 18 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - Ahart, Herbert B, et ux  
   - Lot 18 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
   - 432 Severin Ave  
   - 432 Severin Ave  
   - Modesto CA 95351

10. **1630 Encina Avenue**  
    A.P.N. 002-001 116-0127-101  
    Lot 1 and the north 20 feet of Lot 2 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
    - Stevenot, Jeffery, W, et ux  
    - Lot 1 and the north 20 feet of Lot 2 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
    - 1630 Encina Ave  
    - 1630 Encina Ave  
    - Modesto CA 95354

- Stevenot, Jeffery, W, et ux
- Lot 1 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
- Modesto CA 95354
- Stanislaus County Records
- Lot 1 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
# EXHIBIT A

## RESIDENTIAL ALLEY PAVING PROJECT NO. 17

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<tr>
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<th>PROPERTY OWNER</th>
<th>L.F. OF ALLEY FRONTAGE / COST</th>
<th>LEGAL DESCRIPTION</th>
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<tbody>
<tr>
<td>[BLOCK 2130] LOCATION: SEVERIN AVENUE TO ROSINA AVENUE, BETWEEN ROBLE AVENUE AND ENCINA AVENUE</td>
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11. 425 Rosina Avenue  
A.P.N. 002-001 116-0128-101  
68.0 l.f. / $738.96  
Torrealba, Geraldine O  
425 Rosina Ave  
Modesto CA 95354  
The south 40 feet of Lot 2 and the north 28 feet of Lot 3 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records

12. 421 Rosina Avenue  
A.P.N. 002-001 116-0129-111  
68.0 l.f. / $738.96  
Sanchez, Edward M, et ux  
1409 Pecos Ave  
Modesto CA 95351  
The south 32 feet of Lot 3 and the north 36 feet of Lot 4 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49,

13. 417 Rosina Avenue  
A.P.N. 002-001 116-0130-101  
68.0 l.f. / $738.96  
Kern, Glenn  
417 Rosina Ave  
Modesto CA 95354  
The south 24 feet of Lot 4 and the north 44 feet of Lot 5 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records

14. 413 Rosina Avenue  
A.P.N. 002-001 116-0131-111  
68.0 l.f. / $738.96  
Ramirez, John M, et ux  
413 Rosina Ave  
Modesto CA 95354  
The south 16 feet of Lot 5 and the north 52 feet of Lot 6 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records

15. 409 Rosina Avenue  
A.P.N. 002-001 116-0132-101  
68.0 l.f. / $738.96  
Johnson, Ernest, U, et ux  
409 Rosina Ave  
Modesto CA 95354  
Lot 7 and the south 8.0 feet of Lot 6 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records

16. 405 Rosina Avenue  
A.P.N. 002-001 116-0133-101  
60.0 l.f. / $652.02  
Sheaffer, D. Leon, et ux  
1020 Stanton Pl  
Modesto CA 95355  
Lot 8 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records

17. 1631 Roble Avenue  
A.P.N. 002-001 116-0134-101  
63.14 l.f. / $686.14  
Grove, Arnold R, et ux  
1631 Roble Ave  
Modesto CA 95351  
Lot 9 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

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<th>LEGAL DESCRIPTION</th>
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<tr>
<td>L.F. OF ALLEY FRONTAGE / COST</td>
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<tr>
<td>[ BLOCK 6828 ] LOCATION: FREMONT AVENUE TO DORRINGTON COURT, BETWEEN NORTHGATE DRIVE AND FLEETWOOD DRIVE</td>
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<tr>
<td>11. 705 Northgate Drive</td>
<td>Locke, Stephen S, et ux</td>
<td>Lot 1 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records</td>
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<tr>
<td>A.P.N. 002-007 059-0762-101</td>
<td>705 Northgate Dr</td>
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<td>116.97 l.f. / $1,220.11</td>
<td>Modesto CA 95350</td>
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<td>12. 2402 Fremont Avenue</td>
<td>Jewell, John S, et ux</td>
<td>Lot 15 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records</td>
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<tr>
<td>A.P.N. 002-007 059-0763-111</td>
<td>2402 Fremont Ave</td>
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<td>13.61 l.f. / $141.97</td>
<td>Modesto CA 95350</td>
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<td>13. 2406 Fremont Avenue</td>
<td>Farrell, Kenneth L, et ux Trs</td>
<td>Lot 14 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records</td>
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<td>2406 Fremont Ave</td>
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<td>77.20 l.f. / $805.27</td>
<td>Modesto CA 95350</td>
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<td>14. 2410 Fremont Avenue</td>
<td>Gurley, Frank H, et ux</td>
<td>Lot 13 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records</td>
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<td>2410 Fremont Ave</td>
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<td>94.44 l.f. / $985.10</td>
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<td>15. 2502 Fremont Avenue</td>
<td>Dunscomb, Guy L, et ux Trs</td>
<td>Lot 12 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records</td>
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<td>2502 Fremont Ave</td>
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<td>90.53 l.f. / $944.32</td>
<td>Modesto CA 95350</td>
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<td>16. 2506 Fremont Avenue</td>
<td>Gray, Dale G, et ux Trs</td>
<td>Lot 11 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records</td>
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<td>95.82 l.f. / $999.50</td>
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<td>17. 2510 Fremont Avenue</td>
<td>Rogers, James S, et ux</td>
<td>Lot 10 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records</td>
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<td>81.20 l.f. / $847.00</td>
<td>Modesto CA 95350</td>
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# "EXHIBIT A"

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<th>PROPERTY OWNER</th>
<th>L.F. OF ALLEY FRONTAGE / COST</th>
<th>LEGAL DESCRIPTION</th>
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<tr>
<td><strong>LOCATION: MT VERNON DRIVE TO DURANT STREET, BETWEEN COLLEGE AVENUE AND KATHERINE AVENUE</strong></td>
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<tr>
<td>1. 2410 College Avenue</td>
<td>Lewis, Donald W, et ux</td>
<td>78.4 l.f. / $848.05</td>
<td>Lot 30 and the west 2.34 feet of Lot 29 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<tr>
<td>A.P.W. 002-007 059-0824-101</td>
<td>2410 College Ave</td>
<td>Modesto CA 95350</td>
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<tr>
<td>2. 1029 Mt Vernon Drive</td>
<td>Wait, Donald Dwight, et ux</td>
<td>78.41 l.f. / $848.16</td>
<td>The west 12.74 feet of Lot 28 and the east 65.67 feet of Lot 29 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<td>A.P.W. 002-007 059-0825-101</td>
<td>1029 Mt Vernon Dr</td>
<td>Modesto CA 95350</td>
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<td>3. 1025 Mt Vernon Drive</td>
<td>Harwood, Robert R, et ux</td>
<td>78.41 l.f. / $848.16</td>
<td>The west 23.02 feet of Lot 27 and the east 55.39 feet of Lot 28 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<tr>
<td>A.P.W. 002-007 059-0826-101</td>
<td>1025 Mt Vernon Dr</td>
<td>Modesto CA 95350</td>
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<td>4. 1021 Mt Vernon Drive</td>
<td>Haskin, Cheryl</td>
<td>78.41 l.f. / $848.16</td>
<td>The west 33.3 feet of Lot 26 and the east 45.11 feet of Lot 27 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<tr>
<td>A.P.W. 002-007 059-0827-101</td>
<td>1021 Mt Vernon Dr</td>
<td>Modesto CA 95350</td>
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<td>5. 1015 Mt Vernon Drive</td>
<td>Ackerman, Barry P, et ux</td>
<td>78.41 l.f. / $848.16</td>
<td>The west 43.58 feet of Lot 25 and the east 34.83 feet of Lot 26 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<tr>
<td>A.P.W. 002-007 059-0828-101</td>
<td>1015 Mt Vernon Dr</td>
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<tr>
<td>6. 1009 Mt Vernon Drive</td>
<td>Hawk, Ralph B, et ux</td>
<td>78.41 l.f. / $848.16</td>
<td>The west 53.9 feet of Lot 24 and the east 24.51 feet of Lot 25 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<tr>
<td>A.P.W. 002-007 059-0829-101</td>
<td>1009 Mt Vernon Dr</td>
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<tr>
<td>7. 1005 Mt Vernon Drive</td>
<td>Wilson, Clifford L, et ux</td>
<td>78.41 l.f. / $848.16</td>
<td>The west 62.05 feet of Lot 23 and the east 16.36 feet of Lot 24 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<tr>
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<td>1005 Mt Vernon Dr</td>
<td>Modesto CA 95350</td>
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<td>8. 1001 Mt Vernon Drive</td>
<td>Hamilton, Eva</td>
<td>78.41 l.f. / $848.16</td>
<td>Lot 22 and the east 8.14 feet of Lot 23 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<td>A.P.W. 002-007 059-0831-101</td>
<td>1001 Mt Vernon Dr</td>
<td>Modesto CA 95350</td>
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<tr>
<td>9. 925 Mt Vernon Drive</td>
<td>Christie, John W, et ux</td>
<td>82.63 l.f. / $893.81</td>
<td>Lot 21 and the west 12.82 feet of Lot 20 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
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<tr>
<td>A.P.W. 002-007 059-0832-101</td>
<td>925 Mt Vernon Dr</td>
<td>Modesto CA 95350</td>
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<th>L.F. OF ALLEY FRONTAGE / COST</th>
<th>LEGAL DESCRIPTION</th>
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<tbody>
<tr>
<td>BLOCK 6736</td>
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| **10.** 921 Mt Vernon Drive  
APN. 002-007 059-0833-111  
82.61 l.f. / $893.59  
Westphal, Dwayne R, et ux  
921 Mt Vernon Dr  
Modesto CA 95350  
The west 27.3 feet of Lot 19 and the east 55.31 feet of Lot 20 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| **11.** 915 Mt Vernon Drive  
APN. 002-007 059-0834-101  
82.63 l.f. / $893.81  
Leenon, James R, et ux  
915 Mt Vernon Dr  
Modesto CA 95350  
The west 41.82 feet of Lot 18 and the east 40.81 feet of Lot 19 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| **12.** 909 Mt Vernon Drive  
APN. 002-007 059-0835-101  
82.62 l.f. / $893.70  
Bernasconi, Mary J  
909 Mt Vernon Dr  
Modesto CA 95350  
The west 56.32 feet of Lot 17 and the east 26.3 feet of Lot 18 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| 2405 Katherine Avenue  
APN. 002-007 059-0836-111  
82.64 l.f. / $893.92  
Streeter, Carol A  
2405 Katherine Ave  
Modesto CA 95350  
Lot 16 and the east 11.81 feet of Lot 17 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| **14.** 2501 Katherine Avenue  
APN. 002-007 059-0837-101  
83.9 l.f. / $907.55  
Crosgrove, Kevin R  
2501 Katherine Ave  
Modesto CA 95350  
Lot 15 and the east 8.8 feet of Lot 14 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| **15.** 906 Durant Street  
APN. 002-007 059-0838-101  
83.9 l.f. / $907.55  
Drobnick, Roger P, et ux  
906 Durant St  
Modesto CA 95350  
The east 24.57 feet of Lot 13 and the west 59.33 feet of Lot 14 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| **16.** 912 Durant Street  
APN. 002-007 059-0839-101  
83.9 l.f. / $907.55  
Boyle, William F, et ux  
912 Durant St  
Modesto CA 95350  
The east 38.34 feet of Lot 12 and the west 45.56 feet of Lot 13 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| **17.** 918 Durant Street  
APN. 002-007 059-0840-111  
83.9 l.f. / $907.55  
Cody, Richard M, et ux  
918 Durant St  
Modesto CA 95350  
The east 52.11 feet of Lot 11 and the west 31.79 feet of Lot 12 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
| **18.** 922 Durant Street  
APN. 002-007 059-0841-111  
83.92 l.f. / $907.76  
Vallo, Max J, et ux  
922 Durant St  
Modesto CA 95350  
Lot 10 and the west 16.02 feet of Lot 11 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records |  |
"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

<table>
<thead>
<tr>
<th>SITE ADDRESS / ASSESSOR'S PARCEL NO.</th>
<th>PROPERTY OWNER AND MAILING ADDRESS</th>
<th>L.F. OF ALLEY FRONTAGE / COST</th>
<th>LEGAL DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ BLOCK 6736 ] LOCATION: MT VERNON DRIVE TO DURANT STREET, BETWEEN COLLEGE AVENUE AND KATHERINE AVENUE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. 1002 Durant Street</td>
<td>Ogburn, Lee R, et ux</td>
<td>77.61 l.f. / $839.51</td>
<td>Lot 9 and the east 9.42 feet of Lot 8 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0842-101</td>
<td>1002 Durant St</td>
<td></td>
<td>Modesto CA 95350</td>
</tr>
<tr>
<td>20. 1006 Durant Street</td>
<td>Johnson, Melvyn B</td>
<td>77.61 l.f. / $839.51</td>
<td>The east 18.9 feet of Lot 7 and the west 58.71 feet of Lot 8 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0843-111</td>
<td>1006 Durant St</td>
<td></td>
<td>Modesto CA 95350</td>
</tr>
<tr>
<td>21. 1010 Durant Street</td>
<td>Davis, Richard D</td>
<td>77.61 l.f. / $839.51</td>
<td>The east 28.3 feet of Lot 6 and the west 49.31 feet of Lot 7 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0844-101</td>
<td>1010 Durant St</td>
<td></td>
<td>Modesto CA 95350</td>
</tr>
<tr>
<td>22. 1018 Durant Street</td>
<td>Aiken, Verla H, et al Trs</td>
<td>77.51 l.f. / $838.43</td>
<td>The east 37.62 feet of Lot 5 and the west 39.89 feet of Lot 6 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0845-101</td>
<td>1018 Durant St</td>
<td></td>
<td>Modesto CA 95350</td>
</tr>
<tr>
<td>23. 1022 Durant Street</td>
<td>Nelson, Jan E, et al</td>
<td>77.61 l.f. / $839.51</td>
<td>The east 45.2 feet of Lot 4 and the west 32.41 feet of Lot 5 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0846-111</td>
<td>2509 Kirkwood</td>
<td></td>
<td>Modesto CA 95355</td>
</tr>
<tr>
<td>24. 1026 Durant Street</td>
<td>Clark, Dewain, D, et ux</td>
<td>77.61 l.f. / $839.51</td>
<td>Lot east 52.68 feet of Lot 3 and the west 24.93 feet of Lot 4 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0847-111</td>
<td>1026 Durant St</td>
<td></td>
<td>Modesto CA 95350</td>
</tr>
<tr>
<td>25. 1030 Durant Street</td>
<td>Nanez, Estella O</td>
<td>77.61 l.f. / $839.51</td>
<td>The east 62.16 feet of Lot 2 and the west 15.45 feet of Lot 3 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0848-111</td>
<td>1030 Durant St</td>
<td></td>
<td>Modesto CA 95350</td>
</tr>
<tr>
<td>26. 2502 College Avenue</td>
<td>Rossman, Carolyn</td>
<td>77.65 l.f. / $839.94</td>
<td>Lot 1 and the west 5.84 feet of Lot 2 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records</td>
</tr>
<tr>
<td>A.P.N. 002-007 059-0849-101</td>
<td>2502 College Ave</td>
<td></td>
<td>Modesto CA 95350</td>
</tr>
</tbody>
</table>
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE EL VECINO AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT

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

SECTION 1. The specifications for the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 16, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

JUDY E. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-477

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE ROCKWELL REPLACEMENT/ADDITION 1993-94 PROJECT

WHEREAS, Resolution No. 93-379, adopted by the Council of the City of Modesto on July 6, 1993, approved the plans and specifications for the rockwell replacement/addition 1993-94 project and authorized the calling for bids; and

WHEREAS, the bids received for the rockwell replacement/addition 1993-94 project were opened at 11:00 a.m. on August 5, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction in the amount of $257,285 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction in the amount of $257,285 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:__
RUBY C. HALL, Acting City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $41,732 TO FUND THE ROCKWELL REPLACEMENT/ADDITION 1993-94 PROJECT

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

FROM: Annual Positive Storm Drain Repairs $41,732
(628 480 D322 6040)

TO: Rockwell Replacement/Addition $41,732
(628 480 D329 6040)

The project scope was increased to provide improved drainage to critical areas that were not included in the original project scope. The increased costs will be funded by this transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-479

A RESOLUTION ACCEPTING THE BID OF HOWELL CONSTRUCTION, INC. FOR
THE SENIOR CITIZENS CENTER WALL MODIFICATIONS PROJECT

WHEREAS, Resolution No. 93-378, adopted by the Council of the
City of Modesto on July 6, 1993, approved the plans and
specifications for the Senior Citizens Center wall modifications project
and authorized the calling for bids; and

WHEREAS, the bids received for the Senior Citizens Center wall
modifications project were opened at 11:00 a.m. on July 29, 1993, and later tabulated
by the Director of Public Works & Transportation for the consideration
of the Council; and

WHEREAS, the Director of Public Works & Transportation has
recommended that the bid of Howell Construction, Inc. in the amount of
$27,850 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Howell Construction, Inc. in the amount of
$27,850 be accepted and the execution of a contract for the
completion of the project by the City's designated officials be
authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-480

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,500 TO FUND THE SENIOR CITIZENS CENTER WALL MODIFICATIONS PROJECT

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

FROM: Misc. Improvement Projects (140 310 0255 6050) $2,500
TO: Masonry wall at Senior Citizen's Center (140 310 C571 6060) $2,500

This transfer will help fund the Senior Citizens Center wall modifications project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY J. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF BAY VALVE SERVICE AND ENGINEERING FOR FURNISHING AND INSTALLING FOUR AUTOMATIC VALVE ACTUATORS AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN ADDITIONAL SEVEN VALVE ACTUATORS

WHEREAS, Resolution No. 93-190, adopted by the Council of the City of Modesto on April 6, 1993, approved the plans and specifications for furnishing and installing four automatic valve actuators and authorized the calling for bids; and

WHEREAS, the bids received for the automatic valve actuators were opened at 11:00 a.m. on May 3, 1993, 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 Bay Valve Service and Engineering for a total price of $38,574.36 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bay Valve Service and Engineering for a total price of $38,574.36 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: QUOY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-482

A RESOLUTION ACCEPTING THE BID OF BADGER METER, INC., FRANK OLSEN COMPANY, GROENIGER AND COMPANY, AND KENT METERS, INC. FOR FURNISHING VARIOUS SIZE WATER METERS

WHEREAS, Resolution No. 93-239, adopted by the Council of the City of Modesto on April 27, 1993, approved the plans and specifications for furnishing water meters and authorized the calling for bids; and

WHEREAS, the bids received for furnishing water meters were opened at 11:25 a.m. on May 17, 1993, and later tabulated for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Badger Meter, Inc., Frank Olsen Co., Groeniger and Co., and Kent Meters, Inc. for a total cost of $564,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Badger Meter, Inc., Frank Olsen Co., Groeniger & Co., and Kent Meters, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUBY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO THE CITY-COUNTY TRANSIT SERVICES COST SHARING AGREEMENT TO PROVIDE FOR THE COUNTY FUNDING THIS SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Stanislaus County regarding cost sharing for public transit services, and to provide for the County funding this service 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 August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-485

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $14,897 FROM CONTINGENCY RESERVE TO FUND THE PURCHASE OF THE GARST ROAD SCHOOL AND PARK SITE

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

FROM: Capital Facilities Fee Contingency Reserve $14,897
(135 800 8000 8003)

TO: Empire West Neighborhood Park $14,897
(135 310 P350)

At the time this project was established, exact cost of street frontage was unknown. This transfer will allow the City to pay off this project in a lump sum thereby avoiding paying interest at a rate higher than the City earns.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-486

A RESOLUTION ORDERING THE WHITMORE-GUTHERIE REORGANIZATION TO THE CITY OF MODESTO, (UNINHABITED), AND SUPERSEDING RESOLUTION NO. 91-513.

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 91-14 dated May 29, 1991, approved the proposed Whitmore-Gutherie Reorganization to the City of Modesto upon condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Whitmore-Gutherie Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that: (a) the subject territory is within the primary area of the Modesto Sphere of Influence; (b) the approval of the proposal with the inclusion of the entire Whitmore Avenue Road right-off-way between Ustick and Crows Landing Roads is consistent with all applicable local general plans; (c) the territory involved in the proposal is uninhabited; (d) all property owners within the subject territory have signed the petition for reorganization; and (e) the reorganization of this territory into the city will promote the planned, orderly, and efficient development of the area, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the
Industrial Fire Protection District; (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on May 29, 1991, certified that it considered the environmental document prepared by the City of Modesto as to the subject Reorganization, and found that responsibility for the monitoring and reporting to ensure CEQA compliance shall be with the City of Modesto, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is to allow urban development, as fifteen (15) acres have tentative map approval by the City of Modesto for sixty-eight (68) single-family lots, and

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

WHEREAS, the Local Agency Formation Commission has authorized the City Council to proceed without notice and hearing pursuant to Section 56837 of the California Government Code, and

WHEREAS, the City Council adopted Resolution No. 91-513 to approve the annexation with a condition regarding maintenance of Whitmore Avenue, and
WHEREAS, staff proposes to amend the resolution to delete the maintenance condition and to accept Whitmore Avenue into the City street system in accordance with the law,

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

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

2. That the area or territory designated as the Whitmore-Gutherie Reorganization located on the north side of Whitmore Avenue and east of Ustick Road is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto.

4. Said territory is hereby detached from the Industrial Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County
Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that Resolution No. 91-513 adopted August 6, 1991, is hereby superseded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Public Works and Transportation Department - Engineering Division

JUDY C. HALL, Acting City Clerk

08/10/93 --CA
WHITMORE-GUTHRIE REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situate in a portion of Sections 8, 17 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the most Southeasterly corner of the Whitmore No. 3 Annexation, filed October 2, 1981, as instrument number 18247, Stanislaus County Records, said point of beginning being on the center line of Whitmore Avenue; thence North 0° 10' 40" East 1174.84 feet along the Eastern boundary of said Whitmore No. 3 Annexation; thence continuing along said boundary South 89° 20' 00" East 481.23 feet to a corner on the Western boundary of the Whitmore No. 2 Annexation, filed November 20, 1980 as instrument number 32240, Stanislaus County Records; thence the following three (3) courses along the boundary of said Whitmore No. 2 Annexation:
1. South 0° 0' 00" West 700.00 feet
2. South 89° 20' 00" East 132.00 feet
3. South 0° 10' 00" West 472.00 feet to the most Southwesterly corner of said Whitmore No. 2 Annexation, said corner being on the aforementioned center line of Whitmore Avenue; thence South 89° 29' 00" East 3304.40 feet along said center line of Whitmore Avenue, being also the Southerly lines of said Whitmore No. 3 Annexation and Crows Landing-Whitmore Annexation, filed April 4, 1980 as instrument number 62873, Stanislaus County Records, to the Southeast corner of said Crows Landing-Whitmore Annexation, said corner being also the Southeast corner of said Section 8 and the intersection of the center lines of Whitmore Avenue and Crows Landing Road; thence South 0° 5' 00" West 50.00 feet along said center line of Crows Landing Road; thence the following seven (7) courses along the South right of way line of said Whitmore Avenue:
1. North 89° 29' 00" West 417.12 feet
2. North 0° 40' 00" East 30.00 feet
3. North 89° 29' 00" West 911.71 feet
4. South 0° 00' 00" West 25.00 feet
5. North 89° 29' 00" West 355.40 feet
6. North 0° 00' 00" East 25.00 feet
7. North 89° 29' 00" West 3609.41 feet to the center line of Ustick Avenue and the West line of said Section 17; thence North 89° 00' 00" West 14.00 feet; thence North 0° 13' 00" East 20.00 feet to the center line of Whitmore Avenue and the North line of said Section 18; thence South 89° 50' 00" East 14.00 feet along said center line and Section line to the Southwest corner of said Section 8; thence South 89° 29' 00" East 1321.63 feet to the point of beginning.

CONTAINING: 17.93 acres, more or less

Exhibit "A"
Ark to be annexed.

Previous annexation boundary.

References are to Stanislaus County Records.

CROWS LANDING - WHITMORE ANNEXATION
Filed 4-4-80 - Inst. No. 32873

WHITMORE No. 2 ANNEXATION
Filed 11-20-80 - Inst. No. 32880

WHITMORE No. 3 ANNEXATION
Filed 10-2-81 - Inst. No. 18247

BASIS OF bearings: S 69° 20' 00" E, for the
South line of Rutherford Tract as per map
filed 3-4-47 in Volume 16 Maps, Page 37,
Stanislaus County Records.

WHITMORE-GUTHRIE
REORGANIZATION
TO CITY OF MODESTO
17.93 ACRES

Approved as to description
ON 1-1-91
BY M. Mill
A RESOLUTION APPOINTING PETER DUTTON, MARIA HATCH, BETTY INCLAN AND KATHLEEN MORGAN TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. The following persons are hereby appointed to the Community Qualities Forum:

Peter Dutton - term to expire 12/31/94
Maria Hatch - term to expire 12/31/95
Betty Inclan - term to expire 12/31/93
Kathleen Morgan - term to expire 12/31/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REROOFING AIRPORT HANGAR NO. 1

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

SECTION 1. The specifications for reroofing Airport Hangar No. 1, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 16, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE SCENIC DRIVE STREET WIDENING EAST OF OAKDALE

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

SECTION 1. The specifications for the Scenic Drive street
widening east of Oakdale

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

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
September 16, 1993 at 11:05 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 24th day of August
1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-489A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE SCENIC DRIVE STREET WIDENING PROJECT EAST OF OAKDALE ROAD.

WHEREAS, on March 31, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Scenic Drive street widening east of Oakdale Road project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration (or draft mitigated negative declaration) for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MIKE MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-490

A RESOLUTION ACCEPTING THE ANNUAL SEWER REHABILITATION PROJECT - COLDWELL AVENUE BETWEEN HACKBERRY AND ENSLEN AND HELEN AVENUE BETWEEN McHENRY AVENUE AND ILA WAY

WHEREAS, a report has been filed by the Director of Public Works that the annual sewer rehabilitation project - Coldwell Avenue between Hackberry and Enslen and Helen Avenue between McHenry Avenue and Ila Way has been completed by Allen A. Waggoner Construction Inc. in accordance with the contract agreement dated.

NOW, THEREFORE, BE IT RESOLVED that the annual sewer rehabilitation project - Coldwell Avenue between Hackberry and Enslen and Helen Avenue between McHenry Avenue and Ila Way be accepted from said contractor,

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $68,124.22 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 24th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-491

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND INDUSTRIAL FIRE DISTRICT FOR PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL FIRST RESPONDER SERVICE TO INDUSTRIAL FIRE DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Industrial Fire District for providing fire protection and emergency medical first responder service to Industrial Fire District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August 1993, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-492

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC MEDIA GROUP TO PROVIDE ADVERTISING AGENCY SERVICES TO THE CITY'S PUBLIC TRANSPORTATION SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Media Group to provide advertising agency services to the City's public transportation services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-493

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE ALLEY RIGHT-OF-WAY IN BLOCK 2185 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Donald Bradley, the property owner at 1850 Maria Court, to abandon a portion of the alley right-of-way in Block 2185 of the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate alleys, and

WHEREAS, said portion of the alley right-of-way is located in Block 2185 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Section 8331 of the California Streets and Highways Code.

2. Section 8331 of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate the impassable right-of-way of a
street not required for street purposes for a period of five consecutive years.

3. The portion of right-of-way proposed for abandonment is not needed for future use.

4. Access to or from the adjoining commercial parcel to the south is not authorized.

5. That from and after the date this resolution is recorded, said portion of alley right-of-way vacated in Block 2185 of the City of Modesto will no longer constitute an alley.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of alley right-of-way located in Block 2185 of the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

APPROVED AS TO FORM:

By ______________
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By ______________
PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, ENGINEERING

JUDY C. HALL, Acting City Clerk

(SEAL)
EXHIBIT "A"

1850 MARIA COURT
LOT 16 - BLOCK 2185
APN 116-0923

VACATE AND ABANDON A PORTION OF ALLEY - BLOCK 2185

All that real property in the State of California, County of Stanislaus, City of Modesto, Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The East 10 feet of the South 51 feet, measured at right angles, of Lot 16 of Block 2185 of Ucello Tract No. 2 as per map filed July 18, 1949 in Volume 16 of Maps, Page 59, Stanislaus County Records.

Reserving therefrom any existing easements or rights necessary to maintain, operate replace, remove or renew the public utility facilities.
VACATE and ABANDON ALLEY R/W AT BLOCK 2185 APN 116-0923
A RESOLUTION DESIGNATING LABOR DAY, SEPTEMBER 6, 1993, AS "TRY AMERICAN DAY".

WHEREAS, the creativity and ingenuity of American working men and women in the United States has provided a host of new products and services which improve the quality of life in the United States and the world, and

WHEREAS, American workers should be recognized as one of our Nation's most valuable resources, and

WHEREAS, the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world, and

WHEREAS, the United States and its citizens have reason to celebrate the strength and quality of American products and services, and

WHEREAS, the quality and abundance of American goods are a tribute to the productivity and ability of American workers, and

WHEREAS, the ability of American companies to export, even in the face of strong trade barriers in many countries, is a sign of the true competitiveness of American products, and

WHEREAS, American farmers and ranchers provide this country and the world with a wide array of high quality food and fiber products and consistently create annual agricultural trade surpluses of more than $20,000,000,000, and
WHEREAS, the energy and perseverance of American business serves as a beacon for other nations that strive to ensure prosperity for their people, and

WHEREAS, American small business provides a basis for economic progress and for the creation of jobs and opportunities for people from every corner of America,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that September 6, 1993, Labor Day, is hereby designated as "Try American Day" and the citizens of Modesto are encouraged to observe the day with appropriate ceremonies and activities and to honor the day through the purchase of American-made goods and services.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE HETCH HETCHY BIKE PATH, PHASE I

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

SECTION 1. The specifications for the Hetch Hetchy Bike Path, Phase I,
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 7, 1993, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO NEW STREET SWEEPERS

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

SECTION 1. The specifications for furnishing two new street sweepers, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 4, 1993, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-497

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF
SEVENTEEN USED LATE MODEL SEDANS AND THREE USED LATE MODEL TRUCKS FROM GOLDEN
GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION OR BY SEALED BID IF THE TRUCKS
ARE NOT AVAILABLE THROUGH THE AUCTION PROCESS

WHEREAS, the Public Works and Transportation Department, Service Division
has requested the purchase of seventeen used late model sedans and three used
late model trucks to replace vehicles that are no longer serviceable; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
formal bid procedure for the purchase of seventeen used late model sedans and
three used late model trucks is hereby waived.

BE IT FURTHER RESOLVED that purchase of seventeen used late model sedans
and three used late model trucks from Golden Gate Auto Auction and/or Bay Cities
Auto Auction or by sealed bid if the trucks are not available through the auction
process, for an estimated cost of $256,000, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 7th day of September, 1993, by Councilmember
Friedman , 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, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-498

A RESOLUTION SETTING PRIORITIES FOR PROJECTS TO BE INCLUDED IN THE CITY’S SUBMITTAL FOR TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) PROJECTS AND STATING THE COUNCIL’S COMMITMENT TO PROVIDING THE LOCAL MATCH AS NECESSARY.

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) designates that ten percent of the Surface Transportation Program (STP) will be used to fund Transportation Enhancement Activities (TEA), and

WHEREAS, TEA projects are those which improve the physical environment; and through this program, ISTEA reflects a growing recognition that transportation programs vital to national mobility and international competitiveness also include consideration of the overall environmental context and community values and setting, and

WHEREAS, Transportation Enhancement Funds are to be used for transportation related projects that enhance quality of life in or around transportation facilities. Projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system, and

WHEREAS, the City of Modesto has been asked to identify projects which are appropriate to be included for consideration for TEA funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby sets the priorities for
projects to be included in the City's submittal for Transportation Enhancement Activities Projects as set forth below and hereby states the Council's commitment to providing the local match as necessary.

1. **Dry Creek Bike Trail Project.**

   This is a project to develop approximately three miles of a pedestrian/Class I bicycle trail along the south bank of Dry Creek from El Vista Avenue to the eastern side of Claus Road. This proposed trail will meander along the creek bluff through Dry Creek Regional Park and along a dedicated trail easement.

2. **Transportation Center Operations Project.**

   This is a project for a 2 1/2 year period of time which would cover the operations cost of that portion of the Transportation Center which is specifically open to the public. Said project allows use of a historic building for transportation purposes that are not for profit.

   BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized as the official representative of the City of Modesto to execute and submit any and all documentation in relation to the Transportation Enhancement Grant Act.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th
day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by
Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $42,900 TO FUND NEW LIMITED-TERM (TWO YEAR) JUNIOR CIVIL ENGINEER POSITION IN THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

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

FROM: Water Reserves (610 800 8000 8003) $42,900

TO: Salaries, Regular (610 480 5012 0110) $32,257
(610 480 5012,0160) $10,643

Funding is needed for limited-term Junior Assistant Civil Engineer. This position was inadvertently left out of FY 1994 Operating Budget for Organization 5012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-500

A RESOLUTION APPROVING AN AMENDMENT TO THE CONSENT TO COMMON USE AGREEMENT WITH MODESTO IRRIGATION DISTRICT TO ALLOW REPLACEMENT OF THE NARROW BRIDGE CROSSING ON EL VECINO AVENUE AT M.I.D. LATERAL NO. 4

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to Consent to Common Use agreement with Modesto Irrigation District to allow replacement of the narrow bridge crossing on El Vecino Avenue at M.I.D. Lateral No. 4 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-501

A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION REGARDING EMERGENCY SERVICE AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the letter of agreement with the Federal Aviation Administration regarding emergency service at the Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-502

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT NOISE COMPATIBILITY PROGRAM AND AUTHORIZING SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION FOR FINAL APPROVAL.

WHEREAS, the City of Modesto, as operator of the Modesto City-County Airport, has recognized the importance of an aircraft noise abatement program, and in 1991, undertook a Federal Aviation Administration's FAR Part 150 Study, and

WHEREAS, the Airport Noise Compatibility Program is a program that encourages the balancing of community concerns and aviation needs, and

WHEREAS, in August 1992, the City Council conducted a public hearing to consider a draft Airport Noise Compatibility report prepared for the City by P & D Aviation, a division of P&D Technologies, airport consultants, and

WHEREAS, following that Council meeting, the consultants were requested to prepare a final document that could be adopted and then submitted to the FAA for their final approval, and

WHEREAS, a final document entitled "FAR Part 150 Airport Noise Compatibility Program Modesto City-County Airport" dated August 13, 1993, was presented to the City Council at its meeting of September 7, 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the final document
prepared by McClintock, Becker & Associates, a subsidiary of P&D Technologies, Inc., entitled "FAR Part 150 Airport Noise Compatibility Program Modesto City-County Airport" dated August 13, 1993, a copy of which report is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized as the official representative of the City of Modesto to execute and submit any and all documentation in relation to said report to the Federal Aviation Administration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-503

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FINANCING AGREEMENTS WITH PROPERTY OWNERS CECELIA MOTT, RODNEY WARING, RODOLFO SANDOVAL AND LUCAS ALBERTO FOR THE PURPOSE OF REHABILITATING THEIR PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute financing agreements with property owners Cecelia Mott, Rodney Waring, Rodolfo Sandoval and Lucas Alberto for the purpose of rehabilitating their properties pursuant to the City of Modesto's Housing Rehabilitation Program.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-504

A RESOLUTION APPROVING REAMORTIZATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOAN FOR UNCLE CHARLIE'S GROUP HOME.

WHEREAS, Reverend Charlie Crane of Uncle Charlie's Group Home obtained a Community Development Block Grant (CDBG) loan in the amount of $87,000 in March, 1988, to purchase and rehabilitate the house at 523 North Martin Luther King Drive, Modesto, and

WHEREAS, the house was purchased in 1988 and remodeled to serve as a group home for delinquent and older children, and

WHEREAS, Reverend Crane has made his required payments on said loan, and

WHEREAS, in July, 1989, an additional CDBG loan in the amount of $54,552 was awarded to Uncle Charlie's Group Home, which was a one-year deferred payment loan to cover the additional costs of providing the Independent Living Skills Program, an upgraded program from the original group home proposal, and

WHEREAS, according to the agreement, the loan was to be paid in full by June 20, 1990, when the State would reimburse Uncle Charlie's Group Home for the costs of upgrading to the new program, and

WHEREAS, the State did approve the upgraded program, but did not reimburse Uncle Charlie's Group Home, consequently, this loan was not paid off according to the agreement, and
WHEREAS, the Community Housing and Community Development Committee, at their July 2, 1993 meeting, recommended that the City Council approve a request from Mr. Crane, proposing to make payments of $554.60 per month on the $54,552 loan commencing on July 27, 1993, half of the payment would be applied to the accumulated interest and the remaining half would be applied to the current month's interest, and

WHEREAS, a report dated August 27, 1993, from the Planning and Community Development Department recommended to the City Council a proposal to reamortize a CDBG loan approved for Uncle Charlie's Group Home, a copy of which report is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal and recommendation to accept payment from Mr. Crane in the amount of $508.75 per month on the $54,552 loan, commencing on July 27, 1993, with the payoff to be within two years, with back interest added to the principal and the entire loan reamortized over a 15 year period, is hereby approved contingent upon an appraisal of the property being more than the total of the two outstanding loans.

BE IT FURTHER RESOLVED, that the City Manager or his authorized designee is hereby authorized as the official representative of the City of Modesto to execute any necessary documents in relation to this transaction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/SENIOR NUTRITION PROGRAM FOR A GRANT OF $36,347 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Service Program/Senior Nutrition Program for a grant of $36,347 under the Community Development Block Grant Program for Fiscal Year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-506

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICE FOR A GRANT OF $11,136 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94 FOR THE HOUSING COUNSELING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Service for a grant of $11,136 under the Community Development Block Grant Program for fiscal year 1993-94 for the Housing Counseling Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICE FOR A GRANT OF $36,712 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94 FOR THE TRANSITIONAL HOUSING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Service for a grant of $36,712 under the Community Development Block Grant Program for fiscal year 1993-94 for the Transitional Housing Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-508

A RESOLUTION APPROVING THE SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS PROVIDING FOR THE CITY TO REIMBURSE THE DISTRICT FOR THE CITY'S SHARE OF THE DISTRICT'S COSTS RELATED TO THE ACQUISITION OF THE JOHANSEN HIGH SCHOOL/SUTTON COMMUNITY PARK SITE PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment to the agreement between the City of Modesto and Modesto City Schools providing for the City to reimburse the District for the City's share ($1,401,529.23) of the District's costs related to the acquisition of the Johansen High School/Sutton Community Park site property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk
RESOLUTION NO. 93-509

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO CITY SCHOOL DISTRICT REGARDING USE OF TWO BALLFIELDS IN THE JOHANSEN HIGH SCHOOL/SUTTON COMMUNITY PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District regarding the use of two ballfields in the Johansen High School/Sutton Community Park site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT PROVIDING FOR THE CITY TO REIMBURSE THE DISTRICT FOR CONSTRUCTION OF THE POOL AT THE JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District providing for the City to reimburse the District $518,525 for construction of the pool at the Johansen High School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT REGARDING THE SWIMMING POOL SUPPORT FACILITY AT THE JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District regarding the City's construction, maintainence and repair of the swimming pool support facility at the Johansen High School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT PROVIDING FOR USE OF AND REIMBURSEMENT OF THE CITY'S SHARE OF THE CONSTRUCTION OF TENNIS COURTS AT THE JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District providing for use of and reimbursement of the City's share of the construction of tennis courts at the Johansen High School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $747,954 FOR THE
JOHANSEN COMMUNITY PARK TENNIS COURTS PROJECT, AND JOHANSEN COMMUNITY PARK
LAND ACQUISITION PROJECT

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

FROM: NE McHenry Neighborhood Park Land Acquisition Capital Facilities Fee Reserve
$307,474 $440,484

TO: Johansen Community Park Tennis Courts Johansen Community Park Land Acquisition
$ 4 $747,954

This transfer is needed to fund the Johansen Community Park tennis courts project and Johansen Community Park land acquisition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $75,000 FOR SOIL TESTING AND GROUND SURVEY FOR THE VILLAGE ONE STORM DRAINAGE SYSTEM

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

FROM: Storm Drain Contingency Reserve (628 800 8000 8003) $75,000
TO: Village One - Soil Testing/Geometry Check $75,000

Funds are needed for preliminary soil testing and ground survey for Village One storm drainage system.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE

NARRINE COYLE, City Clerk
WHEREAS, an application is being made by the County of Stanislaus to the California Integrated Waste Management Board for consideration for designation as a Recycling Market Development Zone as a measure necessary to improve local and regional markets for recovered materials, and

WHEREAS, implementation of the source reduction and recycling element will result in a dramatic increase in the quantity and types of materials recovered from diversion programs instituted in conjunction with the mandated Integrated Waste Management Act, and

WHEREAS, the cities and the County of Stanislaus will be joint lead agencies for the Recycling Market Development Zone, and

WHEREAS, the Recycling boundaries would encompass all incorporated and unincorporated areas of Stanislaus County, and

WHEREAS, the creation of the Recycling Market Development Zone would enhance job creation and economic development goals, and

WHEREAS, upon designation by the California Integrated Waste Management Board of the Recycling Market Development Zone, the City of Modesto will work to expand participation in the Zone,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. Current and planned City waste management practices, programs, and conditions are favorable to the development of post-consumer waste material markets.

SECTION 2. The designation of the Recycling Market Development Zone is necessary in order to assist in attracting and developing private sector recycling business investments to the proposed Zone.

SECTION 3. The City of Modesto hereby agrees to complete all actions stated in the application for the Recycling Market Development Zone that apply to the City's jurisdiction.

SECTION 4. The City Council of the City of Modesto hereby approves the inclusion of the entire incorporated area of the City of Modesto into the Stanislaus County Recycling Market Development Zone.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed 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 __14th__ day of __September__, 1993, by Councilmember __Friedman__, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: __Norrine Coyle__, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __Michael D. Milich__, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-516

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE WASTEWATER TREATMENT PLANT.

WHEREAS, on July 21, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Wastewater Treatment Plant project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended mitigated negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed mitigated negative declaration.
SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed mitigated negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST:

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-517

A RESOLUTION ADOPTING A BIOSOLIDS MANAGEMENT PLAN FOR THE CITY OF MODESTO AND A BIOSOLIDS MITIGATION MONITORING PROGRAM.

WHEREAS, a land application permit and the development of a biosolids management plan are required by new federal regulations for disposal of biosolids, and

WHEREAS, issuance of a land application permit for biosolids from the California Regional Water Quality Control Board is pending on the adoption of the mitigated negative declaration and biosolids management plan by the City Council, and

WHEREAS, a Biosolids Management Plan for the City of Modesto, dated March 23, 1993, and revised July 22, 1993, has been prepared by DJH Engineering and Brisco Enterprises, and was considered by the City Council at its meeting held on September 14, 1993, and

WHEREAS, a Biosolids Mitigation Monitoring Program dated July 22, 1993, was also considered by the City Council at its meeting held on September 14, 1993,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby adopts the Biosolids Management Plan for the City of Modesto and the Biosolids Mitigation Monitoring Program, and City staff is hereby directed to amend the City's application pending before the California Regional Water Quality
Control Board to limit the term of the permit to eighteen (18) months.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any documents in relation to said application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Friedman, 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, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: ____________________________
Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-518

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO-IRRIGATION DISTRICT FOR SALE TO THEM OF 6.364 ACRES OF LAND NEEDED TO CONSTRUCT THE SURFACE WATER TREATMENT PLANT TERMINAL RESERVOIRS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for sale to them of 6.364 acres of land needed to construct the Surface Water Treatment Plant terminal reservoirs be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A LICENSE WITH MODESTO IRRIGATION DISTRICT TO ALLOW THEM ON PROPERTY PURCHASED FOR THE SURFACE WATER TREATMENT PLANT TERMINAL RESERVOIRS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license with Modesto Irrigation District to allow them on property purchased for the Surface Water Treatment Plant terminal reservoirs prior to the close of escrow be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH ALCORN FARMS FOR THE LEASE OF 11.5 ACRES OF CITY-OWNED PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Alcorn Farms for the lease of 11.5 acres of City-owned property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-521

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WRITE A LETTER TO THE MODESTO IRRIGATION DISTRICT ACCEPTING THE FINAL DESIGN PLANS FOR THE SEDIMENTATION BASIN

WHEREAS, the Policy Committee met on July 21, 1993, and recommended acceptance of Final Design Plans and Specifications for the Sedimentation Basin in conjunction with the Modesto Surface Water Treatment Plant study.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to write a letter to the Modesto Irrigation District accepting the final design plans for the sedimentation basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-522

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE TO PARTICIPATE IN THE SUBSIDIZED FEDERAL WORK-STUDY PROGRAM FOR THE 1993-94 ACADEMIC YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 1993-94 academic year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-523

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $25,000 FOR ASBESTOS REMOVAL ON CONTROL BUILDING EXPANSION PROJECT AT THE WATER QUALITY CONTROL PLANT

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

FROM: Water Fund Reserves
       (610)
       $25,000

TO:   Control Building Expansion at WQCP
       (610 480 C146)
       $25,000

When the project was originally budgeted, asbestos abatement was estimated at $5,000. The actual asbestos abatement cost was $30,000. The transfer is needed to cover the additional cost for asbestos abatement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:   Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES:   Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
        NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-524  

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR  
BIDS FOR INSTALLATION OF WATERLINES IN THE GRANGER-ARDMORE AVENUE AREA  

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

SECTION 1. The specifications for installation of waterlines in  
the Granger-Ardmore Avenue area, copies of which are on file, are hereby accepted and approved.  

SECTION 2. The City Clerk is hereby authorized to call for public  
competitive sealed bids for the above named project, to be opened in the  
office of the City Clerk, 801 11th Street, in the City of Modesto, on  
October 21, 1993 at 11:05 a.m., the City Clerk is hereby  
directed to give notice inviting such sealed bids in the time, form, and  
manner provided by law.  

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

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 21st day of September  
1993, 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, Cogdill, Dobbs, Friedman,  
Muratore, Patterson  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Lang  

ATTEST:  
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LAKEWOOD SEWER TRUNK EXTENSION UNDER MODESTO IRRIGATION DISTRICT LATERAL NO. 3

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

SECTION 1. The specifications for the Lakewood sewer trunk extension under Modesto Irrigation District Lateral No. 3, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 21, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September 1993, 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, Cogdill, Dobbs, Friedman, Mutatore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEND: ______________________________ 
NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF SCRIMSHIER & MINEINI CONSTRUCTION INC. FOR THE MECHANICAL BAR SCREEN REPLACEMENT PROJECT

WHEREAS, Resolution No. 93-448, adopted by the Council of the City of Modesto on August 3, 1993, approved the plans and specifications for barscreen replacement and authorized the calling for bids; and

WHEREAS, the bids received for the barscreen replacement project were opened at 11:00 a.m. on September 2, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Scrimsher & Mineni Construction Inc. in the amount of $570,878 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher & Mineni Construction, Inc. in the amount of $570,878 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-527

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE ZEFF ROAD STREET IMPROVEMENTS PROJECT

WHEREAS, Resolution No. 93-459, adopted by the Council of the City of Modesto on August 10, 1993, approved the plans and specifications for the Zeff Road street improvements and authorized the calling for bids; and

WHEREAS, the bids received for the Zeff Road street improvements were opened at 11:05 a.m. on September 2, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of $51,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $51,000 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE WHITMORE AVENUE AND UNION PACIFIC RAILROAD CROSSING PROJECT

WHEREAS, Resolution No. 93-462, adopted by the Council of the City of Modesto on August 10, 1993, approved the plans and specifications for the Whitmore Avenue and Union Pacific Railroad crossing project and authorized the calling for bids; and

WHEREAS, the bids received for the Whitmore Avenue and Union Pacific Railroad crossing project were opened at 11:15 a.m. on September 9, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction in the amount of $52,642 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction in the amount of $52,642 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-529

A RESOLUTION ACCEPTING THE BID OF TRI-TECHNIC, INC. FOR THE RUNWAY 28-R-10L
REGULATOR UPGRADE

WHEREAS, Resolution No. 93-460, adopted by the Council of the City of Modesto on August 10, 1993, approved the plans and specifications for the runway 28-R-10L regulator upgrade and authorized the calling for bids; and

WHEREAS, the bids received for the runway 28-R-10L regulator upgrade were opened at 11:05 a.m. on September 9, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Tri-Technic, Inc. in the amount of $34,541 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Tri-Technic, Inc. in the amount of $34,541 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $11,252.00 TO FUND RUNWAY 28-R-10L REGULATOR UPGRADE PROJECT

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

FROM: Strengthen Water, System-Aviation Area $11,252.00 (632 480 B923 6040)  
TO: Electrical Regulator Runway 28R-10L $11,252.00

Additional funds are required because actual project costs were higher than originally budgeted for.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-531

A RESOLUTION ACCEPTING THE BID OF AMERICAN CHEVROLET-GEO FOR FURNISHING
ONE NEW SUBURBAN VEHICLE

WHEREAS, Resolution No. 93-189, adopted by the Council of the City of Modesto on April 6, 1993, approved the plans and specifications for the purchase of one new suburban vehicle and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of one suburban vehicle were opened at 11:15 a.m. on April 26, 1993, 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 American Chevrolet-GEO in the amount of $25,683.21 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Chevrolet-GEO in the amount of $25,683.21 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. Res. 93-532

A RESOLUTION APPROVING THE PERSONAL COMPUTER ACQUISITION PROGRAM.

WHEREAS, one of the City Manager's challenges is to encourage and develop innovative ways to improve the performance of City services, and

WHEREAS, the most fundamental and primary business tool used by City staff today is the computer, and

WHEREAS, a "Personal Computer Acquisition Program" would increase the availability of computer technology to City employees, thereby enhancing their opportunities to improve their computer skills and literacy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Personal Computer Acquisition Program", as recommended by the City Manager, is hereby approved. Said program will create a mechanism to allow the lending of money to qualifying City employees, with a maximum three-year repayment term, to enable said employees to purchase personal computers for home use and professional growth and development. A copy of said "Personal Computer Acquisition Program" is on file in the office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

(Seal)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-533

A RESOLUTION AMENDING THE 1993-94 ANNUAL
BUDGET OF THE CITY OF MODESTO TO ESTABLISH A
PERSONAL COMPUTER ACQUISITION PROGRAM.

WHEREAS, the City of Modesto would benefit from a work
force with improved computer proficiency, and

WHEREAS, a "Personal Computer Acquisition Program"
would increase the availability of computer technology to City
employees, thereby enhancing their opportunities to improve
computer skills and literacy, and

WHEREAS, a revolving note receivable in an amount not
to exceed $50,000 will be established in the Employee Benefits
Management Fund (Fund No. 751),

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that a "Personal Computer Acquisition Program" be
established for the benefit of current, regular City of Modesto
employees.

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 21st day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Muratore, Patterson, Vice Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION SUPPORTING ASSEMBLY BILL 1523 WHICH WOULD ALLOW A TAX INCOME CHECK OFF TO HELP FUND THE CONSTRUCTION OF THE CALIFORNIA FIREFIGHTERS MEMORIAL.

WHEREAS, the Modesto City Firefighters Association has requested Council support of AB 1523, and

WHEREAS, AB 1523 legislation would allow a tax income check off to help fund the construction of the California Firefighters Memorial, a structure to be built on the State Capitol grounds as a memorial to firefighters who have died in the line of duty, and

WHEREAS, funding would be accomplished by a tax check off method and would be at no cost to the taxpayers of California, and

WHEREAS, the Economic Development, Community and Intergovernmental relations Committee has reviewed the request from the Modesto Firefighters and has recommended Council support,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby supports AB 1523 legislation to allow a tax income designation to help fund the construction of the California Firefighters Memorial, a structure to be built on the State Capitol grounds as a memorial to firefighters who have died in the line of duty.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-535

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND EMILIO REAL, PROPERTY OWNER, FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and property owner Emilio Real, for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES:    Councilmembers:    None

ABSENT:  Councilmembers:    Mayor Lang

ATTEST:  NORMINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 93-536

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
STANISLAUS ASSOCIATION OF GOVERNMENTS (SAAG) FOR PROVISION OF TRAFFIC MODELING
SERVICES BY CITY TRANSPORTATION DIVISION STAFF ON A REIMBURSABLE BASIS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Stanislaus Association
of Governments (SAAG) for provision of traffic modeling services by City
Transportation Division staff on a reimbursable basis

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman,
Muratore, Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BLACK & VEATCH TO PREPARE A PLANT AND SANITARY COLLECTION SYSTEM MASTER Plan AND A WASTEWATER REVENUE AND FINANCING PLAN TO IMPLEMENT THE IMPROVEMENTS RECOMMENDED BY THE MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Black & Veatch to prepare a Plant and Sanitary Collection System Master Plan and a Wastewater Revenue and Financing Plan to implement the improvements recommended by the Master Plan be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

ATTEST: ________________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $60,000 FROM SEWER RESERVES FOR COMPLETION OF THE WASTEWATER TREATMENT PLAN, THE COLLECTION SYSTEM MASTER PLAN, THE WASTEWATER STRATEGIC PLAN, AND FINANCE AND REVENUE PROGRAM

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

FROM: Sewer Reserved $60,000
TO: W.Q.C.P. Master Plan $40,000
Collection System Master Plan $20,000

Originally it was anticipated the Wastewater Treatment Plant Master Plan and Collection Master Plan would cost $250,000. This transfer will permit the completion of a Wastewater Treatment Master Plan, Collection System Master Plan, a Wastewater Strategic Plan, and a Finance and Revenue Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE

NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-539

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHN BREE FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE SEPTEMBER 21, 1993

WHEREAS, John Bree was appointed a member of the International Friendship Committee on January 27, 1987; and

WHEREAS, John Bree has tendered his resignation from the International Friendship Committee, effective September 21, 1993; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of John Bree from the International Friendship Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: ________________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RAY NISH FROM THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE

WHEREAS, Ray Nish was appointed a member of the Tuolumne River Regional Park Citizens Advisory Committee on February 13, 1990; and

WHEREAS, Ray Nish has tendered his resignation, effective September 21, 1993; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Ray Nish from the Tuolumne River Regional Park Citizens Advisory Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-541

A RESOLUTION APPOINTING HOWARD SPIVAK TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. That Howard Spivak is hereby appointed to the Community Qualities Forum.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING DAVID DIAZ DURAN TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

SECTION 1. That David Diaz Duran is hereby appointed to the Citizens Housing and Community Development Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: ____________________________
Norrine Coyle, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE JOHN MUIR COURT STORM DRAIN REPAIR

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

SECTION 1. The specifications for the John Muir Court storm

drain repair

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

SECTION 2. The City Clerk is hereby authorized to call for public

competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
October 21, 1993 at 11:10 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of September
1993, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman,
       Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: [Signature]

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF KSENCO CONSTRUCTION FOR INSTALLATION
OF WATERLINES IN THE TERESA-TEBBUTT AREA

WHEREAS, Resolution No. 93-461, adopted by the Council of the
City of Modesto on August 10, 1993, approved the plans and
specifications for the installation of waterlines in the Teresa-Tebbutt
area and authorized the calling for bids; and

WHEREAS, the bids received for installation of waterlines in the
Teresa-Tebbutt area were opened at 11:10 a.m. on September 9, 1993, and later tabulated
by the Director of Public Works & Transportation for the consideration
of the Council; and

WHEREAS, the Director of Public Works & Transportation has
recommended that the bid of Ksenco Construction in the amount of
$214,990 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Ksenco Construction in the amount of $214,990
be accepted and the execution of a contract for the completion of the project by the City's designated officials be
authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ___________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-545

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $116,015 TO FUND THE INSTALLATION OF WATERLINES IN THE TERESA-TEBBUTT AREA

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

FROM: Kearney, Orangeburg to Pearl $68,400
       Tank No. 5 Construction  47,615

TO:    Alleys: Orangeburg, Teresa, Tebbutt $116,015

Funds are needed because it was decided to expand the project in order to bring the water system in the whole area up to standard.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
          NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-546

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF COFFEE ROAD FROM FLOYD AVENUE TO RUMBLE AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the reconstruction of Coffee Road from Floyd Avenue to Rumble Avenue has been completed by Ross' F. Carroll, Inc. in accordance with the contract agreement dated July 23, 1991.

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of Coffee Road from Floyd Avenue to Rumble Road be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $382,900.23 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Morrine Coyle, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-547  

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID OR BY A PUBLIC AUCTION.

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

WHEREAS, the City possesses one (1) lot of traffic signal equipment, list attached, which the Electrical Division of the Public Works and Transportation Department has requested to be placed into surplus, as this equipment is obsolete and has been replaced with state-of-the-art equipment, and

WHEREAS, the City possesses four (4) new 1993 Ford F250/F350SRW pickup truck boxes which the Service Division of the Public Works and Transportation Department has requested to be placed into surplus, as these new 1993 pickup truck boxes were removed from the four (4) new 1993 pickup trucks in order to accommodate the installation of flatbeds, and

WHEREAS, said equipment could best be sold on a sealed bid basis, however, if said items of property do not sell on a sealed bid basis said property should then be sold at a public auction,

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

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell on a
sealed bid basis to the highest bidder, one (1) lot of traffic
signal equipment, and four (4) new 1993 pickup truck boxes which
are all referred to above, which are hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City
Manager or by such person as he may select for this purpose.

SECTION 3. If said items of property cannot be sold on
a sealed bid basis as provided for above, then said property may
be sold at a public auction utilizing the current agreement which
was entered into on October 4, 1988, and which was approved by
Council Resolution No. 88-757, which provides for auctioneering
services to be provided by Roger Ernst and Associates, subject to
the appropriate insurance being on file in the Office of the City
Clerk, and subject to at least five (5) days notice before the
time fixed for the sale, the City Clerk shall cause notice
thereof to be published in The Modesto Bee, the official
newspaper of the City of Modesto. Said notice shall set forth
the time and place of the sale and that the lists of the items to
be offered for sale can be inspected in the Office of the City
Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-548

A RESOLUTION SUPPORTING PROPOSITION 172,
CALIFORNIA LOCAL PUBLIC SAFETY PROTECTION AND
IMPROVEMENT ACT OF 1993, WHICH WILL APPEAR ON
THE NOVEMBER 1993 BALLOT TO EXTEND THE
ONE-HALF PERCENT STATE SALES TAX RATE.

WHEREAS, police and fire protection services are of vital importance to
the citizens of Modesto, and

WHEREAS, the Modesto City Council believes public safety is an
essential, basic and high priority service of city government, and

WHEREAS, the shift of over $27.7 million in local property tax dollars
from Stanislaus County and its nine cities to schools in two years forces dramatic
changes in the delivery of local public safety services, and

WHEREAS, adequate community protection for all residents of Modesto
and Stanislaus County is continually threatened because of funding changes at the
state level, and

WHEREAS, identified reductions in county law enforcement, fire
protection and criminal justice services - due to failure of Proposition 172 - will
impair the ability of Modesto Police and Fire personnel to adequately perform their
duties, and

WHEREAS, Proposition 172 is not a new tax nor a tax increase, but is an
extension of an existing tax that will be returned to Stanislaus County and its nine
cities to be used exclusively for public safety, and
WHEREAS, the revenue from Proposition 172 is crucial for the county and the city to be able to meet the basic safety and protection needs of our growing region, and

WHEREAS, the City of Modesto is dedicated to the safety of its citizens and understands that Proposition 172 revenue will prevent the dissolution of a strong regional criminal justice system,

NOW, THEREFORE, BE IT RESOLVED by the Council the City of Modesto that it hereby supports Proposition 172, the Local Public Safety Protection and Improvement Act of 1993, for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORM AN COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEI D. MILICH, City Attorney

09/29/93--CA

OPON13KKew
MODESTO CITY COUNCIL
RESOLUTION NO. 93-549

A RESOLUTION AUTHORIZING THE MODESTO POLICE CHIEF TO ALLOW, AT HIS DISCRETION, ON-DUTY POLICE PERSONNEL TO WORK ON THE ACTIVITIES OF THE POLICE ACTIVITIES LEAGUE (PAL).

WHEREAS, the Police Activities League (PAL) provides recreation and athletic activities for young people, many of whom are "at risk" children, and

WHEREAS, all the activities of PAL are free to the participants, PAL provides playground activities and games and special activities, such as crafts, aerobics, karate, and movies are also provided, and

WHEREAS, PAL has had impressive results with the children it serves and also with their parents and community, and

WHEREAS, in an economically deprived area of the city, with drug and gang influences, PAL provides an alternate for children, and

WHEREAS, the goal of PAL is to build children's self-esteem, giving them the opportunity to be successful without belonging to gangs or participating in criminal activities, and

WHEREAS, the work of PAL enhances the realization of the goals of the Modesto Police Department and the City of Modesto, as a whole, for a safe community and a good quality of life, and

WHEREAS, at its meeting on August 17, 1993, the Public Safety Committee unanimously approved City support in police
personnel time of PAL activities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Police Chief is hereby authorized to allow, at his discretion, on-duty Police personnel to work on the activities of the Police Activities League (PAL).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORME COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
WHEREAS, the Stanislaus-Ceres Redevelopment Commission is a redevelopment agency formed by a joint-powers agreement between the City of Ceres and the County of Stanislaus to carry out redevelopment in unincorporated areas of the City of Ceres' Sphere of Influence, and

WHEREAS, several months ago, the Commission received a request from the owners of the Broad Acres Mobilehome Park to help the park connect to the sewer, as the park's septic system was failing and the connection costs were too much for the park's owners to manage without help, and

WHEREAS, the park's lower income residents could not afford the increased rates that would accompany this investment, and

WHEREAS, although emergency repairs have been made, the park has been put on notice by the County that additional repairs will not be permitted, and

WHEREAS, without a permanent solution to the wastewater problem, 58 low- and moderate-income households which currently reside in the park would be in jeopardy of losing their homes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in order to be a cooperative participant
with other governmental agencies in assisting area residents who are in need, the request from the Stanislaus-Ceres Redevelopment Commission for a "loan" of $29,000 in sewer connection charges for Broad Acres Mobilehome Park to help the park connect to the sewer, as the park's septic system is failing and the connection costs would be too much for the park's owners to manage without help, is hereby approved with the understanding that the Commission would pay back the loan, with interest to be paid on the deferred payment at the rate to be set at the average portfolio earnings rate on the City's investments as reported monthly to City Council for the term in which the loan is outstanding, from tax increment funds received in the future.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN GRANT ACCEPTANCE LETTER AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT FOR GRANT FUNDING IN THE AMOUNT OF $22,000 FOR THE PREPARATION OF A FEASIBILITY STUDY ON THE USE OF TELECOMMUNICATIONS IN VILLAGE ONE, AND FOR GRANT FUNDING IN THE AMOUNT OF $18,000 FOR THE CITY’S SHARE OF A 24-HOUR TELECOMMUTER CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and San Joaquin Valley Unified Air Pollution Control District for grant funding in the amount of $22,000 for the preparation of a feasibility study on the use of telecommunications in Village One, and for grant funding in the amount of $18,000 for the City’s share of a 24-hour telecommuter center planned with Caltrans for operation in early 1994 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NOrrine coyle, City Clerk
A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO PROVIDE FOR GRANT FUNDING REVENUE FROM SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT IN THE AMOUNT OF $40,000. AND EXPENDITURES IN THE AMOUNT OF $22,000 FOR THE PREPARATION OF A FEASIBILITY STUDY ON THE USE OF TELECOMMUNICATIONS IN VILLAGE ONE, AND $18,000. FOR THE CITY’S SHARE OF A 24-HOUR TELECOMMUTER CENTER.

WHEREAS, the Council of the City of Modesto has been notified of a grant from the San Joaquin Valley Unified Air Pollution Control District for preparation of a feasibility study on the use of telecommunications in Village One in the amount of $22,000 and for the City’s share of a 24-hour telecommuter center in the amount of $18,000, and

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for FY1993-94 to estimate grant related revenues and appropriate grant related expenditures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010 of the City of Modesto for FY 1993-94.

Revenue

010-080-0801-3302 SJVUAPCD Grant $40,000.

Appropriations

010-080-0801-0235 Professional Services $40,000.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

ATTEST: __________________________
NORRINE COYLE, City Clerk

(Seal)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A USED MOTOR OIL BLOCK GRANT.

WHEREAS, City staff has recommended that the Council adopt a resolution approving the submittal of an application for a used oil collection block grant to enable the City to obtain funds to offset the cost of a comprehensive public education program identified for short-term implementation in the City's draft Household Hazardous Waste Element,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the California Integrated Waste Management Board for a used oil collection block grant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___28th___ day of ___September___, 1993, by Councilmember ____Muratore____, who moved its adoption, which motion being duly seconded by Councilmember ____Friedman____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-554

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CO-SPONSOR "EARTH DAY IN THE PARK 1994" TO BE HELD ON SATURDAY, APRIL 30TH, IN GRACEADA PARK; ALLOWING THE SALE OF MERCHANDISE IN THE PARK; AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A PRIVATE SPECIAL EVENTS COORDINATOR FOR SAID EVENT.

WHEREAS, in 1970, "Earth Day" was established to encourage public awareness of programs successful in protecting the environment and conserving 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 their governments are being encouraged to renew their commitment to meet the global environmental challenge, and

WHEREAS, by Council Resolution No. 92-129 adopted on March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event and encouraged individual citizens, community organizations, other local bodies, and the private sector to support and become actively involved in "Earth Day in the Park", and

WHEREAS, "Earth Day in the Park" allows for a long-term commitment of building a safe, just, and sustainable planet, and
WHEREAS, "Earth Day in the Park" is co-sponsored by the Citizens' Advisory Committee on Recycling (CACOR), and

WHEREAS, the City of Modesto has been requested to also co-sponsor the event to allow the event to be covered under the umbrella of the City's existing insurance policy; to authorize the sale of merchandise (with emphasis on merchandise which is environmentally sensitive) in Graceada Park during the event which would contribute to the festival atmosphere; and to authorize the Purchasing Officer to assist the Earth Day Committee with the selection process and contracting of a Special Events Coordinator to coordinate all activities for "Earth Day in the Park 1994" as recommended by CACOR,

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

1. That the City of Modesto is hereby authorized to co-sponsor "Earth Day in the Park 1994" to be held on Saturday, April 30, 1994, at Graceada Park.

2. That to provide a forum for merchants to display as well as sell their merchandise (with emphasis on merchandise which is "environmentally sensitive"), the sale of merchandise in Graceada Park at said event is hereby authorized.

3. That the Purchasing Officer of the City of Modesto is hereby authorized to assist the Earth Day Committee with the selection and contracting of a Special Events Coordinator to coordinate all activities for "Earth Day in the Park 1994".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-555


WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by MCPPA for the Fiscal Year 1993-94, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association for the Fiscal Year 1993-94 is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

(SEAL)

ATTEST:

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-556

A RESOLUTION SUPPORTING THE ENDORSEMENT OF
SENATE CONSTITUTIONAL AMENDMENT 17 ON THE
NOVEMBER 2, 1993, STATE BALLOT.

WHEREAS, a request has been received from the Housing
Opportunities Mobilization Political Action Committee (HOMEPAC)
seeking the City of Modesto's endorsement of Senate
Constitutional Amendment 17 (SCA 17), and

WHEREAS, SCA 17 would reverse the thrust of Article 34
of the State Constitution, which requires proponents of a housing
project to seek and receive a positive vote from the electorate
prior to developing an affordable housing project, and would
require instead that opponents of affordable housing developments
circulate petitions and collect signatures to force a vote on
housing developments that they oppose, and

WHEREAS, since Modesto currently has Article 34
authority, the passage of the measure would not impact the City
until such time as Modesto's referendum authority has been
exhausted, at which time the City will become subject to either a
new Article 34 referendum or the new SCA 17 law, and

WHEREAS, SCA 17 is supported by a diverse set of
interest groups including the California Association of Realtors,
California Chamber of Commerce, California Rural Legal Assistance
Foundation, Sierra Club, League of California Cities, League of
Women Voters and Bank of America, and
WHEREAS, passage of this measure will remove one of the more difficult stumbling blocks relating to affordable housing by placing the burden of stopping development on those who oppose it rather than requiring proponents to secure an affirmative vote for a project, and

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee of the City Council discussed this issue on September 10, 1993, and recommended that the City Council support the endorsement of SCA 17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the endorsement of SCA 17 for placement on the November 2, 1993, State ballot.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

ATTEST: Norrine Coyle, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 93-557

A RESOLUTION ADOPTING A TEMPORARY DELINQUENT
LOAN POLICY AS AN AMENDMENT TO THE COMMUNITY
DEVELOPMENT PROGRAM OFFICE POLICY AND
PROCEDURES MANUAL.

WHEREAS, the Policy and Procedures Manual for the
Community Development Program Office calls for a variety of steps
and actions to be taken by the City in instances where borrowers
of Housing Rehabilitation Loans are not making payments as
specified in the promissory notes securing those loans, and

WHEREAS, it is crucial to establish procedures that can
and will be followed in the event that borrowers do not meet
their obligations, and

WHEREAS, one of the recommendations of the recent
Finance Department audit was to contract out loan servicing to an
outside agent, and

WHEREAS, given the substantial size of the City's
portfolio and the pending selection of new target areas for
expansion of the Housing Maintenance Program, it is necessary to
amend the Community Development Program Office's Policy and
Procedures Manual to assure that a policy will be in place that
can and will be followed, and

WHEREAS, this proposal was reviewed by the Housing
Rehabilitation Loan Committee and the Citizen's Housing and
Community Development Committee at their August 1993 meeting and
both committees recommend Council approval,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of a Temporary Delinquent Loan Policy as an amendment to the Community Development Program Office Policy and Procedures Manual.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-558

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94
ANNUAL BUDGET TO SHIFT APPROPRIATIONS FROM THE
CDBG PROGRAM TO THE HOME PROGRAM.

WHEREAS, the City of Modesto received a $750,000 HOME grant during
FY 1992-93. These funds were not expended. A portion of these funds were
reappropriated in the 1993-94 Annual Budget as follows: $500,000 in the Housing
Rehabilitation Program-Loan principal in line item 113-140-1456-0497; $112,500 in
Housing Development Program-Loan principal in line item 117-140-1458-0497, and

WHEREAS, all of the HOME funds should have been budgeted in fund
117, the Home Fund, this transaction adjusts the budget for proper expenditure and
accounting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the following adjustments are hereby approved:

CDBG Fund (113)

<table>
<thead>
<tr>
<th>Fund/Agv/Org/Rev-Obj</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>113-140-1456-0497</td>
<td>Loan Principal Payout ($500,000)</td>
</tr>
</tbody>
</table>

HOME Fund (117)

<table>
<thead>
<tr>
<th>Fund/Agv/Org/Rev-Obj</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>117-140-1458-0497</td>
<td>Loan Principal Payout $500,000</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES PROGRAM FOR A GRANT OF $15,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Center for Senior Employment/Senior Aides Program for a grant of $15,000 under the Community Development Block Grant Program for Fiscal Year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-560

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FAMILY SERVICE AGENCY - FIRST STEP PROGRAM FOR A GRANT OF $20,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Family Service Agency - First Step Program for a grant of $20,000 under the Community Development Block Grant Program for Fiscal Year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HAVEN WOMEN'S CENTER OF STANISLAUS COUNTY FOR A GRANT OF $20,727 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Haven Women's Center of Stanislaus County for a grant of $20,727 under the Community Development Block Grant Program for Fiscal Year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE; City Clerk
A RESOLUTION AUTHORIZING AN APPLICATION TO
THE FEDERAL COMMUNICATIONS COMMISSION (FCC)
TO CERTIFY THE CITY OF MODESTO FOR
"REGULATING" RATES.

WHEREAS, City staff has recommended that the Council
adopt a resolution approving the submittal of an application to
the Federal Communications Commission (FCC) to certify the City
of Modesto for regulating rates, for the reason that it would be
beneficial to the community to assure that cable rates fall
within the limits prescribed by the Federal government,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the City Manager is hereby authorized to
execute an application for submittal to the Federal
Communications Commission (FCC) to certify the City of Modesto
for regulating rates for the reason that it would be beneficial
to the community to assure that cable rates fall within the
limits prescribed by the Federal government.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-563

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JERRY L. WEDEL AND THE PRESCOTT ESTATES HOMEOWNERS' ASSOCIATION TO LOCATE A MODESTO POLICE DEPARTMENT SUBSTATION AT 2309 PRESCOTT ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jerry L. Wedel and the Prescott Estates Homeowners' Association to locate a Modesto Police Department substation at 2309 Prescott Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-564

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
YOSEMITE BOULEVARD PARTNERS FOR A MODESTO POLICE DEPARTMENT SUBSTATION AT
3121 YOSEMITE BOULEVARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Yosemite Boulevard
Partners for a Modesto Police Department substation at 3121 Yosemite
Boulevard

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ADOPTING A POLICY FOR ART IN PUBLIC PLACES

WHEREAS, it is felt that encouraging art in public places will provide a method of expressing the "cultural and aesthetic elements" of Modesto's heritage and character; and

WHEREAS, at its August 23, 1993 meeting, the Culture Commission recommended that the City Council establish a policy for Art in Public Places in Modesto, encouraging commercial and private property owners to include art in the planning and construction of any remodeling and new development projects.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Art in Public Places, a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
CITY COUNCIL POLICY

SUBJECT: Art in Public Places

Purpose:
The appearance of the City of Modesto should reflect cultural and aesthetic elements in all planning, layout and building undertaken pursuant to its zoning and construction laws.

Background:
Recognizing and acknowledging that the cultural arts enrich our lives and provide us with a deep sense of enjoyment and fulfillment, a public art program for public and private property owners and project/development proponents should be established so that the arts are included in their planning and execution. The program should be unique to Modesto and increase the understanding and appreciation of art by Modesto residents. The program should provide unusual and challenging employment and artistic opportunities for artists, encourage collaboration between artists and architects and artists and engineers, encourage and support participation that is gender and culturally diverse, support artistic participation on design teams for planning public projects, and encourage a variety of art forms both temporary and permanent.

Policy:
"It is the policy of the City of Modesto to encourage and embrace a public art program for public/private property owners and project/development proponents that includes the arts in their planning and execution."

The above policy statement should be a part of every City bid package and permit application.
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REHABILITATING SEWER LIFT STATIONS - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE

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

SECTION 1. The specifications for rehabilitating sewer lift stations - Mueiel Avenue, Maze Boulevard and Mark Randy Place, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 4, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-567

A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY AGEE CONSTRUCTION, CONTRACTOR ON THE CLAUS ROAD BRIDGE WIDENING PROJECT

WHEREAS, the City of Modesto has contracted with Agee Construction for the Claus Road bridge widening project; and

WHEREAS, Agee Construction, the prime contractor, has requested approval to substitute Penhall, Inc. for the listed bridge demolition/removal subcontractor; and

WHEREAS, a letter was received from the listed subcontractor, Vickers Concrete Sawing, requesting release from the contract and consenting to the substitution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of Penhall, Inc., as subcontractor for the bridge demolition/removal work, replacing Vickers Concrete Sawing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-568

A RESOLUTION SUPPORTING THE PASSAGE OF
PROPOSITION 170 ON THE NOVEMBER 1993 BALLOT,
WHICH WOULD PROVIDE THE PASSAGE OF LOCAL
SCHOOL BONDS BY A MAJORITY OF THE LOCAL
VOTERS.

WHEREAS, Proposition 170 would provide a change in the
California law from a 2/3 voting requirement to a majority vote
for the passage of local school bonds, and

WHEREAS, representatives of the Modesto City School
District and the Building Industry Association have requested
Council consideration of this item, and

WHEREAS, the State of California is only one of four
states that require a 2/3 vote for issuance of local school
bonds, and

WHEREAS, Proposition 170 would provide for a simple
majority for not only school bonds for new construction, but for
issuance of bonds for modernization, technology upgrades, air
conditions and other site improvements critical to advancement of
education programs, and

WHEREAS, Proposition 170 has the support of the
Economic Development Community and Intergovernmental Relations
Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby supports the passage of
Proposition 170 on the November 1993 Ballot to provide a change
in the California law from a 2/3 voting requirement to a majority
vote for the passage of the issuance of local school bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __th day of __________, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-569

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

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

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

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

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

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

Traffic Technician
Workers' Compensation Claims Examiner

The specifications for the classification of Traffic Technician (Range 116), as shown on the attached Exhibit "A", and Workers' Compensation Claims Examiner (Range 420), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Parking And Traffic Superintendent
Parking Meter Worker
Workers' Compensation Claims Representative

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of _______ October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
WORKERS' COMPENSATION CLAIMS EXAMINER

DEFINITION

To perform claims adjusting work in support of the City's self-administered Worker's Compensation program; and to provide technical assistance to the Risk Management Office.

SUPERVISION RECEIVED AND EXERCISED

Receives direct supervision from higher level supervisory and management staff.

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

- Review a variety of reports to determine proper action under worker's compensation laws and regulations, including accident and injury.
- Adjust Workers' Compensation claims in accordance with applicable laws and regulations.
- Establish and maintain monetary reserves to cover medical costs and project compensation costs.
- Initiate and review all payments on workers' compensation claims, including temporary disability and permanent disability payments in accordance with applicable laws and regulations.
- Perform periodic review of assigned Workers' Compensation claims to assure proper and timely payments.
- Respond to questions from injured workers, physicians, attorneys, insurance claims representatives, and others regarding assigned Workers' Compensation claims.
- Contact public agencies, insurance adjusters, attorneys, claimants and City staff to obtain and provide claims information in the Workers' Compensation area.
- Conduct special surveys and projects; analyze information and prepare various City, State and Federal reports.
- Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Workers' Compensation laws and benefit administration.
- Basic principles of statistics and mathematics.
- City, State and Federal record keeping procedures.
Knowledge of (Continued):

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Ability to:

Analyze and interpret a variety of medical and legal documents, procedures, policies, rules and regulations.

Respond to the public tactfully and courteously.

Prepare permanent disability rating estimates.

Prepare clear and concise reports.

Maintain confidential records.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

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

Experience:

Two years of experience in the adjustment and evaluation of workers' compensation claims or a closely related field.

Training:

Equivalent to completion of the twelfth grade, supplemented by college or university level course work in insurance, business administration, or a closely related related field.

License or Certificate

A State of California certification of competency in self-insurance claims administration is desirable.
TRAFFIC TECHNICIAN

DEFINITION

To perform a variety of semi-skilled repair work in the maintenance of City parking meters, ticket dispensers, traffic counters and associated equipment; to collect parking meter and ticket dispenser money; and to perform traffic counts.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from an Associate Traffic Engineer.

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

Participate in the maintenance and repair of parking meters, ticket dispensers, traffic counters and related equipment.

Set up traffic counter; count traffic as per master sheet and special projects.

Collect parking meter and ticket dispenser money; deposit in bank.

Run traffic counter tapes through tape counting machine; calculate total vehicles and hourly totals.

Order and maintain inventory of parts for parking meters, ticket dispensers and traffic counters.

Maintain service truck, office and shop area in clean condition.

Prepare daily activity report and time sheet.

Report and record any vandalism or damage to meters, ticket dispensers, and counters.

Maintain records related to meter repair and maintenance.

Use and operate hand and power tools.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in parking meter, ticket dispenser and traffic counters maintenance and repair activities.

User of traffic counters.
Knowledge of: (Continued)

Basic mathematical principles.
Safe work practices.
Basic mechanics and electronics.

Ability to:

Perform semi-skilled maintenance and repair on parking meters, ticket dispensers and traffic counters.
Operate necessary equipment.
Evaluate problems and correct.
Keep records and make reports.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Work in confined areas.
Make accurate arithmetic computations.
Establish and maintain cooperative working relationships with those contacted in the course of work.
Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

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

Experience:

One year of responsible maintenance and repair experience.

Training:

Completion of formal or informal training at a level which provides the ability to read and write at a level required by the job.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-570

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 ENTITLED, IN PART, "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES", AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 91-724 TO APPROVE A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, and 93-127, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.

Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective October 5, 1993," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" abolishes the class specifications for Parking & Traffic Superintendent (Range 441) and for Workers' Compensation Claims Representative (Range 420) and adds class specifications for Workers' Compensation Claims Examiner (Range 420).
SECTION 2. AMENDMENT TO RESOLUTION NO. 91-724.

Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective November 26, 1991, which is attached to Resolution No. 91-724, is hereby amended as shown on the amended Exhibit "A" entitled, "City Of Modesto Class Range Table General Non-Sworn Classes Effective October 5, 1993," which is attached hereto and made a part hereof as though set forth in full. Said amended Exhibit "A" abolishes Parking Meter Worker (Range 116) from the Class Range Table and adds Traffic Technician to the Class Range Table at Salary Range 116.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: John C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT G
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 5, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td></td>
</tr>
<tr>
<td>405</td>
<td></td>
</tr>
<tr>
<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
<tr>
<td>413</td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td>414</td>
<td></td>
</tr>
<tr>
<td>415</td>
<td>Secretary</td>
</tr>
<tr>
<td>416</td>
<td></td>
</tr>
<tr>
<td>417</td>
<td></td>
</tr>
<tr>
<td>418</td>
<td>Custodian Supervisor</td>
</tr>
<tr>
<td></td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>419</td>
<td></td>
</tr>
<tr>
<td>420</td>
<td>Worker's Compensation Claims Examiner</td>
</tr>
<tr>
<td></td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
</tr>
<tr>
<td></td>
<td>Office Services Supervisor</td>
</tr>
<tr>
<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary</td>
</tr>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
   Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
   Administrative Analyst I  
   Executive Assistant  
   Legal Services Supervisor |
| 426   | Warehouse Supervisor  
   Museum Supervisor |
| 427   | Events Supervisor |
| 428   | Parks Maintenance Supervisor I  
   Airport Maintenance Supervisor  
   Trees Maintenance Supervisor I  
   Equipment Maintenance Supervisor I  
   Social Services Coordinator  
   Buyer  
   Accountant II  
   Assistant Budget Analyst  
   Public Works Supervisor I  
   Building Maintenance Supervisor |
| 429   | Associate Planner  
   Parks Construction Supervisor I  
   Junior Civil Engineer  
   Junior Traffic Engineer  
   Neighborhood Preservation Supervisor |
| 430   | Administrative Analyst II  
   Affirmative Action Officer  
   Personnel Analyst  
   Training Coordinator  
   Assistant Risk Manager  
   Recycling Program Coordinator  
   Budget Analyst |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Plant Mechanic Supervisor  
Recreation Supervisor II  
Historical Buildings Supervisor  
Senior Accountant  
Youth Program Supervisor  
Industrial Waste Supervisor |
| 433   | Assistant Civil Engineer  
Laboratory Supervisor  
Assistant Traffic Engineer |
| 434   | Senior Programmer Analyst  
Electrical Supervisor  
Assistant Equipment Maint. Supt.  
Engineering Systems Manager  
Sr. Housing Rehab. Specialist  
Public Works Supervisor II  
Secondary Treatment Site Supv.  
Parks Maintenance Supervisor II  
Events Coordinator  
Operations Supervisor  
Landscape Designer  
Arborist  
Trees Maintenance Supv. II  
Land Surveyor  
Equipment Maintenance Supervisor II |
| 435   | Management Analyst  
Deputy City Attorney I  
Senior Personnel Analyst  
Public Information Officer  
Budget Officer  
Financial Analyst  
Administrative Services Officer  
Integrated Waste Specialist |
| 436   | Senior Planner  
Parks Construction Supervisor II |
<p>| 437   | Property Agent |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Equipment Maintenance Supt.  
|       | Asst. Water Quality Control Supt.  
|       | Transportation Planner  
|       | Housing Program Supervisor |
| 439   | Deputy City Attorney II  
|       | Associate Civil Engineer  
|       | Associate Traffic Engineer |
| 440   | Principal Accountant  
|       | Purchasing Officer |
| 441   | Community Development Program Manager  
|       | Sr. Deputy City Attorney I  
|       | Airport Manager  
|       | Solid Waste Program Manager  
|       | Transit Manager  
|       | Streets Maintenance Supt.  
|       | Parks Superintendent  
|       | Risk Manager  
|       | Assistant Personnel Director  
|       | Recreation Superintendent  
|       | Golf Superintendent  
|       | Fleet Manager  
|       | Wastewater Collections Superintendent  
|       | Water Superintendent  
|       | Building Maintenance Superintendent |
| 442   | Supv. Building Inspector  
|       | Finance Data Processing Manager  
|       | Supv. Construction Inspector |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
|       | Principal Planner |
| 445   | Finance Division Manager |
| 446   | Senior Civil Engineer |
EXHIBIT G
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 5, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Engineer</td>
<td></td>
</tr>
</tbody>
</table>
| 447 | Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. - Civic Center  
Asst. Parks & Recreation Dir. - Parks  
Asst. Parks & Recreation Dir. - Recreation |
| 448 | Sr. Deputy City Attorney II |
| 449 | |
| 450 | Deputy Director Public Works - Engineering  
Deputy Director Public Works - Operations  
Deputy Director Public Works - Transportation |
| 451 | |
| 452 | Assistant City Attorney |
EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective October 5, 1993

<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 |
| 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  
|       | Equipment Service Worker II |
# Exhibit A

**City of Modesto**

**Class Range Table**

**General Non-Sworn Classes**

**Effective October 5, 1993**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
Planning Technician I  
Wastewater Treatment Plant Attendant  
Community Service Officer  
Assistant to the Events Coordinator |
| 116   | Code Enforcement Officer II  
Equipment Operator  
Fire Prevention Technician I  
Meter Reader/Repair Worker  
Motor Sweeper Operator  
Traffic Technician  
Traffic Painter  
Traffic Sign Worker  
Water Line Worker |
| 117   | Electrical Technician II  
Storm Water Inspector |
| 118   | Tree Trimmer  
Senior Storeskeeper  
Street Trees Crewleader  
Parking Lot Maintenance Crewleader  
Parks Crewleader |
| 119   | Maintenance Mechanic - Parks  
Planning Technician II  
Maintenance Mechanic - Pumps  
Wastewater Treatment Plant Operator  
Civil Engineering Technician I  
Building Maintenance Mechanic  
Police Administrative Assistant |
# EXHIBIT A

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  

**Effective October 5, 1993**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Welder/Fabricator  
       | Senior Equipment Operator  
       | Fire Prevention Technician II  
       | Equipment Mechanic  
       | Assistant Electrician  
       | Traffic Painter Crewleader  
       | Accountant I  
       | Assistant Lab Technician |
| 121   | |
| 122   | Coach Mechanic  
       | Fire Equipment Mechanic  
       | Tree Trimmer Crewleader  
       | Programmer Analyst I  
       | Industrial Waste Inspector I  
       | Cross Connection Specialist |
| 123   | Sr. Wastewater Treatment Plant Operator  
       | Maint. Mech. Crewleader - Pumps  
       | Civil Engineering Technician II  
       | Maint. Mech. Crewleader - Parks |
| 124   | Plant Mechanic  
       | Laboratory Technician  
       | Equipment Mechanic Crewleader  
       | Planning Assistant  
       | Equipment Crewleader  
       | Community Development Program Specialist |
| 125   | Crime Analyst |
### EXHIBIT A

**CITY OF MODESTO**  
**CLASS RANGE TABLE**  
**GENERAL NON-SWORN CLASSES**

**Effective October 5, 1993**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 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  
       | Public Improvement Specialist |
| 129   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Spec. II  
       | Hazardous Materials Inspector  
       | Senior Crime Analyst |
| 131   | Sr. Civil Engineering Asst. |
| 132   | |
| 133   | |
| 134   | Senior Building Inspector  
       | Senior Construction Inspector  
       | Fire Plan Checker  
       | Plan Review Engineer |
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND G.S. DODSON & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE THOUSAND OAKS SANITARY SEWER LIFT STATION RECONSTRUCTION PROJECT

BE IT HEREBY RESOLVED by the council of the city of Modesto that the agreement between the City of Modesto and G.S. Dodson & Associates, Inc. to provide engineering services for the design of the Thousand Oaks sanitary sewer lift station reconstruction project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-572

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR GILTON SOLID WASTE MANAGEMENT, INC. REQUESTING RENEWAL OF LICENSE TO COLLECT GARBAGE, RECYCLABLES, INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 26, 1993, 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 Gilton Solid Waste Management, Inc. requesting renewal of license to collect garbage, recyclables, industrial garbage and salvageable waste 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 5th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-573

A RESOLUTION ESTABLISHING A REGISTRATION FEE FOR CONVICTED ARSON OFFENDERS, NARCOTICS OFFENDERS AND SEX OFFENDERS RESIDING IN THE CITY OF MODESTO.

WHEREAS, Section 457.1 of the Penal Code of the State of California requires the registration of convicted arson offenders, and

WHEREAS, Section 11590 of the Health and Safety Code of the State of California requires the registration of convicted narcotics offenders, and

WHEREAS, Section 290 of the Penal Code of the State of California requires the registration of convicted sex offenders, and

WHEREAS, these registration requirements are mandated, and previous to May 1, 1993, were being met by the Stanislaus County Sheriff's Office, and

WHEREAS, the Stanislaus County Sheriff's Office has elected to shift this responsibility to local police departments, and

WHEREAS, City staff has recommended establishing a fee in the amount of $25.00 for the registration of each convicted arson offender, narcotics offender and sex offender to cover costs incurred in registering these criminal offenders, and

WHEREAS, the proposed fee has been reviewed and approved by the City's internal Fees Task Force Committee at its July 8, 1993, meeting, and

WHEREAS, the Council has introduced Ordinance No. 2869-C.S. on October 12, 1993, concurrently with the adoption of this resolution adding Chapter 13 to Title IV of the Modesto Municipal Code which will provide for the Council to
establish said registration fees by resolution adopted by the Council from time to
time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that a fee in the amount of $25.00 is hereby established for the registration
of each convicted sex offender, arson offender or narcotics offender to cover costs
incurred in the registration process of said offenders.

BE IT FURTHER RESOLVED that the Modesto Police Department shall
not refuse to register an offender based on the inability of said offender to pay the
required fee. Persons not able to pay the required registration fee may be referred to
a collection agency.

BE IT FURTHER RESOLVED that this resolution shall not become
effective until the effective date of ordinance No. 2869-C.S. which was introduced on
October 12, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ______________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-574

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(498). (PAUL AND
DEAN HOLTZCLAW)

WHEREAS, a verified application for an amendment to Section 8-4-9 of
the Zoning Map was filed by Paul and Dean Holtzclaw on August 19, 1993, to
reclassify from Planned Development Zone, P-D(457), to Planned Development
Zone, P-D, to allow de facto zero-lot-line single-family detached homes, property
located on the south side of Algen Avenue and west of Crows Landing Road,
described as follows:

P-D(457) to P-D(498)

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

BEGINNING at the Southeast corner of Parcel 3 as shown on the map
filed in Book 30 of Parcel Maps, at Page 84, Stanislaus County Records;
thence North 0° 02' 00" East on the East line of said Parcel 3, a
distance of 120.00 feet to the present South line of 60-foot wide Algen
Avenue; thence continuing on said East line North 0° 06' 24" East,
30.00 feet to the centerline of said Algen Avenue; thence South 89° 19'
05" East on the centerline of Algen Avenue 360.00 feet; thence South
0° 02' 00" West, 150.00 feet to the South line of the Northeast quarter
of the Southeast quarter of said Section 8; thence North 89° 19' 05"
West, on said South line 360.00 feet to the POINT OF BEGINNING of
this description.

and

WHEREAS, after a public hearing held on September 20, 1993, 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. 93-37, that
rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed rezone from P-D(457) to a new P-D(498) for single-family homes is in accordance with community objectives as set forth in the General Plan, which provides up to 14 units per net acre.

2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated July 21, 1993, should be certified as adopted.

and

WHEREAS, after a public hearing held on October 12, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Paul and Dean Holtzclaw 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. 93-37 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2870-C.S. on the 12th day of October, 1993, reclassifying the above-described property from Planned Development Zone, P-D(457), to Planned Development Zone, P-D(498).

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(498), is hereby approved subject to the following conditions:
1. All development shall conform to the plot plan and floor plans titled "Algen Gardens" as amended in red, stamped approved by the Planning Commission on September 20, 1993.

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

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Seven-foot-high, double-board, wood fence with decorative masonry pilasters or unexposed metal supports posts at 16 foot on centers along the west, south, and east property lines of the project periphery.
   b. Seven-foot-high, solid double-board, wood fence around all private patio areas except the fences with the 15-foot front setback may be a minimum height of five feet.

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

5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

7. All common driveway areas shall be constructed in concrete to a 40-year standard as approved by the Director of Public Works and Transportation.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash cans shall be screened from view from any public street and may not be located in the garage.

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

12. The developer shall, in a manner approved by the City Attorney, provide a reciprocal access easement for the three shared driveways. Said easement shall provide provisions for maintenance.

13. 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.

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

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 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. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

16. Sales of at least six units shall be limited to households with income levels no greater than the low-income category. Sales of the remaining seven units shall be limited to households with income levels no greater than moderate-income level category. Low-income households are those who earn between 50% and 80% of the area median income. Moderate-income households are those who earn between 80% and 120% of the area median income. Median income is set by the Housing and Urban Development Department. This provision applies to the first sale of each unit.
The developer shall provide a copy of all appropriate closing documents indicating household income levels to the Community Development Program Office (CDPO). Prior to the issuance of the eighth building permit for a dwelling unit in this project, the developer shall demonstrate to the CDPO substantial compliance with the specified affordable housing plan listed above. Failure to satisfactorily comply with the affordable housing plan for this project shall be grounds to deny subsequent building permits. The developer shall continue to report to the CDPO until all units are sold.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(498):

The entire construction program be accomplished in one phase, construction to begin on or before September 20, 1995, and completion to be not later than September 20, 1996.

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(498), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Cogdill, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By __________________________
Planning and Community Development
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(457) TO P-D(498). (PAUL AND DEAN HOLTZCLAW)

WHEREAS, on July 21, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(457), to Planned Development Zone, P-D(498), property located on the south side of Algen Avenue and west of Crows Landing Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council’s independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Cogdill, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW-GARCIA-DAVIS TO PROVIDE ENGINEERING SERVICES FOR THE UPDATING OF PROJECT DEFINITIONS AND COST ESTIMATES FOR CAPITAL FACILITIES FEE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lew-Garcia-Davis to provide engineering services for the updating of project definitions and cost estimates for Capital Facilities Fee Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-577

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $69,360.00 FROM CONTINGENCY RESERVE TO PROVIDE FUNDS TO UPDATE PROJECT DESCRIPTION AND COST ESTIMATES FOR THE CITY'S CAPITAL FACILITIES FEE PROGRAM

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

FROM: Contingency Reserve: $69,360.00
TO: Various Project accounts: $69,360.00

The appropriation transfer is necessary to provide funds to update project descriptions and cost estimates for the City's Capital Facilities Fee Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-578

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $25,000 TO PAY FOR DRILL RIG OPERATIONS IN REPAIRING PROBLEM ROCKWELL STORM DRAINS

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

FROM: Storm Drain Monitoring Station (628-480 D330) $25,000

TO: Outside Services (628 480 5312 0235) $25,000

This transfer provides for drilling 40 problem rockwell storm drains before next winter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-579

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR A GRANT OF $12,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation (STANCO) for a grant of $12,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-580

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THEODORE M. COOK FOR THE LEASE OF SUITE H AT COOK MARKETPLACE FOR MUSEUM STORAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Theodore M. Cook for lease of Suite H at Cook Marketplace for Museum storage be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH ANDERSEN & ASSOCIATES FOR AUDITING THE POLICE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ralph Andersen & Associates for auditing the Police Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-582

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ARROYO SECO ASSOCIATES FOR AUDITING THE PARKS AND RECREATION DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Arroyo Seco Associates for auditing the Parks and Recreation Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, 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, Cogdill, Dobbs, Freidman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: __________________________

NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF VERA GIROLAMI FROM THE COMMUNITY QUALITIES COMMITTEE

WHEREAS, Vera Girolami was appointed a member of the Community Qualities Committee September 22, 1992; and

WHEREAS, Vera Girolami has tendered her resignation from the Community Qualities Committee, effective October 12, 1993.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Vera Girolami from the Community Qualities Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-584

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(497). (RICHARD
NEAULT)

WHEREAS, a verified application for an amendment to Section 21-3-9 of
the Zoning Map was filed by Richard Neault on July 7, 1993, to reclassify from
General Commercial Zone, C-2, and Planned Development Zone, P-D(219), to
Planned Development Zone, P-D, to allow a senior housing and residential care
facility, property located on the east side of McHenry Avenue between Hintze and
Helen Avenues, described as follows:

P-D(219) to P-D(497)

All that certain real property situate in a portion of the Southwest
Quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, in the City of Modesto, County of Stanislaus, State
of California, described as follows:

COMMENCING at the Southwest corner of said Section 21; thence
North 0° 56' 00" West 1,046.54 feet along the West line of said Section
21 to the Westerly extension of the South line of 60-foot wide Hintze
Avenue; thence North 88° 57' 00" East 238.00 feet along said South
line to the POINT OF BEGINNING of this description; thence continuing
along said South line of Hintze Avenue North 88° 57' 00" East 198.58
feet; thence North 80° 57' 00" East 56.97 feet along said South line;
thence South 0° 39' 00" East 109.02 feet; thence South 22° 41' 00" East
62.69 feet; thence South 89° 34' 00" East 146.71 feet to the West
line of the 10-foot abandoned alley adjoining Block 621 of the Amended
Map of Leslie Hugh Tract; thence South 0° 54' 00" East 95.00 feet
along said West line; thence North 88° 55' 00" West 421.14 feet more
or less; thence North 0° 56' 00" West 245.28 feet, more or less to the
end of this description.

Including the Southerly 30 feet of Hintze Avenue immediately adjacent
to the above described property.
C-2 to P-D(497)

Commencing at the Southwest corner of said Section 21; thence North 0° 56' 00" West 1,046.54 feet along the West line of said Section 21 to the Westerly extension of the South Line of 60-foot wide Hintze Avenue; thence North 88° 57' 00" East along said extension Easterly 40.00 feet to the Southeast corner of 80.00-foot wide McHenry Avenue and said Hintze Avenue and the POINT OF BEGINNING of this description; thence continuing along said South line of Hintze Avenue North 88° 57' 00" East 198.00 feet; thence leaving said South line of Hintze Avenue South 0° 56' 00" East 251 feet more or less; thence North 88° 55' 00" West 6.00 feet; thence South 0° 56' 00" East 110.00 feet to the North line of 60.00-foot wide Helen Avenue; thence along said North line Westerly 192.01 feet to the East line of said McHenry Avenue; thence along said East line North 0° 56' 00" West 355.28 feet to the point of beginning of this description.

Including the East 40.00 feet of 80.00-foot wide McHenry Avenue, South 30.00 feet of 60.00-foot wide Hintze Avenue, and North 30.00 feet of 60.00-foot wide Helen Avenue and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on September 20, 1993, 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. 93-39, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D zone will conform to the General Plan is contributing to the variety of housing types in the East McHenry neighborhood by providing units for the elderly in a residential neighborhood setting.

2. The elderly housing facility is located along a bus route, and near essential private and public services.

3. The approved plot plan, along with required fencing and conditions of approval will assure this elderly housing complex will be compatible with adjacent residential uses.
and

WHEREAS, after a public hearing held on October 26, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Richard Neault 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. 93-39 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2871-C.S. on the 26th day of October, 1993, reclassifying the above-described property from General Commercial Zone, C-2, and Planned Development Zone, P-D(219), to Planned Development Zone, P-D(497).

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

1. All development shall conform to the plot plan and floor plans titled "Sundial Lodge - Senior Housing and Residential Care" as amended in red, stamped approved by the Planning Commission on September 20, 1993.

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, east, and northeast 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. Matching eight-foot-high decorative masonry wall along the south, east and northeast property lines.

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

5. Street dedication along McHenry Avenue to provide 55 feet east of centerline shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area. Prior to occupancy of the new use, the applicant shall remove the most southerly curb cut onto McHenry Avenue as required by the Public Works and Transportation Director.

6. Street improvements consistent to Standard Specifications along Helen and Hintze Avenues shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

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

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

13. All signs shall comply with the sign requirements of the C-2 Zone.

14. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(497):

The entire construction program be accomplished in one phase, construction to begin on or before September 20, 1995, and completion to be not later than September 20, 1996.

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(497), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning and Community Development
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, 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 C-2 AND P-D(219) TO P-D(497). (RICHARD NEAULT)

WHEREAS, on August 11, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, and Planned Development Zone, P-D(219), to Planned Development Zone, P-D(497), property located on the east side of McHenry Avenue between Hintze and Helen Avenues might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council’s independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-586

A RESOLUTION ESTABLISHING PREFERENTIAL PARKING PERMIT PRIVILEGES TO ALLOW CLIENTS OF BEAUTY SALONS TO PARK BEYOND THE TIME LIMIT ON STREETS WITHIN THE DOWNTOWN IMPROVEMENT DISTRICT BOUNDARY AND ESTABLISHING A FEE FOR SAID PERMIT.

WHEREAS, Section 22507 of the California Vehicle Code provides, in part, that local authorities may, by resolution, regulate parking of vehicles on streets within their jurisdictions, and may include a designation of certain streets upon which preferential parking privileges are given to merchants adjacent to the streets for use of their guests, under which merchants may be issued permits which exempt them from the prohibition or restriction of the resolution, and

WHEREAS, the Community Development and Housing Committee has recommended proceeding on a trial basis with establishing a permit program to allow clients of beauty salons to park beyond the time limit on streets within the Downtown Improvement District boundary, and

WHEREAS, the City Council desires to implement said preferential parking permit program as recommended on a trial basis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby approve on a trial basis a preferential parking permit program to allow clients of beauty salons to park beyond the time limit on streets within the
Downtown Improvement District boundary, subject to the following:

SECTION 1. PREFERENTIAL PARKING PERMITS. Permits shall be made available at the City of Modesto Finance Department for a fee in the amount of $25.00 for each permit obtained by qualifying beauty salons located adjacent to City streets in the downtown area for the sole use of their customers.

SECTION 2. PREFERENTIAL PARKING PERMIT TIME LIMITS. Said permits shall allow beauty salon clients to park four (4) hours anywhere within a one (1) or two (2) hour parking time zone within the Downtown Improvement District boundary.

SECTION 3. MAXIMUM NUMBER OF PERMITS. The maximum number of permits a beauty salon may obtain are equivalent to the maximum number of work station chairs existing in each beauty salon requesting such permits.

SECTION 4. TERM OF PREFERENTIAL PARKING PERMIT. Such permit shall be good for a term of one (1) year.

SECTION 5. EFFECTIVE AND TERMINATION DATES: Said permit program is intended to be for a six-month trial period commencing on the effective date of this resolution. At the end of this six-month trial period, staff will provide a report to the Council. The permits will remain valid until Council makes a final decision on making the permits permanent or terminating them.

SECTION 6. PRO-RATED PERMIT FEE. Inasmuch as this resolution shall terminate in six months, preferential parking
permits may be obtained at a pro-rated fee of $11.50 each for a six (6) month period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORTINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-587A

A RESOLUTION ESTABLISHING FILING FEES FOR
APPLICATIONS FOR ABANDONMENT OR VACATION OF
PUBLIC RIGHTS-OF-WAY OR EASEMENTS AND
RESCINDING RESOLUTION NO. 90-922.

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

1. A filing fee of $865.00 for each application filed
with the City of Modesto for vacation and abandonment of a public
right-of-way or easement except public walkways is hereby
established.

2. A filing fee of $145.00 for each application filed
with the City of Modesto for vacation and abandonment of a public
walkway is hereby established.

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

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

5. In the event staff determines that a title report
is required, it shall be furnished by the applicant prior to
consideration by the Planning Commission.
6. A filing fee of $435.00 is hereby established for each application filed with the City of Modesto for vacation and abandonment of a public right-of-way or easement where such application is a rehearing of a previous application and it is determined by the Director of Planning and Community Development that the application will not require further Planning Commission action or other substantial staff work as required for the original application.

BE IT FURTHER RESOLVED that Resolution No. 90-922 is hereby rescinded.

BE IT FURTHER RESOLVED that this resolution becomes effective sixty (60) days after its adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-587

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 92-367.

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and 10-2.2803 of the Modesto Municipal Code provide that the Council by resolution, shall establish filing fees for each application filed pursuant to Chapter 2 of Title X of said Code, and

WHEREAS, Sections 4-10.01 et seq. of the Modesto Municipal Code and the "Guide to CEQA Procedures for the City of Modesto" permit charges for environmental review, and

WHEREAS, Fish and Game Code Section 711.4 requires payment of "filing fees" to the State Department of Fish and Game of $850.00 for EIRs and $1,250.00 for Negative Declarations, upon filing the Notice of Determination, and

WHEREAS, in accordance with existing legislation, the County Clerk-Recorder is empowered to collect an administrative fee for filing of all Notices of Determination, and

WHEREAS, pursuant to Section 753.5, Title 14, of the California Code and Regulations, if the lead agency (as defined by Section 21067 of the Public Resources Code) finds that, considering the record as a whole a project involves no potential for adverse effect, either individually or cumulatively on wildlife (as defined by Section 711.2 of the Fish and Game Code), no fee is required, and
WHEREAS, there are seven instances where the State Department of Fish and Game finds that filing fee exemptions can be made, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the fee schedule as shown on the attachment marked Exhibit "A" and incorporated hereby reference, to include the State Department of Fish and Game Filing Fees and the County Clerk-Recorder Administrative Fee for filing Notices of Determination.

BE IT FURTHER RESOLVED that the criteria to exempt certain projects from State Department of Fish and Game Filing Fees is hereby adopted as shown on the attachment marked Exhibit "B" and incorporated herein by reference.

BE IT FURTHER RESOLVED that City Council Resolution No 92-367 is hereby rescinded.

BE IT FURTHER RESOLVED that this resolution becomes effective sixty (60) days after its adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) P-D Zoning</td>
<td>$1,105.00</td>
</tr>
<tr>
<td>(b) Amend P-D Zone pursuant to Sec. 10-2.1709(b)</td>
<td>$1,105.00</td>
</tr>
<tr>
<td>(c) Amend P-D Zone pursuant to Sec. 10-2.1709(a)</td>
<td>$795.00</td>
</tr>
<tr>
<td>(d) Rezoning</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>(e) Plot Plan Review</td>
<td></td>
</tr>
<tr>
<td>• For a satellite antenna for a single-family house</td>
<td>$135.00</td>
</tr>
<tr>
<td>• For a second-story addition to a single-family house</td>
<td>$230.00</td>
</tr>
<tr>
<td>• All other plot plan reviews</td>
<td>$550.00</td>
</tr>
<tr>
<td>(f) Conditional Use Permit</td>
<td>$795.00</td>
</tr>
<tr>
<td>(g) Variance</td>
<td></td>
</tr>
<tr>
<td>• On a lot with a single family house in the R-A, R-1, R-2 or R-3 zone</td>
<td>$205.00</td>
</tr>
<tr>
<td>• All others</td>
<td>$845.00</td>
</tr>
<tr>
<td>(h) Administrative Approval of Revised Plans</td>
<td></td>
</tr>
<tr>
<td>20% of Application Fee</td>
<td></td>
</tr>
<tr>
<td>(i) Letter of Verification - Zoning</td>
<td>$30.00</td>
</tr>
<tr>
<td>(j) Precise Plan</td>
<td>$1,590.00</td>
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<tr>
<td>(k) Development Agreement</td>
<td></td>
</tr>
<tr>
<td>• If done in conjunction with Precise Plan</td>
<td>$940.00</td>
</tr>
<tr>
<td>• If done in conjunction with Precise Plan</td>
<td>$865.00</td>
</tr>
<tr>
<td>(l) Tentative Subdivision Map</td>
<td>$730.00</td>
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<tr>
<td>(m) Tentative Parcel Map</td>
<td>$660.00</td>
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<tr>
<td>(n) Reversion to Acreage</td>
<td>$555.00</td>
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<tr>
<td>(o) Parcel Map Waiver</td>
<td>$555.00</td>
</tr>
<tr>
<td>(p) Lot Line Adjustment</td>
<td>$140.00</td>
</tr>
<tr>
<td>(q) Time Extension</td>
<td>$125.00</td>
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Environmental Assessment
• Initial study
  1. City Processing Fee $485.00
  2. County Clerk-Recorder Administrative Fee $50.00
  3. State Department of Fish and Game Filing Fee $1,250.00

• Environmental Impact Report
  1. Reimbursement of Consultant Costs
  2. City Processing Costs
  3. State Department of Fish and Game Filing Fee $850.00

• Staff evaluation of special studies $475.00

Appeals
• Of Planning Commission of Board of Zoning Adjustment $100.00
• Of administrative decisions $100.00

Annexation $540.00 plus
State Board of Equalization Fee

Documents
• Planning Commission Minutes $30.00/year
• Planning Commission Agendas $46.00/year
• Board of Zoning Adjustment Minutes $20.00/year
• Board of Zoning Adjustment Agendas $20.00/year
• Other Reports and Documents, as Established by the Planning and Community Development Director from time to time

General Plan Amendment Actual Cost $3000 Deposit
EXHIBIT "B"

Criteria for Exemption of
State Department of Fish and Game Filing Fees

The City of Modesto has determined that the following projects are exempt from payment of the State Department of Fish and Game Filing Fees:

1. Projects which enhance fish and wildlife, and their habitats and result in no accompanying adverse impacts to fish and wildlife.

2. Lot line adjustments.


4. Annexations.

5. Redevelopment on existing urban subdivisions with no wildlife habitat.

6. Infill of undeveloped urban lots which are within the current sewer service area and outside the current 100 year floodplain as defined by the Federal Emergency Management Agency (FEMA).
MODESTO CITY COUNCIL
RESOLUTION NO. 93-588

A RESOLUTION APPROVING AN AMENDMENT TO THE SPECIFIC PLAN FOR VILLAGE ONE TO MOVE THE MULTI-FAMILY DESIGNATION FROM SOUTH OF MERLE AVENUE TO THE NORTH SIDE IN RELATION TO THE APPEAL FILED BY ART MARTIN AND ASSOCIATES.

WHEREAS, the City Council adopted Resolution No. 90-828A on October 16, 1990, which adopted the Specific Plan for Village One, a 1,780-acre area of land adjoining the northeast portion of the City of Modesto, within its Sphere of Influence, and

WHEREAS, Art Martin and Associates proposes to develop a 96-lot 15.27 acre single-family subdivision called Charleston Place, the first development proposed under the Village One Specific Plan adopted by the Council in October 1990, and

WHEREAS, a public hearing was held by the Planning Commission on October 4, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Planning Commission found and determined that an amendment to the Village One Specific Plan is not required by public necessity, convenience and general welfare and by Resolution No. 93-43 adopted on October 4, 1993, denied the application for an amendment to the Village One Specific Plan filed by Art Martin and Associates, and

WHEREAS, by letter dated October 11, 1993, from
Thompson-Hysell, Inc., on behalf of their client, Art Martin and Associates, an appeal to the decision of the Planning Commission's denial of the application for an amendment to the Village One Specific Plan was filed with the Office of the City Clerk, and

WHEREAS, the proposal of the applicant relating to the requested Specific Plan amendment is for the purpose of relocating the 9.0 acre multi-family designation on the south side of Merle Avenue, immediately east of the proposed Galleria Neighborhood Shopping Center site, to the north side of Merle Avenue extending east from Roselle Avenue, and

WHEREAS, the relocation of multi-family designation is required to allow for a northward expansion of the planned storm water retention basin, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 26, 1993, at 4:00 p.m., and

WHEREAS, the City Council held a duly noticed public hearing on October 26, 1993, at which time and place evidence both oral and written was received and considered, and

WHEREAS, the Council found and determined in Resolution No. 93-589 adopted for that purpose that said appeal to the denial of the requested amendment to the Village One Specific Plan should be granted for the following reasons:
1. The relocation of multi-family residential designation from the south side of Merle Avenue to the North side will allow for reconfiguration of the storm drainage retention basin as determined by the City Engineer.

2. The area on the north side of Merle Avenue to be designated for multi-family development is not as large as the area it replaces so the impacts to the surrounding area would not significantly change.

and

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

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

SECTION 1. AMENDMENT TO SPECIFIC PLAN. An amendment to the Village One Specific Plan for the purpose of relocating the 9.0 acre multi-family designation on the south side of Merle Avenue, immediately east of the proposed Galleria Neighborhood Shopping Center site to the north side of Merle Avenue extending east from Roselle Avenue, of which the relocation of multi-family designation is required to allow for a northward expansion of the planned storm water retention basin, is hereby adopted.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the amendment to the Village One Specific Plan is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Cogdill, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION GRANTING THE APPEAL OF THOMPSON-HYSELL, INC., ON BEHALF OF ART MARTIN AND ASSOCIATES, TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP OF CHARLESTON PLACE IN AREA 27 OF VILLAGE ONE, LOCATED ON THE EAST SIDE OF ROSELLE AVENUE, SOUTH OF BELHARBOUR DRIVE, NORTH OF MERLE AVENUE, AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE EIR.

WHEREAS, Art Martin and Associates (Martin) propose to develop a 96-lot 15.27 acre single-family subdivision called Charleston Place, the first development proposed under the Village One Specific Plan, and

WHEREAS, the proposed Charleston Place Subdivision is within a 51.8-acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, and

WHEREAS, pursuant to subdivision consideration, an application was filed for approval of a Precise Plan for Area 27, including underlying zoning and a development agreement along with the subdivision itself, as required by Section 10-2.1903 of the Modesto Municipal Code, and

WHEREAS, a public hearing was held by the Planning Commission on October 4, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and
WHEREAS, after said public hearing the Planning Commission found and determined that approval of the proposed Vesting Tentative Subdivision Map of Charleston Place is not required by public necessity, convenience and general welfare, and by Resolution No. 93-43 adopted on October 4, 1993, denied the application filed by Art Martin and Associates, and

WHEREAS, by letter dated October 11, 1993, from Thompson-Hysell, Inc., on behalf of its client, Art Martin and Associates, an appeal to the decision of the Planning Commission's denial of the application for a Vesting Tentative Subdivision Map for the Charleston Place project was filed with the Office of the City Clerk, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 26, 1993, at 4:00 p.m., and

WHEREAS, the City Council held a duly noticed public hearing on October 26, 1993, at which time and place evidence both oral and written was received and considered, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Hysell-Engineering, Inc., filed on behalf of Martin, to the decision of the Planning Commission denying approval of the application for a Vesting Tentative Subdivision Map for the Charleston Place project, within a 51.8-
acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, should be granted for the following reason and the decision of the Planning Commission should be overruled:

After the Planning Commission denied the initial application, Martin submitted a revised project which is consistent with the Village One Specific Plan.

and

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

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

1. That the proposed subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan and the Village One Specific Plan in 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 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.

BE IT FURTHER RESOLVED by the Council that it hereby finds as follows:

1. That the vesting tentative subdivision map identified herein, the revised precise plan identified herein, and the specific plan amendment relating to the appeal of Thompson-Hysell, on behalf of Art Martin and Associates are all within
the scope of the Village One Specific Plan approved earlier, and,

2. The Village One Program Environmental Impact Report adequately describes the tentative subdivision map, the precise plan and specific plan amendment referred to in the previous subparagraph for the purposes of the California Environmental Quality Act, and,

3. The City Council further finds, pursuant to California Environmental Quality Act guidelines, Section 15162, that no new effects will occur and no new mitigation measures will be required.

BE IT FURTHER RESOLVED by the Council that the appeal of Thompson-Hysell, Inc., on behalf of its client, Art Martin and Associates, to the decision of the Planning Commission denying approval of the Vesting Tentative Subdivision Map of Charleston Place is hereby granted.

BE IT FURTHER RESOLVED that the Vesting Tentative Subdivision Map of the Charleston Place project is within a 51.8-acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, is hereby approved as revised and as shown in red on the face of the map and subject to the following conditions:

1. Except as amended herein, all development shall be in accordance with the Village One Specific Plan and the specifications contained in the booklets entitled "Village One - Merle Neighborhood Precise Plan - Area 27," prepared for Art Martin and Assoc. by Thompson-Hysell, Inc. dated September 2, 1993, as revised by the City Council and "Charleston Place Development Guidelines" prepared for Art Martin and Assoc. by Thompson-Hysell Inc. dated September 2, 1993, and stamped approved by the City Council on October 26, 1993, as revised,
and on file in the office of the Planning and Community Development Director.

2. a. Prior to recordation of a final map the developer shall submit and obtain approval of landscape and irrigation plans including streetscape/median plans, a mini-park design, the frontage road median along Roselle Avenue, and the traffic circle, as required by the Parks and Recreation Director. All landscaping irrigation, and maintenance shall be in accordance with the approved plans.

b. Prior to issuance of a building permit for any unit within the townhouse area, the developer shall submit and obtain approval of landscaping and irrigation plans for that portion of the project. All landscaping, irrigation, and maintenance shall be in accordance with the approved plans.

3. Prior to recordation of a final map, the developer shall secure and establish a funding source for both capital improvements and ongoing maintenance of the landscaped areas, including but not limited to, a homeowners association, landscaping and lighting district, Mello-Roos Community Facilities District, or special assessment district.

4. Prior to issuance of a building permit for any structure, the specific building plans and elevations shall be approved by the Planning and Community Development Director or his designee for conformance with those approved plans and elevations and the architectural style and detail called for in the Village One Specific Plan, the PPA 27 Precise Plan and the Charleston Place Development Guidelines as revised.

5. a. Prior to the recordation of a final map, all subdivision dedications and improvements as required in the Modesto Municipal Code, the cumulative California State Subdivision Law, and the Village One Specific Plan shall be accepted by the City of Modesto and installed or secured to the satisfaction of the Public Works and Transportation Director. This condition shall include street requirements to implement the appropriate mitigation measures 4.4.1 through 4.4.8 of the Village
One Program Environmental Impact Report. This shall also include Public Services and Utilities necessary to implement the appropriate mitigation measures 4.10 through 4.10.14c.

b. With respect to Belharbour Drive, prior to recordation of a final map, the developer shall complete, or secure the construction thereof to the satisfaction of the Public Works and Transportation Director, the south side frontage improvements up to and including the median curbs. Prior to recordation of a final map for any unit within the small lot "townhouse" portion of the subdivision, or any lot abutting Belharbour Drive, the developer shall complete or secure to the satisfaction of the Public Works and Transportation Director the remainder of the paved portion of the street and median.

6. Prior to recordation of a final map, the developer shall advance the necessary infrastructure costs or shall construct the facilities necessary to extend infrastructure service to the area. If temporary measures are utilized, the developer shall also fund the amount necessary to effect a permanent provision when such can be accomplished. The costs shall be determined by the Director of Public Works and Transportation.

7. Prior to approval of the final map, the City and Developer shall negotiate and execute a development agreement specifying the conditions of the development. The development agreement shall be adopted by ordinance as provided in Modesto Municipal Code Section 10-2.1907.

8. It is anticipated that a portion of the Public Facilities necessary to serve development in Village One will be financed through the formation of an Area of Benefit (AOB) for Village One. This AOB will assign a fair share of certain identified public facility costs needed to serve Village One to each Precise Plan area and ultimately each parcel or lot receiving development entitlements.

In the event that the AOB for Village One is established prior to the issuance of building
permits for this project, then developer shall pay the AOB assessment for each lot prior to the issuance of each building permit.

In the event that the developer seeks issuance of building permits prior to the establishment of the AOB for Village One, then in lieu of the AOB assessment, developer shall pay for each lot an amount to be determined by the City Council after holding a public hearing for that purpose prior to the issuance of any building permit. It is the intent of this condition that the developer fully participate by paying his fair share in the Village One Financing Plan. Any fees paid in excess of the actual AOB assessment shall be reimbursed pursuant to the development agreement.

9. Prior to recordation of a Final Map, all improvement plans, prepared by a registered civil engineer shall be prepared and approved. All improvements shall be in accordance with the approved plans.

10. There is a dispute about the extent to which school impacts can be mitigated under current law. Developer contends that current law sets forth a statutory maximum of $2.65 per square foot for each unit of residential housing. City and School districts disagree that this limitation applies to developer's project. Despite this dispute, developer seeks to proceed with the consideration of its project by City. To facilitate developer's request and in light of the uncertainty of the law, the following condition is imposed on developer's project to mitigate the impacts of such project on school districts:

Developer shall pay the per unit or per square foot fee, or be subject to such alternative mitigation program as is subsequently established by the City Council in the Village One Financing Plan. In the event developer seeks the issuance of building permits prior to the establishment of the Village One Financing Plan by the City Council, the developer shall pay into an impound account, maintained by the City for that purpose, an amount per dwelling unit as determined by the City Council after holding a public hearing for that purpose. Any such fees paid in excess of the amounts set forth in the Village One Financing
Plan shall be reimbursed pursuant to the Development Agreement.

Nothing in this condition is intended to preclude or prohibit an interested school district or the developer from bringing any appropriate action against the City, the developer, or interested school district, as the case may be, for the purpose of determining the maximum school impact mitigation allowed under the law.

1Sylvan Union School District and Modesto High School District

11. Public utility easements, as required by the utility companies serving the subdivision, shall be dedicated by the final map.

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

13. Trash cans shall be screened from view from any public street.

14. Prior to recordation of a final map, the developer shall show on the plans submitted to Engineering all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

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

16. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency,
appeal board, or a legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

17. Prior to recordation of any final map the applicant will submit evidence to the satisfaction of the City Attorney, which indicates an irrevocable commitment to comply with the following mitigation measures:

4.3.2(a) Views of Mountains/Farmlands; 4.3.3(a) Light and Glare; 4.5.1(a) through 4.5.1(i); Construction Impacts - air quality; 4.5.3(c) Air Quality; 4.6.1(c) Construction Impacts - noise; 4.7.2 Expansive Soils; 4.7.4 Hardpan Soils; 4.10.1 through 4.10.14(c) Public Services; 4.11.1 Fiscal Impacts.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this activity is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Cogdill, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-589A

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR THE PRECISE PLAN FOR AREA 27 VILLAGE ONE.

WHEREAS, the City Council on October 26, 1993, adopted Resolution No. 93-589 which granted the appeal of Hysell-Engineering, Inc., filed on behalf of Art Martin and Associates, to the decision of the Planning Commission denying approval of the application for the 51.8-acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, and

WHEREAS, the Council has introduced Ordinance No. 2873-C.S. which approved a Precise Plan for Area 27 and underlying zoning for the Charleston Place Subdivision project, amending Section Map 13-3-9 of the Zoning Map of the City of Modesto to rezone from Specific Plan, S-P, to R-1:SP-27 and R-3:SP-27, located in Area 27 of Village One, located on the east side of Roselle Avenue, south of Belharbour Drive, North of Merle Avenue, and

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

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

SECTION 1. DEVELOPMENT PLAN. The development plan for the Art Martin Precise Plan for Area 27 as revised and underlying zoning for the Charleston Place Subdivision project for Village One, is hereby approved subject to the following conditions:

1. Except as amended herein, all development shall be in accordance with the Village One Specific Plan and the specifications contained in the booklet entitled "Village One - Merle Neighborhood Precise Plan - Area 27," prepared for Art Martin and Assoc. by Thompson-Hysell, Inc. dated September 2, 1993, as revised by the City Council and stamped approved by the City Council on October 26, 1993, as revised, and on file in the office of the Planning and Community Development Director.

2. Prior to recordation of any final map the developer shall submit and obtain approval of landscape and irrigation plans including streetscape/median plans, a mini-park design, and traffic circles, as required by the Parks and Recreation Director. All landscaping irrigation, and maintenance shall be in accordance with the approved plans.

3. Prior to recordation of any final map, the developer shall secure and establish a funding source for both capital improvement and ongoing maintenance for the landscaped areas, including but not limited to, a homeowners association, landscaping and lighting district, Mello-Roos Community Facilities District, or special assessment district.

4. Prior to the recordation of any final map, all subdivision dedications and improvements as required in the Modesto Municipal Code, the cumulative California State Subdivision Law, and the Village One Specific Plan shall be accepted by the City of Modesto and installed or secured as per the Public Works and Transportation Director. This condition shall include street requirements to implement the appropriate mitigation measures 4.4.1 through 4.4.8 of the Village One Program Environmental Impact Report. This shall also
include Public Services and Utilities necessary to implement the appropriate mitigation measures 4.10 through 4.10.14c.

5. Prior to recordation of any final map, the developer shall advance the necessary infrastructure costs or shall construct the facilities necessary to extend infrastructure service to the area. If temporary measures are utilized, the developer shall also fund the amount necessary to effect a permanent provision when such can be accomplished. The costs shall be determined by the Director of Public Works and Transportation.

6. It is anticipated that a portion of the Public Facilities necessary to serve development in Village One will be financed through the formation of an Area of Benefit (AOB) for Village One. This AOB will assign a fair share of certain identified public facility costs needed to serve Village One to each Precise Plan area and ultimately each parcel or lot receiving development entitlements.

In the event that the AOB for Village One is established prior to the issuance of building permits for any project, then developer shall pay the AOB assessment for each lot prior to the issuance of each building permit.

In the event that the developer seeks issuance of building permits prior to the establishment of the AOB for Village One, then in lieu of the AOB assessment, developer shall pay for each lot an amount to be determined by the City Council after holding a public hearing for that purpose prior to the issuance of any building permit.

7. Prior to recordation of any final map, all improvement plans, prepared by a registered civil engineer shall be prepared and approved. All improvements shall be in accordance with the approved plans.

8. Developer shall pay the per unit or per square foot fee, or be subject to such alternative mitigation program as is subsequently established by the City Council in the Village One Financing Plan. In the event developer seeks the issuance of building permits prior to the establishment of
the Village One Financing Plan by the City Council, the developer shall pay into an impound account, maintained by the City for that purpose, an amount per dwelling unit as determined by the City Council after holding a public hearing for that purpose.

Nothing in this condition is intended to preclude or prohibit an interested school district or the developer from bringing any appropriate action against the City, the developer, or interested school district, as the case may be, for the purpose of determining the maximum school impact mitigation allowed under the law.

9. Prior to recordation of any final map the developer will submit evidence to the satisfaction of the City Attorney, which indicates an irrevocable commitment to comply with the following mitigation measures:

4.3.2(a) Views of Mountains/Farmlands; 4.3.3(a) Light and Glare; 4.5.1(a) through 4.5.1(i); Construction Impacts - air quality; 4.5.3(c) Air Quality; 4.6.1(c) Construction Impacts - noise; 4.7.2 Expansive Soils; 4.7.4 Hardpan Soils; 4.10.1 through 4.10.14(c) Public Services; 4.11.1 Fiscal Impacts.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for development within Area 27 of the Village One:

Construction shall start on or before December 1, 1996, and completion shall be by December 1, 2000.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Title 10, Article 19 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects any development shall be accomplished in accordance with and in strict adherence to the provisions of
Title X of the Modesto Municipal Code relating to zonings 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 R-1:SP-27 and R-3:SP-27 becomes effective.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this activity is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Cogdill, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: Friedman
ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF RICKER MACHINERY COMPANY FOR FURNISHING TWO STREET SWEEPERS

WHEREAS, Resolution No. 93-496, adopted by the Council of the City of Modesto on September 7, 1993, approved the plans and specifications for the purchase of two street sweepers and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two street sweepers were opened at 11:00 a.m. on October 4, 1993, 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 Ricker Machinery Company in the amount of $217,588 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ricker Machinery Company in the amount of $217,588 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
CITY CLERK, Norrine Coyle
MODESTO CITY COUNCIL
RESOLUTION NO. 93-591

A RESOLUTION ACCEPTING THE BID OF GLEN WILSON TRUCKING FOR FURNISHING ROCK, SAND AND GRAVEL FOR UP TO THREE YEARS

WHEREAS, Resolution No. 93-297, adopted by the Council of the City of Modesto on May 18, 1993, approved the plans and specifications for the purchase of rock, sand and gravel requirements for up to three years and authorized the calling for bids; and

WHEREAS, the bids received for furnishing rock, sand and gravel for up to three years were opened at 11:05 a.m. on June 7, 1993, and later tabulated by the Director of Finance of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Glen Wilson Trucking be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Glen Wilson Trucking be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODesto City Council
Resolution No. 93-592

A Resolution Accepting the Bid of Central Ready Mix for Furnishing Ready-Mix Concrete Requirements for Up to Three Years

WHEREAS, Resolution No. 93-296, adopted by the Council of the City of Modesto on May 18, 1993, approved the plans and specifications for the purchase of ready-mix concrete requirements for up to three years and authorized the calling for bids; and

WHEREAS, the bids received for furnishing ready-mix concrete requirements for up to three years were opened at 11:00 a.m. on June 7, 1993, and later tabulated for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Central Ready Mix be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Ready Mix be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF RJN COMPUTER SERVICES FOR FURNISHING MAINTENANCE MANAGEMENT SOFTWARE SYSTEM

WHEREAS, Resolution No. 93-429, adopted by the Council of the City of Modesto on July 20, 1993, approved the plans and specifications for the purchase of a maintenance management software system for the Wastewater Treatment Plant and authorized the calling for bids; and

WHEREAS, the bids received for furnishing a maintenance management software system for the Wastewater Treatment Plant were opened at 11:00 a.m. on August 9, 1993, 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 RJN Computer Services in the amount of $51,869 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of RJN Computer Services in the amount of $51,869 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF CAL TRAFFIC FOR FURNISHING STREET NAME SIGN ASSEMBLIES

WHEREAS, Resolution No. 93-295, adopted by the Council of the City of Modesto on May 18, 1993, approved the plans and specifications for the purchase of street name sign assemblies and authorized the calling for bids; and

WHEREAS, the bids received for furnishing street name sign assemblies were opened at 11:00 a.m. on June 15, 1993, 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 Cal Traffic in the amount of $26,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cal Traffic in the amount of $26,000 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-595

A RESOLUTION ACCEPTING THE WOODLAND PUMP STATION SLUICE GATE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the Woodland pump station sluice gate has been completed by Conco-West, Inc. in accordance with the contract agreement dated October 6, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Woodland pump station sluice gate be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $115,006.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Freidman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-596

A RESOLUTION ACCEPTING THE ROBERTSON ROAD NEIGHBORHOOD PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the Robertson Road Neighborhood Park has been completed by Grover Landscaping, Inc. in accordance with the contract agreement dated October 27, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Robertson Road Neighborhood Park be accepted from said contractor, Grover Landscaping, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $254,774.64 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,500 FROM CONTINGENCY RESERVE TO FUND COST OF ROBERTSON ROAD NEIGHBORHOOD PARK

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

FROM: Parks Fund Contingency Reserve  
(140 800 8000 8003)  
$1,500

TO: Robertson Neighborhood Park  
(140 310 C569 6050)  
$1,500

Unanticipated overhead costs associated with design and inspection staff time spent on the project caused a shortfall of funds. It is necessary to transfer additional funds to the project account to allow closeout to proceed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-598

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE EL VECINO AVENUE - MID LATERAL NO. 4 BRIDGE REPLACEMENT

WHEREAS, Resolution No. 93-476, adopted by the Council of the City of Modesto on August 17, 1993, approved the plans and specifications for the El Vecino Avenue - MID Lateral No. 4 bridge replacement and authorized the calling for bids; and

WHEREAS, the bids received for the El Vecino Avenue - MID Lateral No. 4 bridge replacement were opened at 11:00 a.m. on September 16, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of $223,372.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $223,372.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-599

A Resolution Approving an Agreement Between the City of Modesto and Ball, Janik and Novak to Provide Legislative Advocacy Services for the City of Modesto

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball, Janik and Novak to provide legislative advocacy services for the City of Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMA KOYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-600

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $22,000 FROM CONTINGENCY RESERVE TO FUND LEGISLATIVE ADVOCACY SERVICES FOR THE CITY OF MODESTO

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

FROM: Contingency Reserve $22,000
TO: Federal Advocacy Services $22,000

Due to the number of increasing Federal mandates placed on local government, as well as reduction in Federal support for a variety of Federal activities, the Economic Development, Community and Intergovernmental Relations Committee believes that additional advocacy services at the Federal level is warranted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-601

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHAMBER OF COMMERCE TO PROVIDE FUNDING FOR THE CONVENTION AND VISITORS BUREAU OF $181,047 FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Chamber of Commerce to provide funding for the Convention and Visitors Bureau of $181,047 for Fiscal Year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Morrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR A GRANT OF $50,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Affordable Housing Corporation (STANCO) for a grant of $50,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK SABALA, OWNER OF PROPERTY AT 123 MERCE Avenue, FOR THE PURPOSE OF REHABILITATING THE PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Frank Sabala, owner of property at 123 Merced Avenue, for the purpose of rehabilitating the property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-604

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EDWARD H. AND BEVERLY J. HOLBROOK FOR THE ACQUISITION OF A PERMANENT AND TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Edward H. and Beverly J. Holbrook for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-605  

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO REESTIMATE REVENUE AND EXPENDITURES AS INDICATED IN THE FIRST QUARTER BUDGET REPORT FOR THE HOUSING & COMMUNITY DEVELOPMENT GRANT PROGRAM.  

WHEREAS, Fiscal Year 1992-93 CDBG & HOME carryover grant revenues will be recognized in Fiscal Year 1993-94, and  

WHEREAS, this action will increase the revenue estimate for FY 1993-94 and decrease the unaudited fund balance in FY 1992-93, and  

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for Fiscal Year 1993-94 to reestimate grant related revenue and appropriate grant related expenditures,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the Housing & Community Development Grant Funds of the City of Modesto for Fiscal Year 1993-94 as follows:  

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>117-140-1458-3517</td>
<td>&quot;HOME&quot; Grant</td>
</tr>
<tr>
<td>113-140-1456-3513</td>
<td>CDBG - Operating Grant</td>
</tr>
<tr>
<td>113-140-1456-0497</td>
<td>Loan Principal Payouts</td>
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<tr>
<td>113-800-8000-8003</td>
<td>Contingency Reserve</td>
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<tr>
<td>117-140-1458-0497</td>
<td>Loan Principal Payout</td>
</tr>
<tr>
<td>117-140-1458-@110</td>
<td>Salaries &amp; Wages</td>
</tr>
<tr>
<td>117-140-1459-0497</td>
<td>Loan Principal Payout</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-606

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR SEWER LIFT STATION AT MID LATERAL NO. 5 AND MAZE BOULEVARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Consent to Common Use agreement between the City of Modesto and Modesto Irrigation District for sewer lift station at MID Lateral No. 5 and Maze Boulevard be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-607

A RESOLUTION PROCLAIMING OCTOBER 27, 1993, AS "UNFUNDED MANDATES DAY" IN OBSERVANCE OF NATIONAL UNFUNDED MANDATES DAY.

WHEREAS, the number of unfunded federal and state mandates on cities and counties have significantly increased during the last decade, and

WHEREAS, many federal and state programs, which were made available to local governments to ease the burden of carrying out federal mandates, have been terminated or drastically reduced, and

WHEREAS, these mandates have been added to the financial hardships that some cities and counties are experiencing and have resulted in the need for many local governments to increase revenues or curtail services, and

WHEREAS, studies have shown these mandates consume one-fourth of most city, county, and school budgets meaning that these local dollars are used to fund state and federal priorities rather than local priorities, and

WHEREAS, there are numerous proposals before Congress to limit unfunded mandates and the burdensome regulations that accompany many federal laws, and

WHEREAS, October 27, 1993, has been designated as "National Unfunded Mandates Day" in order to call attention to the severe problems that these mandates impose on cities and counties,
BE IT FURTHER RESOLVED, that the City Council of the City of Modesto hereby requests that the Clinton Administration, the Congress, and the State Assembly pass meaningful legislation to end the practice of unfunded mandates, and to include in any future mandate, provisions requiring local government input, cost/benefit analyses, and scientifically sound assessments of purported health, safety, or environmental risk.

BE IT FURTHER RESOLVED that the City Council of the City of Modesto has proclaimed October 27, 1993, as "Unfunded Mandates Day".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-608

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HOUSING AUTHORITY OF STANISLAUS COUNTY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-609

A RESOLUTION GRANTING APPROVAL TO THE
AMERICAN LEGION AND MODESTO JUNIOR CHAMBER OF
COMMERCE TO CONDUCT A VETERANS' DAY PARADE IN
THE CITY OF MODESTO ON THURSDAY, NOVEMBER 11,
1993, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Roy McKenzie on behalf of the American Legion
and Modesto Junior Chamber of Commerce have filed an Application
for Direct City Assistance to use portions of city streets and
for the City to provide traffic control, relating to a Veterans' Day Parade to be held on Thursday, November 11, 1993, for use of
Downey Community Park in connection with the parade in honor of
Veterans' Day, and

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

WHEREAS, the City Council deems it appropriate to grant
approval to said request for traffic control and for the use of
Downey Community Park for assembly purposes in connection with
the parade, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it does hereby approve the Application for
Direct City Assistance filed by Roy McKenzie on behalf of the
American Legion and Modesto Junior Chamber of Commerce relating
to a Veterans' Day Parade to be held on Thursday, November 11,
1993, subject to the following conditions:

1. The parade assembly will take place on
November 11, 1993, at the Downey Community Park
parking area from approximately 9:30 a.m. to 10:00 a.m. and the parade will commence at approximately 10:00 a.m. and terminate at approximately 11:30 a.m.

2. The parade route, subject to approval of the Police Chief, will include Brighton Avenue from Downey Community Park west to Coffee Road, Coffee Road from Brighton Avenue south to Scenic Drive, and Scenic Drive from Coffee Road west to Saint Stanislaus Catholic Cemetery, a total distance of approximately 1.6 miles.

3. The City of Modesto will provide three (3) Police Motorcycle Escorts and two (2) squad cars to maintain traffic control along the parade route.

4. The Parks and Recreation Department will reserve the Downey Community Park parking area for parade assembly on November 11, 1993, from approximately 8:00 a.m. to 10:00 a.m.

5. The American Legion and Modesto Junior Chamber of Commerce shall be responsible for the removal of all trash and debris from the streets used for the aforementioned Veterans' Day Parade which accumulates as a result of the parade.

6. The American Legion and Modesto Junior Chamber of Commerce shall indemnify and hold harmless the City of Modesto, its officers, agents and employees from and against any and all costs, damages, injuries, liability or loss to persons or property which may arise out of or in any way be connected with the Veterans' Day Parade, and use of Downey Community Park and all streets, within the City for the aforementioned Veterans' Day Parade.

7. The American Legion and Modesto Junior Chamber of Commerce agrees to provide by November 10, 1993, and keep in force on November 10 and 11, 1993, a policy acceptable to the Risk Manager of the City of Modesto of public liability insurance covering any and all claims for injuries to persons or property arising out of the aforementioned Veterans' Day Parade, with combined single limits of Five Hundred Thousand ($500,000.00) Dollars per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and
Five Hundred Thousand ($500,000.00) Dollars for claims for property damage.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the American Legion and Modesto Junior Chamber of Commerce, under the terms of this resolution. Certificate(s) evidencing the insurance shall be filed with the City Clerk.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

1/02/93--CA

-3-
ACCEPTANCE

We do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 93-609 pertaining to the 1993 Veterans' Day Parade sponsored by American Legion and Modesto Junior Chamber of Commerce.

Dated:__________________

AMERICAN LEGION

By________________________________________

By________________________________________

MODESTO JUNIOR CHAMBER OF COMMERCE

By________________________________________

By________________________________________

11/02/93--CA
A RESOLUTION ACCEPTING THE RESIGNATION OF KARL MASON FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE OCTOBER 26, 1993

WHEREAS, Karl Mason was appointed a member of the Affirmative Action Commission on June 23, 1992; and

WHEREAS, Karl Mason has tendered his resignation from the Affirmative Action Commission, effective October 26, 1993.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Karl Mason from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Karl Mason for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-611

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT ENRIQUE ZAMORA, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of the claimant, Enrique Zamora, against the City of Modesto was received on October 13, 1993 in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of claimant, Enrique Zamora, against the City of Modesto, received on October 13, 1993, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING NAOMI KIKUGAWA AND KIRK LINDSEY TO THE INTERNATIONAL FRIENDSHIP COMMITTEE

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

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

SECTION 1. Naomi Kikugawa and Kirk Lindsey are hereby appointed to the International Friendship Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING EARL HOWARD TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Earl Howard
Term to expire 6/30/97

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF ALLEN A. WAGGONER CONSTRUCTION, INC. FOR THE LAKEWOOD TRUNK SEWER EXTENSION UNDER MID LATERAL NO. 3

WHEREAS, Resolution No. 93-525, adopted by the Council of the City of Modesto on September 21, 1993, approved the plans and specifications for the Lakewood trunk sewer extension under MID Lateral No. 3 and authorized the calling for bids; and

WHEREAS, the bids received for the Lakewood trunk sewer extension under MID Lateral No. 3 were opened at 11:00 a.m. on October 21, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Allen A. Waggoner Construction, Inc. in the amount of $76,410.55 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen A. Waggoner Construction, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $89,411 FOR THE LAKewood TRUNK SEWER EXTENSION UNDER MID LATERAL NO. 3

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

FROM: Lakewood Trunk Construction $89,411
TO: Lakewood Trunk Under MID Lateral 3 $89,411

Establishing a separate account for this portion of the trunk sewer extension will aid in tracking project costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: /s/ Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF PATCH MASTER OF CENTRAL CALIFORNIA FOR THE HETCH HETCHY BIKE PATH PROJECT

WHEREAS, Resolution No. 93-495, adopted by the Council of the City of Modesto on September 7, 1993, approved the plans and specifications for the Hetch Hetchy bike path project and authorized the calling for bids; and

WHEREAS, the bids received for the Hetch Hetchy bike path project were opened at 11:15 a.m. on October 21, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Patch Master of Central California in the amount of $175,676.40 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Patch Master of Central California be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-617

A RESOLUTION ACCEPTING THE BEYER PARK PARKING AREA REHABILITATION PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Beyer Park parking area rehabilitation project has been completed by H. Max Lee, Inc., in accordance with the contract agreement dated July 6, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Beyer Park parking area rehabilitation project be accepted from said contractor, H. Max Lee, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $27,802.20 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember___Friedman_____, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-618

A RESOLUTION ADOPTING A REVISED AFFIRMATIVE ACTION PLAN FOR THE CITY OF MODESTO FOR FY92/93 TO FY96/97.

WHEREAS, the City of Modesto has been, is, and will continue to be committed to the principle that equal employment opportunities in the public service of the City under the Merit System and with those who contract to do business with the City must be afforded to all persons regardless of race, religion, color, creed, sex, age, handicap, national origin or political affiliation or belief, and

WHEREAS, equal employment opportunity may be insured only by a carefully administered program designed to eliminate any practices, standards, or conditions which would artificially deprive or tend to deprive any individual of employment opportunities, and

WHEREAS, the City Manager has submitted a proposed revised Affirmative Action Plan for the City of Modesto, for FY92/93 to FY96/97, a copy of which is marked Exhibit "A" and attached hereto, and

WHEREAS, this Council desires to adopt and implement said revised Affirmative Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the City of Modesto is committed to the principle that equal employment opportunities

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in the public service of the City under the Merit System and with those who contract to do business with the City must be afforded to all persons regardless of race, religion, color, creed, sex, age, handicap, or national origin, or political affiliation or belief and that said principle be achieved through an Affirmative Action Plan.

BE IT FURTHER RESOLVED that the Affirmative Action Plan of the City of Modesto submitted by the City Manager, for FY92/93 to FY96/97, a copy of which is marked Exhibit "A" and attached hereto, is hereby adopted as the Affirmative Action Plan for the City of Modesto.

BE IT FURTHER RESOLVED that the Affirmative Action Plan adopted hereby supersedes and replaces the Affirmative Action Program adopted by Resolution No. 87-237, which was adopted on April 7, 1987.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
AFFIRMATIVE ACTION PLAN

FY92/93 - FY96/97

This document represents the City of Modesto's Affirmative Action Plan (five year) for fiscal years 1992-93 through 1996-97. Described herein are the City's plans and goals which have been developed in accordance with Federal, State and local laws in an effort to insure that minorities, women, disabled individuals and other groups are afforded equal opportunity. The City is fully committed to the effective implementation of the Affirmative Action Plan, and to continued progress toward the achievement of its goals. The City's Affirmative Action Commission is confident that the City can continue to expand the employment opportunities and full utilization of women, minorities, the disabled, and other protected groups.
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I. BACKGROUND

On March 24, 1972, the Federal Equal Employment Opportunity Act of 1972 made Title VII of the Civil Rights Act applicable to local governments and brought them under the jurisdiction of the Equal Employment Opportunity Commission. The Commission's previously issued Guidelines on Employee Selection Procedures and on Sex Discrimination then became applicable to the City of Modesto.

Re-emphasizing their commitment to equal employment opportunity, the Modesto City Council approved the creation of an Affirmative Action Commission on April 7, 1987. This Commission is composed of representatives of the community. It is charged with advising the City Manager and City Council in the development and implementation of the Affirmative Action Program for the City.

On October 1, 1987, in accordance with Federal Regulations 49, Part 23, Section 23.45, the City of Modesto established a policy to provide an equal opportunity for the participation of licensed minority and female contractors in all aspects of bidding, contracting and performing work which is financed by the Home Investment Partnership Act (HOME), Community Development Block Grant (CDBG) and Rental Rehabilitation Program (RRP) funds.

On January 21, 1992, under Resolution 92-42, the City of Modesto set a policy to provide any qualified individual with a disability with assistance, services or benefits that are effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; set a policy not to aid or perpetuate discrimination against a qualified individual with a disability by funding any agency, organization, or person that discriminates on the basis of disability; and set a policy to make reasonable accommodations to the physical or mental limitations of qualified applicants or employees with disabilities, including job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or qualified sign language interpreters, and other similar actions, in accordance with the Americans With Disabilities Act of 1990.
II. INTRODUCTION

The Affirmative Action Plan is a tool developed to assist in the implementation of the City's Affirmative Action Policy. The document outlines the establishment of overall City goals, indicates the direction of Affirmative Action, assigns specific responsibilities, and provides a system to monitor, audit and measure progress. It provides for positive steps to correct underutilization and inequities in areas of employment and contract bidding. The goals contained in the document are planning targets for City officials to strive to achieve and to eliminate discriminatory practices if found to exist.

It is the responsibility of City department directors, managers, supervisors and others to insure that all employees under their supervision have access to this Plan. New employees receive orientation, including a full explanation of the employee's affirmative action responsibilities and rights.

An assessment of the City's progress will be prepared at least on an annual basis and submitted to the City Manager by the Affirmative Action Officer.

The annual assessment will measure the City's progress on the basis of employment and contract decisions. The assessment will insure that these decisions are based on job and contract compliance related criteria, and will measure progress through the improved utilization in the City's workforce of various ethnic groups, women and individuals with disabilities.

It is the City's hope that all individuals may have the realistic opportunity to achieve a place in the work force which meets their interests, qualifications, and capabilities. For this reason, the City has an ultimate goal to develop a City work force that is representative of the community it serves. In the setting of specific goals for improved representation, however, the City clearly understands that achievement of both flexible short-range and long-range goals depends upon the availability of qualified and interested applicants, the use of merit practices, and the availability of revenue to support the level of services and activities currently provided by the City. The overriding objective is to provide each person with a realistic opportunity to develop and succeed according to his or her potential.

In adopting this Affirmative Action Plan, the City Council calls for the full cooperation of all employees in carrying out the Plan responsibilities to make "equal employment opportunity" an established fact in the City of Modesto.
III. AFFIRMATIVE ACTION POLICY STATEMENT

The Modesto City Council is committed to the principles of justice, equal opportunity and nondiscrimination in all employment practices. We fully endorse the policy of equal opportunity and have committed the City of Modesto to a program of affirmative action to provide employees and applicants equal employment opportunities in all departments and job classifications within the City. The City's Affirmative Action Program aims at: identifying and eliminating the effects of any past discrimination; removing any artificial barriers to the employment of women, minorities and individuals with disabilities; improving the ratios of women, minorities and individuals with disabilities at all levels of employment so that they approximate parity in the labor market; and providing a continuing program of training and promotion for such employees.

The Modesto City Council recognizes an individual's right to secure employment with the City of Modesto in any field of endeavor based on his/her merit and qualifications. The City will not participate in discriminatory practices against any person employed or seeking employment because of race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical disability (including AIDS) or sexual orientation. Equal employment opportunity extends, but is not limited to recruitment, compensation, benefits, layoff, termination and all other conditions of employment.

The Council also recognizes the need to actively recruit, identify and encourage minority enterprises to enter the contract bidding process of the City of Modesto. As potential minority bidders are identified, they will be contacted and made familiar with the bidding process. Contractors awarded public works contracts are required to comply with applicable federal and state laws and regulations relating to affirmative action in the work place.

The City Manager is responsible for the implementation of the Affirmative Action Plan. The Affirmative Action Plan has established and will maintain affirmative action goals and a monitoring system to overcome any effects of past discrimination, either real or perceived. An active effort will be made to recruit women, minorities and disabled individuals for all employment opportunities within the City.
IV. DISSEMINATION OF POLICY

The City of Modesto disseminates its affirmative action policy through the use of the following methods.

A. INTERNAL DISSEMINATION OF POLICY

1. All City department heads will be informed of the intent of the Policy and their individual responsibility for its implementation.

2. The Policy and related activities will be highlighted in City publications.

3. All new employees will be informed of the Policy at the time of orientation.

4. All employee organizations are informed of the City's goals and commitment, and their cooperation is requested to meet these goals. A nondiscrimination clause is included in all memoranda of understanding and all contractual provisions are reviewed to ensure they are nondiscriminatory.

5. The current City AA policy is posted on appropriate City bulletin boards in all departments.

B. EXTERNAL DISSEMINATION OF POLICY

1. Recruitment resources used by the City will be informed in writing of the City's AA policy.

2. Prior to a purchase order or contract being issued, each potential subcontractor, vendor or supplier will be informed that they must adopt Executive order 11246 guidelines, an equal opportunity clause. The equal opportunity clause will be in effect during the execution of any City purchase order or contract, and their cooperation is required.

3. Minority organizations, community agencies, community leaders, secondary schools and colleges are notified that the Affirmative Action Officer will be available to explain the City's AA Policy, upon request.
V. ASSIGNMENT OF RESPONSIBILITY FOR THE AFFIRMATIVE ACTION PLAN

Each member of Management is responsible for furthering of the Affirmative Action Plan in all phases of the City's employment practices.

Below is the description of the specific duties and responsibilities of the various city officials in the Affirmative Action efforts:

The City Council is responsible for the adoption of the City's Affirmative Action Plan. The Council also provides a forum for public awareness of the City's plan and periodically reviews plan results.

The City Manager is responsible for the City's personnel policies and for insuring discrimination-free processes. The City Manager will establish a positive tone to encourage department heads and other appointing authorities to make Affirmative Action opportunities a part of their hiring decisions. The City Manager will monitor results and report progress to the City Council.

The Affirmative Action Commission is a task-oriented citizen's body that advises the City Manager and encourages positive progress of Affirmative Action in the City of Modesto. The City Council shall appoint eleven (11) Affirmative Action Commissioners for a two-year term. Members shall not be City employees, and shall as a group include members of protected classes including females, minorities, the disabled, and workers over 40 years. Members should have a background evidencing community involvement, understanding of business and employment practices, and awareness of the objectives and methods of Equal Employment Opportunity and Affirmative Action.

The Commission shall be governed by its Rules of Procedures, initially adopted by the City Council, and which may be amended from time to time by the Commission.

The duties of the Affirmative Action Commission are:

1) To advise the City Manager and the City Council in matters that relate to equal employment opportunity and affirmative action.

2) To review the practices and procedures of the City in matters that relate to equal employment opportunity and affirmative action.
3) To review workforce analysis as provided by staff; to provide input and review data utilized in the analysis.

4) To review utilization analysis of job groups and affirmative action progress report.

5) To recommend revisions to affirmative action goals and timetables and review the accomplishments of the City of Modesto in meeting its affirmative action goals.

The Affirmative Action Officer has the responsibility for the implementation of affirmative action programs, and to

1) Develop policy statements, Affirmative Action programs, internal and external communication techniques and monitoring systems for Affirmative Action and Minority/Women Business Enterprise programs.

2) Identify problem areas and assist line management in arriving at solutions to problems.

3) Design and implement audits and reporting systems which will measure effectiveness of the Affirmative Action and Minority/Women Business Enterprise programs, indicate need for remedial action, if any, and determine whether goals and objectives have been attained.

4) Serve as liaison between the City and enforcement agencies.

5) Serve as liaison between the City, private and public employment services and community action groups for the recruitment of minority groups, women, and members of the disabled community.

6) Become active with local minority organizations, women's organizations, organizations serving the disabled, and community service groups.

7) Review and conduct periodic audits of hiring, promotion, and disciplinary actions to remove impediments to the attainment of goals and objectives.

Department Directors are generally the "appointing authority" in City government. They are responsible for hiring decisions, promotions, disciplinary actions and insuring that City and departmental personnel policies are enforced. They are responsible for their department affirmative action goals.
The Personnel Director is responsible for administering and maintaining a personnel system in which equal employment opportunity can become a reality. Specifically, the Personnel Director is responsible for recruitment and selection efforts, training, and any other matters of employment policy.

Supervisors are required to carry out their duties in directing, training, monitoring and evaluating subordinates without regard to non-job related criterion, such as race, color, sex, ancestry, age, national origin, marital status, physical disability (including AIDS), medical condition (cancer related), religion or sexual orientation.

Employees have the responsibility of interacting with their fellow employees and the public in a respectful and non-discriminatory manner, so that an environment of equal opportunity is modeled throughout the City's workforce.

Employee organizations have agreed to support the City's efforts in increasing Equal Employment Opportunity through Affirmative Action. Specific commitments will be included in each Memorandum of Understanding.
VI. COMPLAINT PROCEDURE

1. Intent - Any person who feels that he/she has encountered discrimination and/or harassment is encouraged to come forward and present that information. All complaints are kept confidential. However, it should be noted that when a supervisor or other management employee is made aware of such a situation, he/she is required to take steps to verify whether or not the discrimination/harassment occurred and to take whatever action is necessary to correct the situation.

It is the intent of this procedure to provide an effective means for resolving individual or group problems of a sensitive nature quickly and with a minimum of formal procedural requirements.

2. Scope - This procedure should be used for perceived discrimination or harassment based on race, color, national origin, ancestry, sex, marital status, religion, age, medical condition (cancer-related), physical disability (including AIDS), or sexual orientation.

3. Limitations - This procedure for resolving complaints of discrimination and harassment is not intended to supplant or prohibit employees or applicants from filing complaints with the Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), other appropriate state or federal agencies, or with the courts.

PROCEDURE: The procedure for reporting incidents of discrimination or harassment is meant to be as flexible as possible.

a) Complainants have the option of contacting their immediate supervisor for assistance or the Affirmative Action Officer or the Personnel Director. If an employee goes directly to a supervisor, the supervisor should notify the Affirmative Action Officer that he/she has received the complaint. This can be done informally and confidentially.

b) The complainant should come forward as soon as possible after an incident of discrimination or harassment. The supervisor or Affirmative Action Officer should begin a confidential investigation of the complaint as soon as possible. A reasonable time line would be 2-5 working days, depending on employees' work schedules.
c) The complainant should be assured and the alleged discriminator/harasser should be cautioned that protection from retaliation for complainants and witnesses is provided under the legal statutes of EEOC and the DFEH. Also, the complainant should be given feedback as to the status of the complaint.

d) If the complainant has first taken their complaint to a supervisor and is not satisfied with the supervisor's or department's timeliness or efforts, he/she may then contact the Affirmative Action Officer or the Personnel Director. He/she should notify the department that this is being done.

e) If the supervisor or department cannot effect conciliation and negotiation within a reasonable amount of time (two to three work weeks), the complainant should contact the Affirmative Action Officer to complete the confidential investigation and come to a resolution.

The Affirmative Action Officer and/or the department will produce a confidential written report of findings.

f) If the supervisor or department find that discrimination or harassment has occurred and further action is needed (such as coaching the responsible employee, a record of discussion, discipline, etc.), the Affirmative Action Officer and the Personnel Director should be consulted in advance of the action. Personnel will work in cooperation with the supervisor to determine the appropriateness of the action.

g) The complainant should be notified that he/she has the right to file a claim with the EEOC or the DFEH if the resolution of the case by the City is not to his/her satisfaction.
VII. WORKFORCE ANALYSIS

A. MINORITY POPULATION OF THE LABOR AREA

The 1990 Census Data Labor Market Information for the City of Modesto includes all of Stanislaus County. Stanislaus County is the immediate civilian labor market where the major portion of the City's workforce is most likely recruited.

The latest available labor market data estimates by ethnic group for the Metropolitan Statistical Area (MSA), as provided by the U.S. Census Bureau, reflects the following:

Stanislaus County

Total Labor Market Population 167,810

<table>
<thead>
<tr>
<th>Ethnic Group*</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>1.30</td>
</tr>
<tr>
<td>Hispanics</td>
<td>20.40</td>
</tr>
<tr>
<td>Asians</td>
<td>3.18</td>
</tr>
<tr>
<td>American Indian</td>
<td>.99</td>
</tr>
<tr>
<td>Female</td>
<td>43.04</td>
</tr>
</tbody>
</table>

* Ethnic Group Identification

WHITE (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North America, or the Middle East.

BLACK (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.

HISPANIC: All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

ASIAN OR PACIFIC ISLANDER: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

AMERICAN INDIAN OR ALASKAN NATIVE: All persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition. (Taken from EEOC Report Booklet, #1993-350-216)
VIII. UTILIZATION

A. CITYWIDE EEO-4 CATEGORIES

Local government agencies are required to keep their statistics on representation of women and minorities in the workplace by specified categories. These are commonly referred to as EEO-4 categories. Of the nine categories specified, the City of Modesto has employees in eight categories. The affirmative action statistics, utilization analysis, goals, and timetables for the Citywide workforce and for individual departments are based on these groupings. Each is explained briefly below:

**Officials and Administrators**
City Council Members, Administrators in City Manager's Office, and Department Directors.

**Professionals**
Mid-level Managers and/or Supervisors, with professional and administrative classifications requiring specialized knowledge.

**Technicians**
Specialized, technical and/or inspectoral positions, including computer programmers, police and fire sergeants, laboratory technicians and industrial waste inspectors.

**Protective Service**
Occupations entrusted with public safety and security, including sworn Police Officers and Firefighters.

**Paraprofessionals**
Occupations in which workers perform some of the duties of a professional or technician in a supportive role. These include animal control officers and community service officers.

**Administrative Support**
Occupations in which workers are responsible for internal and external communication, including bookkeepers, administrative clerks, police clerks, payroll clerks and cashiers.

**Skilled Crafts**
Workers with special manual skill including electricians, heavy equipment operators, carpenters and water and sewage treatment plant operators.

**Service/Maintenance**
Occupations which contribute to the upkeep and care of buildings facilities or grounds of public property, including custodial employees, maintenance mechanics and maintenance workers.
<table>
<thead>
<tr>
<th>Category</th>
<th>White</th>
<th></th>
<th>Black</th>
<th></th>
<th>Hisp</th>
<th></th>
<th>Asian</th>
<th></th>
<th>AmInd</th>
<th></th>
<th>Total</th>
<th></th>
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</thead>
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<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off/Adm</td>
<td>18</td>
<td>5</td>
<td>1</td>
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<td>0</td>
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<td>5</td>
</tr>
<tr>
<td>Prof</td>
<td>141</td>
<td>41</td>
<td>7</td>
<td>2</td>
<td>6</td>
<td>2</td>
<td>4</td>
<td>3</td>
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<td>Tech</td>
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<td>1</td>
<td>0</td>
<td>51</td>
<td>20</td>
</tr>
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<td>Parap</td>
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<td>11</td>
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<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td>Adm Sup</td>
<td>3</td>
<td>98</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>15</td>
<td>0</td>
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<td>0</td>
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<td>5</td>
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<td>Prot Sv</td>
<td>236</td>
<td>5</td>
<td>11</td>
<td>1</td>
<td>31</td>
<td>2</td>
<td>6</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>288</td>
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<tr>
<td>Sv Mntn</td>
<td>87</td>
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<td>0</td>
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<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>131</td>
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<tr>
<td>TOTALS</td>
<td>648</td>
<td>183</td>
<td>30</td>
<td>6</td>
<td>111</td>
<td>23</td>
<td>16</td>
<td>9</td>
<td>9</td>
<td>1</td>
<td>814</td>
<td>222</td>
</tr>
<tr>
<td>Percent</td>
<td>63</td>
<td>18</td>
<td>3</td>
<td>-</td>
<td>10</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

B. CITY WORKFORCE BY EEO-4 CATEGORY JUNE 30, 1992
IX. GOALS AND TIMETABLES

A. THE ANTICIPATED EXPANSION, CONTRACTION AND TURNOVER OF THE CITY WORK FORCE

Current work force plans for the City of Modesto through fiscal year 1993-94 indicate that the total City work force will remain relatively constant. Future workforce projections are difficult at this time because of somewhat flat local revenues and the continuing state deficit. It is safe to assume that for at least the first two to three years of this plan, many positions which in the past would have been filled as a function of attrition will remain vacant. During the first two years of the plan, some layoffs either have or are anticipated to occur.

For planning purposes, we have estimated that turnover across job categories will be in the 4% range for the foreseeable future. Goals and timetables have been established based on this assumption. Should this figure decrease, goals will take longer to reach. Should turnover exceed this projection, or should City expansion once again take place, it may be possible to reach our goals on an accelerated schedule.

Because the turnover rate is estimated at 4% and this plan is meant to cover a five-year planning range, goals for some groups in some EEO4 categories will be less than the percentage or numbers shown as needed in the charts on "underutilization". For example, 62 additional women are needed in the Professional category to meet parity with labor market availability. Parity could only be met in the five-year span of this plan if there was a turnover rate of 20.2% per year in this category. However, the City's actual five-year goal will be based on the projected 4% turnover rate.

B. PURPOSE AND BASIS OF GOAL SETTING

The long range goal of the City's Affirmative Action Plan is to achieve a workforce that is a representation of the workforce of the community it serves, in each occupational group and at the various levels within each EEO4 category. Efforts to achieve that ultimate goal must be consistent with merit principles and will depend on the availability of qualified applicants and the limited opportunities to hire inherent under reduced budgets. Short range goals for the increased representation of women and minorities in the City's workforce will be reviewed annually to cover five-year periods in those categories and classes where underutilization is prevalent.
Affirmative Action goals should be considered as flexible targets and not as rigid standards. They will reflect results which the Affirmative Action Commission, with approval from the City Council, has determined can reasonably be achieved within a five-year period. They will be based on both the availability of qualified persons in the labor force, relevant to each occupational group and consideration of the opportunities to hire and promote persons. These goals can be impacted by budget implications which necessitate a reduced workforce, either by leaving positions vacant or a layoff of employees.

C. RESPONSIBILITY FOR SETTING GOALS

This plan will set recommended Citywide goals for a five-year period based on underutilization of specified groups. Departmental goals will be set by the Affirmative Action Officer in consultation with the individual department directors and the Affirmative Action Commission.
D. CITYWIDE GOALS AND TIMETABLES BY EEO4 CATEGORY

FIVE-YEAR GOALS (%)

<table>
<thead>
<tr>
<th>Group</th>
<th>6/30/92 Workforce</th>
<th>1996-97 Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICIALS/ADMINISTRATORS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>4.0</td>
<td>1.9</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>0.0</td>
<td>3.4</td>
</tr>
<tr>
<td>Asian:</td>
<td>4.0</td>
<td>4.3</td>
</tr>
<tr>
<td>American Indian:</td>
<td>0.0</td>
<td>0.7</td>
</tr>
<tr>
<td>Women:</td>
<td>20.0</td>
<td>24.8</td>
</tr>
<tr>
<td>PROFESSIONALS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>4.3</td>
<td>2.4</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>3.8</td>
<td>6.0</td>
</tr>
<tr>
<td>Asian:</td>
<td>3.4</td>
<td>4.6</td>
</tr>
<tr>
<td>American Indian:</td>
<td>1.4</td>
<td>0.6</td>
</tr>
<tr>
<td>Women:</td>
<td>22.6</td>
<td>32.5</td>
</tr>
<tr>
<td>TECHNICIANS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>1.4</td>
<td>1.3</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>8.5</td>
<td>10.0</td>
</tr>
<tr>
<td>Asian:</td>
<td>4.2</td>
<td>3.8</td>
</tr>
<tr>
<td>American Indian:</td>
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<td>0.4</td>
</tr>
<tr>
<td>Women:</td>
<td>28.2</td>
<td>33.3</td>
</tr>
<tr>
<td>PROTECTIVE SERVICE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>3.7</td>
<td>4.8</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>11.1</td>
<td>12.8</td>
</tr>
<tr>
<td>Asian:</td>
<td>2.4</td>
<td>3.2</td>
</tr>
<tr>
<td>American Indian:</td>
<td>1.4</td>
<td>1.7</td>
</tr>
<tr>
<td>Women:</td>
<td>3.0</td>
<td>7.5</td>
</tr>
<tr>
<td>Group</td>
<td>6/30/92 Workforce</td>
<td>1996-97 Goal</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>PARAPROFESSIONAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>7.1</td>
<td>2.0</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>10.7</td>
<td>13.2</td>
</tr>
<tr>
<td>Asian:</td>
<td>3.6</td>
<td>4.5</td>
</tr>
<tr>
<td>American Indian:</td>
<td>0.0</td>
<td>1.2</td>
</tr>
<tr>
<td>Women:</td>
<td>60.7</td>
<td>70.8</td>
</tr>
<tr>
<td><strong>ADMINISTRATIVE SUPPORT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>1.7</td>
<td>1.5</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>13.2</td>
<td>15.1</td>
</tr>
<tr>
<td>Asian:</td>
<td>1.7</td>
<td>2.8</td>
</tr>
<tr>
<td>American Indian:</td>
<td>0.0</td>
<td>1.1</td>
</tr>
<tr>
<td>Women:</td>
<td>95.9</td>
<td>74.7</td>
</tr>
<tr>
<td><strong>SKILLED CRAFT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>2.6</td>
<td>1.2</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>20.4</td>
<td>19.6</td>
</tr>
<tr>
<td>Asian:</td>
<td>2.0</td>
<td>1.9</td>
</tr>
<tr>
<td>American Indian:</td>
<td>0.0</td>
<td>.7</td>
</tr>
<tr>
<td>Women:</td>
<td>3.3</td>
<td>5.5</td>
</tr>
<tr>
<td><strong>SERVICE/MAINTENANCE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black:</td>
<td>4.4</td>
<td>1.4</td>
</tr>
<tr>
<td>Hispanic:</td>
<td>27.2</td>
<td>30.0</td>
</tr>
<tr>
<td>Asian:</td>
<td>.7</td>
<td>1.7</td>
</tr>
<tr>
<td>American Indian:</td>
<td>1.5</td>
<td>.9</td>
</tr>
<tr>
<td>Women:</td>
<td>2.9</td>
<td>13.6</td>
</tr>
</tbody>
</table>
E. ANNUAL PLACEMENT RATE - BY EEO-4 CATEGORY

The percentage of new hires needed within each group to reach the goal for that group is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Women</th>
<th>Black</th>
<th>Hispanic</th>
<th>Asian</th>
<th>AmInd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officials/Administrators</td>
<td>51.6</td>
<td>15.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professionals</td>
<td>70.0</td>
<td>18.4</td>
<td>10.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technicians</td>
<td>59.1</td>
<td>18.8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protective Service</td>
<td>24.5</td>
<td>10.0</td>
<td>21.3</td>
<td>6.4</td>
<td>3.4</td>
</tr>
<tr>
<td>Paraprofessional</td>
<td>91.0</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Support</td>
<td></td>
<td></td>
<td>23.9</td>
<td>6.8</td>
<td>2.2</td>
</tr>
<tr>
<td>Skilled Craft</td>
<td>16.2</td>
<td></td>
<td></td>
<td></td>
<td>2.8</td>
</tr>
<tr>
<td>Service/Maintenance</td>
<td>52.5</td>
<td>41.0</td>
<td></td>
<td>5.8</td>
<td></td>
</tr>
</tbody>
</table>
F. CITY WORKFORCE PROJECTIONS

When the City of Modesto reaches its five-year goals based on EEO-4 Categories, it will result in a total City workforce as follows:

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>2.6</td>
</tr>
<tr>
<td>Hispanic</td>
<td>14.6</td>
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<tr>
<td>Asian</td>
<td>3.2</td>
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<tr>
<td>American Indian</td>
<td>1.0</td>
</tr>
<tr>
<td>Women</td>
<td>24.8</td>
</tr>
</tbody>
</table>

Based on those same five-year goals, the City will have underutilization as follows:

<table>
<thead>
<tr>
<th>GROUP</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>0.0</td>
</tr>
<tr>
<td>Hispanic</td>
<td>1.7</td>
</tr>
<tr>
<td>Asian</td>
<td>0.8</td>
</tr>
<tr>
<td>American Indian</td>
<td>0.0</td>
</tr>
<tr>
<td>Women</td>
<td>3.4</td>
</tr>
</tbody>
</table>
X. UNDERUTILIZATION

A. UNDERUTILIZATION BY EEO4 CATEGORY - CITY WORKFORCE

The following shows the visual (as opposed to statistical) underrepresentation of women and minorities by EEO4 category on a citywide basis. In the eight categories as a whole, women are underutilized in seven, Hispanics in seven, Blacks in one, Asians in four, and American Indians in three.

1. Officials/Administrators
   Women are underutilized in this category by 4 employees; Hispanics by 3.

2. Professionals
   Women are underutilized in this category by 62 employees; Hispanics by 11; Asians by 4.

3. Technicians
   Women are underutilized in this category by 8 employees; Hispanics by 3.

4. Protective Service
   Women are underutilized in this category by 39 employees; Blacks by 4; Hispanics by 9; Asians by 2; American Indians by 1.

5. Paraprofessionals
   Women are underutilized in this category by 8 employees; Hispanics by 1.

6. Administrative Support
   Hispanics are underutilized in this category by 3 employees; Asians by 2; American Indians by 1.

7. Skilled Craft
   Women are underutilized in this category by 7 employees; American Indians by 2.

8. Service/Maintenance
   Women are underutilized in this category by 44 employees; Hispanics by 11; Asians by 4.
### B. UNDERUTILIZATION* BY DEPARTMENT

The following summary shows the number of personnel in each category (e.g. administrative support), compared to the number of personnel underutilized, by department breakdown.

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*Based on market availability*
XI. CITY OF MODESTO AFFIRMATIVE ACTION PLAN STANDARDS

To insure that the City Affirmative Action Plan complies with federal and state guidelines for affirmative action plans, the following program standards shall be followed:

A. PLAN GOALS

1. The Affirmative Action Officer will provide departments with information on the availability of underrepresented groups in the occupational categories used in each department.

2. Recruitment programs will be planned and implemented in support of percentage goals that have been established.

B. PLAN MONITORING

1. Progress toward program goals shall be monitored by the Affirmative Action Officer and where appropriate by the Commission for achievement of numerical goals, progress in accomplishing plans as stated in previous annual progress reports, problem areas identified during the last quarter, and recommendations made by the Affirmative Action Officer.

2. Information on affirmative action provided by the Personnel Department, including new laws and court decisions shall be reviewed, maintained for reference, and distributed to supervisors.

C. DISSEMINATION OF INFORMATION ON PLAN AND PROGRESS

1. Periodic meetings shall be held with employees to discuss affirmative action programs and responsibilities.

2. All employees shall be issued copies of the Affirmative Action Policy Statement, summary of key program elements, and discrimination complaint procedures.

3. The name and telephone of the Affirmative Action Officer shall be publicized.

4. Internal publications and advertising shall be used to publicize affirmative action commitment and progress, and to portray minority, female, and disabled employees in high level and non-traditional positions.

5. Active outreach attempts shall be made to solicit bids from potential minority and women contractors and vendors.

6. External communication, displays and other use of media shall uniformly demonstrate cultural awareness and women and minorities shall be proportionately represented.
D. RECRUITMENT AND SELECTION

1. Examination bulletins and training information shall be posted on employee bulletin boards.

2. Minority and women and disabled employees shall be represented in employee selection functions.

3. The Personnel Department shall conduct special Affirmative Action recruitment efforts for positions when underutilization of women and minorities have been identified in such positions.

4. City departments will assist the Personnel Department in special Affirmative Action recruitment programs to acquaint minorities, women and disabled persons with employment opportunities. Departments will also send women, minority and disabled employees as speakers to schools, colleges or other recruitment sites to assist in this effort.

5. For those classes which are unique to a department, the department shall advise the Personnel Department of minority, women and other professional associations or publications which might serve as recruiting sources.

6. Minorities, women and disabled employees will be encouraged to assist in recruitment efforts by making referrals of persons they believe qualify for announced vacancies.

7. The applicant pool for each position will be reviewed by the Affirmative Action Officer to ensure that minorities, women and disabled applicants are represented in the pool.

For each recruited position that shows statistical underutilization and for which affirmative action employment goals have been established, the applicant pool must have qualified minority and women applicants. If there is an absence of qualified minority and women applicants, the examination/application period may be extended and a more intensive recruitment effort initiated.

8. Federally funded, part-time and summer employment programs shall be used effectively to provide opportunity for under-represented groups.

9. The City shall restructure the duties of positions for the reasonable accommodation of disabled individuals.
10. The City shall make an ambitious effort to recruit and hire the disabled.

E. TRAINING

1. Records of the sex and ethnic groups of those receiving training benefits shall be maintained.

   These records shall be reviewed to determine the representation for all groups of employees.

2. Training presentations shall be monitored periodically and audited annually to determine if the tone and language of the presentations are positive and consistent with Affirmative Action objectives.

3. The Affirmative Action Plan shall be discussed at orientation.

4. Specific sexual (gender) harassment training opportunities will be presented annually.

F. UPWARD MOBILITY

1. Requirements and specifications for each class which is used extensively or exclusively within the City shall be reviewed to:

   a. Determine job-relatedness.

   b. Identify barriers to the upward mobility of current employees.

   c. Identify a need to revise requirements in order to enhance the opportunities for the upward mobility of underrepresented groups.

2. Employees shall be:

   a. Counseled on work performance deficiencies and/or means to improve performance.

   b. Encouraged to participate in educational or training programs which will help prepare them for advancement.
G. IDENTIFICATION OF INSTITUTIONALIZED UNINTENTIONAL DISCRIMINATION

1. Written City and departmental policies, personnel practices, and working rules shall be reviewed and revised as necessary to maintain job-relatedness.

   This material will be disseminated to supervisors.

2. a. Employee performance evaluations shall be reviewed for job-relatedness.
   b. The comment section shall be used to make suggestions for employee development and improvement of work performance.

3. a. A written procedure for exit interviews shall be established.
   b. The procedure shall include questions which identify differential treatment, if any, and give input on the effectiveness of the Affirmative Action Plan.
   c. This information shall be reviewed by the Affirmative Action Officer.

4. Specific documentation shall be prepared and analyzed for job-relatedness, on the reasons for probationary releases, discharges, and suspensions to monitor their affirmative action impact.

5. a. The attrition rate for each sex/ethnic group shall be reviewed to determine if it is proportionate to their representation in the City and departmental work force.
   b. If not, the reasons for the disparity should be identified, and where possible, an effort should be made to correct the disparity.

6. Employees shall be informed of their rights under the City's discrimination and harassment complaint procedures.

H. PROMOTIONS

The City of Modesto will attempt to promote women, minorities and disabled persons employed by the City, as well as to recruit them. Women, minorities and the disabled are promoted on the basis of performance and the passage of various promotional tests. The City will make special efforts to inform women, minorities and the disabled of promotions within each department.
I. COMMUNITY RELATIONS

The Affirmative Action Officer will be the liaison to women, minority and disabled groups to become aware of the needs of these groups within the community. Along with other staff members, the Affirmative Action Officer will seek to establish and maintain lines of communication with the various minority, women and disabled group leaders within the City.

J. ADA COMPLIANCE

The Affirmative Action Officer will monitor and assist with physical accommodations and handicapped barrier removal within and outside of City facilities, in accordance with the City's Self-Evaluation and Transition Plan. Also, the Affirmative Action Officer will maintain a program of compliance with the Americans With Disabilities Act to prohibit discrimination against qualified individuals with disabilities.

K. CONTRACTOR COMPLIANCE

Bidders shall submit with their bid, their company's Affirmative Action Plan or a Workforce Analysis certifying compliance with the Civil Rights Act of 1964, Executive Order No. 11246, the California Fair Employment Practices Act, and any other applicable federal and state laws and regulations relating to equal employment opportunity, including laws and regulations hereinafter enacted.

L. EVALUATION

1. The Affirmative Action Officer and Affirmative Action Commission shall continuously monitor progress of the Program and report to the City Manager.

2. The City Manager will submit an annual report of the City-wide program to the City Council.

M. MINORITY BUSINESS ENTERPRISE PROGRAM

The Affirmative Action Officer shall monitor the City's efforts to comply with Executive Order No. 11625. The City shall identify and encourage minority and women business enterprises to enter the bidding processes of the City. When minority and women bidders are identified, they will be contacted and made familiar with the bidding process. Bid applications will be forwarded to them along with other potential contractors.

The primary objective is to increase the participation by minority and women-owned business enterprises, while continuing to contract on the basis of quality, competitive price and service.

This applies to every department and serves to focus and guide all procurement decisions and activities.
N. AUDIT OF DEPARTMENTAL PROGRESS

Department Directors will monitor employment practices based upon statistical data on appointments, transfers, promotions and separations as provided by the Affirmative Action Officer. This data will show ethnicity and sex of employees for statistical purposes only.

The Affirmative Action Officer will develop an internal auditing procedure to monitor City and departmental compliance and progress in meeting their goals and timetables.
ANNUAL AFFIRMATIVE ACTION STATUS REPORT
FOR FY 92-93

SUMMARY

The City hired 21 new full-time, regular employees in FY 92-93; 14 (66.7%) were White; 2 (9.5%) were Black; 5 (23.8%) were Hispanic; and no Asian or American Indians were hired. There were 16 (76.2%) Women and Minorities hired. (See New Hires & Promotions By Category, 6/30/92-6/30/93)

Also, the City promoted 32 full-time, regular employees. 23 (71.9%) were White; Blacks comprised 3.1%; Hispanics comprised 15.6%; Asians comprised 9.4%; and no American Indians were promoted. There were 16 (50.0%) Women and Minorities promoted.

Gains were made in the Paraprofessional category for Women (From 60.7% to 64.0%) and in the Administrative category for Hispanics (from 13.2% to 14.0%). (See Citywide Status and Goals chart)

Even though hires and promotions were made in the Professional, Technician, Protective Service, and Service/Maintenance categories, they fell short of the goals, due to fewer hirings than normal and to twelve layoffs incurred in FY 92-93.
## CITYWIDE STATUS AND GOALS

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<th>6/30/97</th>
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* progress was made toward the goal
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**TOTALS**

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MODESTO CITY COUNCIL
RESOLUTION NO. 93-619

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

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

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

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

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

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

Project Manager

The specifications for the classification of Project Manager (Range 435), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 2, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
DEFINITION

Under administrative direction, initiates, organizes, and coordinates redevelopment projects and programs within the City's redevelopment project area; provides responsible technical and administrative support to the Redevelopment Agency; coordinates the activities of City-wide project teams; performs and directs studies and analysis; develops and implements public relations programs; and performs other related work, as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level management staff, and general direction from the Redevelopment Agency.

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

Negotiate, prepare, and supervise the processing of documents such as disposition and development agreements, owner participation agreements, contracts, resolutions, and requests for proposals/qualifications.

Prepare and administer contracts, prepare public information documents; create and analyze proformas and other financial documents; monitor and evaluate legislation and regulations pertaining to redevelopment law and ensure Agency's compliance with the same.

Develop and implement the Agency's Housing Program.

Prepare and present comprehensive reports on all aspects of assigned programs and projects.

Supervise and direct activities of attorneys, appraisers, acquisition agents, economic analysts, and relocation specialists.

Assist with the organization, staffing, and operational activities for the City's redevelopment services and related activities; assist with the management and implementation of all redevelopment projects; solicit, analyze, and negotiate with contractors as necessary.

Participate in the development and implementation of goals, objectives, policies, and priorities for the City's redevelopment services; identify resource needs; recommend and implement policies and procedures.

Exhibit "A"
Participate in the development and administration of the redevelopment program budget; forecast funds needed for staffing, equipment, materials, and supplies; direct the monitoring of and approve expenditures; recommend adjustments as necessary.

Coordinate redevelopment services and activities with those of other divisions and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Manage the development and implementation of economic change through retention, expansion, and attraction of commerce and industry.

Coordinate and implement a variety of incentives to help broaden the local tax base, generate or attract new capital, increase local business activity, produce new jobs, and diversify the local economy.

Serve as a resource for the public, including developers, property owners, businesses, community organizations, and the general public; negotiate and resolve significant and controversial issues; respond to and resolve difficult and sensitive citizen inquiries and complaints.

Make presentations to community groups, businesses, and legislative bodies.

Provide staff support in professional group meetings; stay abreast of new trends and innovations in the field of municipal redevelopment.

Perform related duties and responsibilities, as required.

QUALIFICATIONS

Knowledge of:

Operational characteristics, services, and activities of a municipal redevelopment program.

Principles and practices of community development and real estate.

Principles and practices of organization, administration, and municipal finance.

Procedures and policies concerning redevelopment programs.

Pertinent Federal, State, local laws, codes, and regulations, including the State Redevelopment Law and related regulations.
Principles of municipal budget preparations and control.
State environmental provisions related to redevelopment.
Principles and practices of public relations.

**Ability to:**

Analyze economic studies, financial statements, marketing studies, plans, specifications, and bid documents.

Skillfully represent the agency in all types of contract negotiations.

Manage and coordinate the work of supervisory, professional, and technical personnel.

Interpret and explain City redevelopment policies and procedures.

Negotiate and manage contracts with consultants and developers.

Review development proposals in order to ensure compliance with redevelopment plans and law.

Identify and respond to community and City Council issues, concerns, and needs.

Interpret, apply, and explain a variety of ordinances affecting redevelopment services, including assembly bills, resolutions, senate bills, and other State laws.

Prepare clear and concise reports.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work, including a variety of City and other government officials, community groups, and the general public.

**Experience:**

Three years of increasingly responsible experience in community development, redevelopment project management, or real estate finance and development.
Education:
Equivalent to a Bachelor's Degree from an accredited college or university with major course work in finance, real estate, economics, or a related field.

License:
Possession of, or the ability to obtain, an appropriate and valid California driver's license.
A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO ADD PROJECT MANAGER.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, and 93-127, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.
Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective November 2, 1993", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adopts class specifications for Project Manager at range 435.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 2, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective November 2, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<tr>
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<tr>
<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
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</tr>
<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk
          Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Custodian Supervisor
          Legal Secretary |
| 419   |       |
| 420   | Worker's Compensation Claims Examiner
          Employee Benefits Coordinator
          Legal Services Technician
          Office Services Supervisor
          Deputy City Clerk
          Executive Secretary |
| 421   |       |

Exhibit "G"
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective November 2, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
      | Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
      | Administrative Analyst I  
      | Executive Assistant  
      | Legal Services Supervisor |
| 426   | Warehouse Supervisor  
      | Museum Supervisor |
| 427   | Events Supervisor |
| 428   | Parks Maintenance Supervisor I  
      | Airport Maintenance Supervisor  
      | Trees Maintenance Supervisor I  
      | Equipment Maintenance Supervisor I  
      | Social Services Coordinator  
      | Buyer  
      | Accountant II  
      | Assistant Budget Analyst  
      | Public Works Supervisor I  
      | Building Maintenance Supervisor |
| 429   |   |
| 430   | Associate Planner  
      | Parks Construction Supervisor I  
      | Junior Civil Engineer  
      | Junior Traffic Engineer  
      | Neighborhood Preservation Supervisor |
### CITY OF MODESTO
### CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective November 2, 1993**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
</table>
| 431   | Administrative Analyst II  
Affirmative Action Officer  
Personnel Analyst  
Training Coordinator  
Assistant Risk Manager  
Recycling Program Coordinator  
Budget Analyst |
| 432   | Plant Mechanic Supervisor  
Recreation Supervisor II  
Historical Buildings Supervisor  
Senior Accountant  
Youth Program Supervisor  
Industrial Waste Supervisor |
| 433   | Assistant Civil Engineer  
Laboratory Supervisor  
Assistant Traffic Engineer |
| 434   | Senior Programmer Analyst  
Electrical Supervisor  
Assistant Equipment Maint. Supt.  
Engineering Systems Manager  
Sr. Housing Rehab. Specialist  
Public Works Supervisor II  
Secondary Treatment Site Supv.  
Parks Maintenance Supervisor II  
Events Coordinator  
Operations Supervisor  
Landscape Designer  
Arborist  
Trees Maintenance Supv. II  
Land Surveyor  
Equipment Maintenance Supervisor II |
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 2, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
       | Deputy City Attorney I  
       | Senior Personnel Analyst  
       | Public Information Officer  
       | Budget Officer  
       | Financial Analyst  
       | Administrative Services Officer  
       | Integrated Waste Specialist  
       | Project Manager |
| 436   | Senior Planner  
       | Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
       | Asst. Water Quality Control Supt.  
       | Transportation Planner  
       | Housing Program Supervisor |
| 439   | Deputy City Attorney II  
       | Associate Civil Engineer  
       | Associate Traffic Engineer |
| 440   | Principal Accountant  
       | Purchasing Officer |
| 441   | Community Development Program Manager  
       | Sr. Deputy City Attorney I  
       | Airport Manager  
       | Solid Waste Program Manager  
       | Transit Manager  
       | Streets Maintenance Supt.  
       | Parks Superintendent  
       | Risk Manager  
       | Assistant Personnel Director  
       | Recreation Superintendent  
       | Golf Superintendent  
       | Fleet Manager  
       | Wastewater Collections Superintendent  
       | Water Superintendent  
       | Building Maintenance Superintendent |
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 2, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 442   | Supv. Building Inspector  
        | Finance Data Processing Manager  
        | Supv. Construction Inspector |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
        | Principal Planner |
| 445   | Finance Division Manager |
| 446   | Senior Civil Engineer  
        | Traffic Engineer |
| 447   | Chief Building Official  
        | Assistant to City Manager  
        | Asst. Parks & Recreation Dir. - Civic Center  
        | Asst. Parks & Recreation Dir. - Parks  
        | Asst. Parks & Recreation Dir. - Recreation |
| 448   | Sr. Deputy City Attorney II |
| 449   | |
| 450   | Deputy Director Public Works - Engineering  
        | Deputy Director Public Works - Operations  
        | Deputy Director Public Works - Transportation |
| 451   | |
| 452   | Assistant City Attorney |
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO COMMUNITY HOUSING RESOURCES BOARD FOR A GRANT OF $7,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Community Housing Resources Board for a grant of $7,000 under the Community Development Block Grant (CDBG) Program for fiscal year 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-622

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BETTY M. RIVERA FOR THE PURPOSE OF REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Betty M. Rivera for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT CONSENTING TO COMMON USE OF MID LATERAL NO. 3
FOR THE EXTENSION OF THE LAKewood SEWER TRUNK INTO THE VILLAGE ONE AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Modesto Irrigation
District consenting to common use of MID Lateral No. 3, for the extension
of the Lakewood sewer trunk into the Village One area

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 2nd day of November, 1993,
by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-624

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM MODESTO HIGH SCHOOL DISTRICT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Modesto High School District to acquire the Sutton Park site adjacent to Johansen High School be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Modesto High School District be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-625

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM EMPIRE UNION SCHOOL DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Empire Union School District to acquire the Empire West Park site adjacent to Garst Road School be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Empire Union School District be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KRAFT GENERAL FOODS TO LOCATE A RADIO REPEATER UNIT ON THEIR BUILDING FOR USE BY THE FIRE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kraft General Foods to locate a radio repeater unit on their building for use by the Fire Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-627

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $45,000 TO FUND PURCHASE OF THREE COMPUTER AIDED DESIGN (CAD) WORK STATIONS IN PUBLIC WORKS & TRANSPORTATION

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

FROM: Parallel Outfall (621 480 P989 6030) $30,000
      Tank No. 5 Constr.(612 480 C118 6010) 15,000

TO:   Engineering CAD Stations               $45,000
       (612 480 D356 6070)

The Public Works and Transportation Management Audit recommended that three computer aided design (CAD) work stations be funded through the water and sewer funds in the 1993-94 budget. The CAD work stations will be used to design water and sewer CIP projects. This item was inadvertently omitted from the budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-628

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $158,000 TO CONSTRUCT
TRAFFIC SIGNAL MODIFICATIONS AND STREET IMPROVEMENTS AT BRIGGSMORE AND OAKDALE

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

FROM: Automated Traffic Management $158,000
(141 660 6630 6040)

TO: Briggsmore/Oakdale Improvements $158,000

Development of the Car's Jr. on the northeast corner of Briggsmore
and Oakdale makes the proposed project necessary to help maintain
traffic flow and safety. Future Capital Facilities Funds will be
used to restore the funding shifted from the ATMS project to allow
funding of this project.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 2nd day of November
1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING TERRY KATZAKIAN TO THE INTERNATIONAL FRIENDSHIP COMMITTEE

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

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

Terry Katzakian
1318 Princeton Avenue
Modesto, Ca. 95350
Term to expire:

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-630

A RESOLUTION APPOINTING JOAN CARDOZA TO THE AFFIRMATIVE ACTION/DISABILITY COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Affirmative Action/Disability Commission for the respective term as indicated: Joan Cardoza
508 Colebrook Court
Modesto, Ca. 95350

Term expires:

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November 199 , by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

Boards and Commissions
MODESTO CITY COUNCIL
RESOLUTION NO. 93-630A


WHEREAS, on Tuesday, November 2, 1993, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect one Councilmember to Chair No. 2 for a term of four years; one Councilmember to Chair No. 4 for a term of four years; one Councilmember to Chair No. 5 for a term of four years; and to elect four members to the Modesto Board of Education of said District for a term of four years, and

WHEREAS, said election was held on Tuesday, November 2, 1993, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of voters at the first election shall have their names on the ballot for election to the office,
and

WHEREAS, the City Clerk canvassed the returns of said election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 4, 1993, a copy of which is attached hereto marked Exhibit "A" and made a part hereof,

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

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

2. That in accordance with Section 22933 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

   (a) The whole number of votes cast in the city.

   (b) The names of the persons voted for.

   (c) For what office each person was voted for.

   (d) The number of votes given in the city to each person.

3. That the following named persons having received a majority of the votes cast for the elective offices as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to each of said persons,
certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

- Richard Patterson: Councilmember for a term of four years, Chair No. 4, Modesto City Council.
- Kenni Friedman: Councilmember for a term of four years, Chair No. 5, Modesto City Council.
- Paul Neuman: Member, Modesto Board of Education, for a term of four years.
- Frank S. Jeans: Member, Modesto Board of Education, for a term of four years.
- John L. Hollis: Member, Modesto Board of Education, for a term of four years.
- Kate Nyegaard: Member, Modesto Board of Education, for a term of four years.

At said Regular Municipal Election a majority vote was not cast for Councilmember for Chair No. 2, therefore, a second municipal election shall be held on Tuesday, December 14, 1993 at which time the two candidates receiving the highest number of votes, Janine McClanahan and Pete Kolf, shall have their names on the ballot for election to the office of Councilmember, Chair No. 2 for a term of four years.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE
CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 2, 1993

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on November 5, 1993, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 2, 1993, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>Chair 2, Modesto City Council</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Janine McClanahan</td>
<td>13,041</td>
<td>40.0%</td>
</tr>
<tr>
<td>Pete Kolf</td>
<td>8,566</td>
<td>26.2%</td>
</tr>
<tr>
<td>Forrest Heath</td>
<td>6,474</td>
<td>19.8%</td>
</tr>
<tr>
<td>Ron Inman</td>
<td>2,401</td>
<td>7.3%</td>
</tr>
<tr>
<td>Dave Moss</td>
<td>2,119</td>
<td>6.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chair 4, Modesto City Council</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Patterson</td>
<td>22,665</td>
<td>69.5%</td>
</tr>
<tr>
<td>Tom Carter</td>
<td>9,944</td>
<td>30.4%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chair 5, Modesto City Council</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenni Friedman</td>
<td>19,043</td>
<td>59.4%</td>
</tr>
<tr>
<td>David Talbot</td>
<td>6,939</td>
<td>21.6%</td>
</tr>
<tr>
<td>Linda Marie DeGroat</td>
<td>6,063</td>
<td>18.9%</td>
</tr>
</tbody>
</table>

Exhibit "A"
### Member, Modesto Board of Education

<table>
<thead>
<tr>
<th>Member</th>
<th>Votes</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Neuman</td>
<td>21,420</td>
<td>14.7%</td>
</tr>
<tr>
<td>Frank S. Jeans</td>
<td>18,929</td>
<td>13.0%</td>
</tr>
<tr>
<td>John L. Hollis</td>
<td>18,126</td>
<td>12.4%</td>
</tr>
<tr>
<td>Kate Nyegaard</td>
<td>16,927</td>
<td>11.6%</td>
</tr>
<tr>
<td>Balvino Irizarry</td>
<td>16,588</td>
<td>11.4%</td>
</tr>
<tr>
<td>Solange Goncalves Altman</td>
<td>16,472</td>
<td>11.3%</td>
</tr>
<tr>
<td>Mary Harris</td>
<td>9,837</td>
<td>6.7%</td>
</tr>
<tr>
<td>Mary O. Wadlington</td>
<td>5,580</td>
<td>3.8%</td>
</tr>
<tr>
<td>Bob Cannon</td>
<td>5,525</td>
<td>3.8%</td>
</tr>
<tr>
<td>Clifford L. Miller</td>
<td>4,846</td>
<td>3.3%</td>
</tr>
<tr>
<td>Rodney R. Vian</td>
<td>4,301</td>
<td>2.9%</td>
</tr>
<tr>
<td>Warren R. Ihrig</td>
<td>4,166</td>
<td>2.8%</td>
</tr>
<tr>
<td>Jose Lugo</td>
<td>2,658</td>
<td>1.8%</td>
</tr>
</tbody>
</table>

### Voter Turnout

<table>
<thead>
<tr>
<th>Location</th>
<th>Votes</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto</td>
<td>36,210</td>
<td>44.4%</td>
</tr>
<tr>
<td>Modesto High School District</td>
<td>43,579</td>
<td>43.3%</td>
</tr>
</tbody>
</table>

November 4, 1993

Norrine Coyle
City Clerk & Auditor
City of Modesto
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-631

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO INCLUDE A COMMERCIAL AREA (TARGET) AND THE WOOD COLONY NEIGHBORHOOD SHOPPING CENTER ALONG THE NORTHEAST SIDE OF SISK ROAD NORTH OF VINTAGE DRIVE AND AT THE SOUTHEAST CORNER OF SISK ROAD AND PELANDALE AVENUE, RESPECTIVELY, 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 has been subsequently amended, which amendments include the title which is currently "Modesto Urban Area General Plan", and

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

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)

No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)

No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)

No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)

No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)

No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)
No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)

No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)

No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)

No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)

No. 78-854, adopted on August 14, 1978 (Conservation Element)

No. 78-855, adopted on August 14, 1978 (Noise Element)

No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)

No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)

No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)

No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)

No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)

No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)

No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)

No. 84-462, adopted on July 10, 1984 (Amendment to Housing Element)

No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)
No. 86-1297, adopted on November 26, 1986 (Circulation Element)

No. 86-1298, adopted on November 26, 1986 (Circulation Element)

No. 86-1299, adopted on November 26, 1986 (Circulation Element)

No. 86-1300, adopted on November 26, 1986 (Circulation Element)

No. 86-1301, adopted on November 26, 1986 (Circulation Element)

No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 89-579, adopted on May 23, 1989 (Amendment to the Modesto Urban Area General Plan Map - Orchard Neighborhood)

No. 89-632, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Bret Harte)

No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)

No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map Chrysler-99 Neighborhood)

No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)

No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire General Plan)

No. 90-758, adopted on September 11, 1990 (Amendment to Modesto Urban Area General Plan - Village One)

No. 91-233, adopted on April 23, 1991, (Amendment to Modesto Urban Area General Plan Map - Fleur De Ville Subdivision)

and
WHEREAS, pursuant to the provisions of 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, current and proposed zoning along Sisk Road has given rise to an amendment to the General Plan to revise the map to reflect the nonresidential zoning and development along the northwestern extension of Sisk Road, and

WHEREAS, on October 4, 1993, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to an application for rezoning from a partial zoning pattern established in late 1982, called Village of Westwood, to a new P-D Zone to allow a 37.2-acre commercial center featuring Target and Mervyn's Stores which stimulated the necessity for an amendment to the General Plan Map, and

WHEREAS, in addition to the above mentioned public hearing, a public hearing on the proposed General Plan Map amendment was held at the same time and place, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 93-42, recommending to the City Council an amendment to the General Plan Map to reflect the nonresidential zoning and development along the northwest extension of Sisk
WHEREAS, said matter was set for a public hearing of the City Council to be held on November 9, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the General Plan Map to reflect the nonresidential zoning and development along the northwest extension of Sisk Road, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to reflect the nonresidential zoning and development along the northwest extension of Sisk Road in the City of Modesto is required for the public health, safety and welfare for the following reason:

The proposed commercial designation including both the neighborhood shopping center and the stretch along the northeast side of Sisk Road north of the Vintage Faire Regional Shopping Center will reflect current zoning and development as well as that projected, thus bringing consistency between the Zoning Map and the General Plan.
BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to include a commercial area (Target) and the Wood Colony Neighborhood Shopping Center along the northeast side of Sisk Road north of Vintage Faire and at the southeast corner of Sisk Road and Pelandale Avenue, respectively, as shown on the map which is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination including mitigation measures in regard to the environmental impact of the subject project relating to the commercial area and the Wood Colony Neighborhood Shopping Center along the northeast side of Sisk Road north of Vintage Faire and at the southeast corner of Sisk Road and Pelandale Avenue, respectively, as shown on the map which is attached hereto marked 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.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days after adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(ATTEST: NORRINE COYLE, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO URBAN AREA GENERAL PLAN

LAND USE
- RESIDENTIAL
- URBAN RESERVE
- COMMERCIAL
  - NEIGHBORHOOD CENTER
  - COMMUNITY CENTER
  - REGIONAL CENTER
  - GENERAL COMMERCIAL
- INDUSTRIAL
- MAJOR OPEN SPACES

PUBLIC AREAS
- PUBLIC SCHOOLS
  - ELEMENTARY
  - JUNIOR HIGH/SENIOR ELEMENTARY
  - HIGH
  - CONTINUATION HIGH
- PRIVATE SCHOOLS
  - ELEMENTARY
  - HIGH
- PARKS
  - COMMUNITY
  - NEIGHBORHOOD
- GOVERNMENT OFFICES
- FIRE STATIONS

CIRCULATION
- FREEWAYS
- EXPRESSWAY
- MAJOR STREET
- COLLECTOR STREET
- RAILROAD
- HETCH HETCHY (RESERVOIR)
- CANAL
- FLOODWAY

APPROVED BY THE PLANNING COMMISSION ON MARCH 16, 1991, RES. NO. 91-2
APPROVED BY THE CITY COUNCIL ON APRIL 23, 1991, RES. NO. 91-233

EXHIBIT A

MODESTO CITY COUNCIL
RESOLUTION NO. 93-632

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(499). (TARGET STORES)

WHEREAS, a verified application for an amendment to
Section 11-3-8 of the Zoning Map was filed by Target Stores,
Attn: Jim Theusch on March 17, 1993, to reclassify from Planned
Development Zone, P-D(381), Planned Development Zone, P-D(331),
Planned Development Zone, P-D(332), and Medium High Density
Residential Zone, R-3, to Planned Development Zone, P-D, to allow
a commercial development on a 37.2-acre property located on the
northeast side of Sisk Road, north of Vintage Drive, south of
Akeby Drive and west of Gagos Drive, described as follows:

P-D(381) to P-D(499)

All that certain real property situate in a portion of
the North half of Section 11, Township 3 South, Range 8
East, Mount Diablo Base and Meridian, in the City of
Modesto, County of Stanislaus, State of California,
described as follows:

Parcel "D" as shown on map filed for record on October
17, 1978, in Book 28 of Parcel Maps, page 7, Stanislaus
County Records, and being a portion of Section 11,
Township 3 South, Range 8 East, Mount Diablo Base and
Meridian.

Also including all of Vintage Drive immediately
adjacent to the above described property.

P-D(331) to P-D(499)

All that certain real property situate in a portion of
the North half of Section 11, Township 3 South, Range 8
East, Mount Diablo Base and Meridian, in the City of
Modesto, County of Stanislaus, State of California,
described as follows:
COMMENCING at the most westerly corner of Parcel "D" as shown on map filed for record in Book 28 of Parcel Maps, page 7, Stanislaus County Records; thence North 89°53'51" West along the westerly extension of the north line of said Parcel "D" a distance of 57.64 feet to the centerline of a 60-foot wide Sisk Road; thence Northwesterly along said centerline of Sisk Road the following 3 courses: North 43°07'11" West 903.47 feet to a point on a nontangent curve from which a radial line bears North 46°52'23" East to the center, Northwesterly 489.05 feet along said nontangent curve, concave to the northeast, having a radius of 3000.22 feet and a central angle of 9°20'22", and North 33°47'07" West along a nontangent line a distance of 219.66 feet to the true Point of Beginning of this description; thence North 56°12'12" East 280.74 feet; thence Northeasterly 75.95 feet along a tangent curve, concave to the southeast, having a radius of 500.00 feet and a central angle of 8°42'12"; thence North 34°45'42" West along a nontangent line a distance of 54.44 feet to the north line of said Section 11 as shown on map of "Wickford Place, Unit No. 1" recorded in Volume 32 of Maps, page 53, Stanislaus County Records; thence South 89°24'45" West along said north line of Section 11 a distance of 420.38 feet to a point on a nontangent curve from which a radial line bears North 59°03'43" East to the center; thence Southeasterly 148.97 feet along said nontangent curve, being also said centerline of Sisk Road, concave to the northeast, having a radius of 3000.22 feet and a central angle of 2°50'42"; thence South 33°47'07" East along a nontangent line, being also said centerline of Sisk Road, a distance of 130.01 feet to the point of beginning.

P-D(332) to P-D(499)

All that certain real property situate in a portion of the North Half of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the most westerly corner of Parcel "D" as shown on map filed for record in Book 28 of Parcel Maps, page 7, Stanislaus County Records; thence North 89°53'51" West along the westerly extension of the north line of said Parcel "D" a distance of 57.64 feet to the centerline of a 60-foot wide Sisk Road; thence Northwesterly along said centerline of Sisk Road the following 3 courses: North 43°07'11" West 903.47 feet
to a point on a nontangent curve from which a radial line bears North 46'52'23" East to the center, Northwesterly 489.05 feet along said nontangent curve, concave to the northeast, having a radius of 3000.22 feet and a central angle of 9"20'22", and North 33'47'07" West along a nontangent line a distance of 219.66 feet; thence North 56'12'12" East 280.74 feet; thence Northeasterly 75.95 feet along a tangent curve, concave to the southeast, having a radius of 500.00 feet and a central angle of 8"42'12"; thence South 33'09'07" East along a nontangent line a distance of 214.01 feet to a point on a nontangent curve from which a radial line bears North 56'13'02" East to the center; thence Southeasterly 431.33 feet along said nontangent curve, concave to the northeast, having a radius of 2646.00 feet and a central angle of 9'20'24"; thence South 43'07'11" East along a nontangent line 1236.17 feet to said north line of Parcel "D"; thence North 89'53'51" West along said north line of Parcel "D" a distance of 428.15 feet to the point of beginning.

R-3 to P-D(499)

All that certain real property situate in a portion of the North half of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the most westerly corner of Parcel "D" as shown on map filed for record in Book 28 of Parcel Maps, page 7, Stanislaus County Records; thence South 89'53'51" East along the north line of said Parcel "D" a distance of 428.15 feet to the true Point of Beginning of this description; thence North 43'07'11" West 1236.17 feet to a point on a nontangent curve from which a radial line bears North 46'52'38" East; thence Northwesterly 431.33 feet along said nontangent curve, concave to the northeast, having a radius of 2646.00 feet and a central angle of 9'20'24"; thence North 33'09'07" West along a nontangent line a distance of 214.01 feet; thence North 34'45'42" West 54.44 feet to the north line of said Section 11 as shown on map of "Wickford Place, Unit No. 1" recorded in Volume 32 of Maps, page 53, Stanislaus County Records; thence North 89'24'45" East along said north line of Section 11 a distance of 356.73 feet to a point on the northerly extension of the most westerly line of "Vintage Faire Village" as shown on map recorded in Volume 32 of Maps, page 33, Stanislaus County Records; thence Southeasterly along said most westerly line of "Vintage Faire Village" to a point on a nontangent curve from which a radial line bears North 46'52'23" East to the center, Northwesterly 333.57 feet along said nontangent curve, concave to the northeast, having a radius of 2000.22 feet and a central angle of 9"20'22", and North 33'47'07" West along a nontangent line a distance of 219.66 feet; thence North 56'12'12" East 280.74 feet; thence Northeasterly 75.95 feet along a tangent curve, concave to the southeast, having a radius of 500.00 feet and a central angle of 8"42'12"; thence South 33'09'07" East along a nontangent line a distance of 214.01 feet to a point on a nontangent curve from which a radial line bears North 56'13'02" East to the center; thence Southeasterly 431.33 feet along said nontangent curve, concave to the northeast, having a radius of 2646.00 feet and a central angle of 9'20'24"; thence South 43'07'11" East along a nontangent line 1236.17 feet to said north line of Parcel "D"; thence North 89'53'51" West along said north line of Parcel "D" a distance of 428.15 feet to the point of beginning.

R-3 to P-D(499)

All that certain real property situate in a portion of the North half of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the most westerly corner of Parcel "D" as shown on map filed for record in Book 28 of Parcel Maps, page 7, Stanislaus County Records; thence South 89'53'51" East along the north line of said Parcel "D" a distance of 428.15 feet to the true Point of Beginning of this description; thence North 43'07'11" West 1236.17 feet to a point on a nontangent curve from which a radial line bears North 46'52'38" East; thence Northwesterly 431.33 feet along said nontangent curve, concave to the northeast, having a radius of 2646.00 feet and a central angle of 9'20'24"; thence North 33'09'07" West along a nontangent line a distance of 214.01 feet; thence North 34'45'42" West 54.44 feet to the north line of said Section 11 as shown on map of "Wickford Place, Unit No. 1" recorded in Volume 32 of Maps, page 53, Stanislaus County Records; thence North 89'24'45" East along said north line of Section 11 a distance of 356.73 feet to a point on the northerly extension of the most westerly line of "Vintage Faire Village" as shown on map recorded in Volume 32 of Maps, page 33, Stanislaus County Records; thence Southeasterly along said most westerly line of "Vintage Faire Village" to a point on a nontangent curve from which a radial line bears North 46'52'23" East to the center, Northwesterly 333.57 feet along said nontangent curve, concave to the northeast, having a radius of 2000.22 feet and a central angle of 9"20'22", and North 33'47'07" West along a nontangent line a distance of 219.66 feet; thence North 56'12'12" East 280.74 feet; thence Northeasterly 75.95 feet along a tangent curve, concave to the southeast, having a radius of 500.00 feet and a central angle of 8"42'12"; thence South 33'09'07" East along a nontangent line a distance of 214.01 feet to a point on a nontangent curve from which a radial line bears North 56'13'02" East to the center; thence Southeasterly 431.33 feet along said nontangent curve, concave to the northeast, having a radius of 2646.00 feet and a central angle of 9'20'24"; thence South 43'07'11" East along a nontangent line 1236.17 feet to said north line of Parcel "D"; thence North 89'53'51" West along said north line of Parcel "D" a distance of 428.15 feet to the point of beginning.
Faire Village" and northerly extension thereof the following 3 courses: South 33°47'26" East 73.10 feet, Southeasterly 382.43 feet along a tangent curve, concave to the northeast, having a radius of 2346.00 feet and a central angle of 9°20'24", and South 43°07'50" East 207.99 feet to a point on the centerline of Setrok Drive, said point being on a nontangent curve from which a radial line bears South 34°20'36" East to the center; thence Northeasterly 409.90 feet along said nontangent curve, being also said centerline of Setrok Drive, concave to southeast, having a radius of 900.00 feet and a central angle of 26°05'43" to a point on the centerline of Gagos Drive, said point being on a nontangent curve from which a radial line bears North 79°48'12" East to the center; thence Southeasterly along said centerline of Gagos Drive the following 3 courses: Southeasterly 533.95 feet along said nontangent curve, concave to the northeast, having a radius of 700.00 feet and a central angle of 43°42'17" to a point of reverse curve, Southeasterly 531.38 feet along said reverse curve, concave to the southwest, having a radius of 700.00 feet and a central angle of 43°29'39", and South 10°24'26" East 226.97 feet to a point on the easterly extension of said north line of Parcel "D"; thence North 89°53'51" West along said north line of Parcel "D" and the easterly extension thereof a distance of 488.40 feet to the point of beginning.

WHEREAS, after a public hearing held on October 4, 1993, 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. 93-41, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will serve the best interests of the general public by providing needed goods and services and at the same time providing compatibility with the low-density residential neighborhood adjoining to the north, east, and southeast.
2. The proposed P-D Zone conforms to the General Plan which acknowledges commercial development on certain major streets and calls for emphasizing compatibility with surrounding residential areas.

3. The mitigated negative declaration of environmental impact recommended by the Environmental Assessment Committee on August 18, 1993, should be certified as adopted.

and

WHEREAS, after a public hearing held on November 11, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Target Stores, Attn: Jim Theusch 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. 93-41 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2874 -C.S. on the 9th day of November, 1993, reclassifying the above-described property from Planned Development Zone, P-D(381), Planned Development Zone, P-D(331), Planned Development Zone, P-D(332), and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(499).

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(499), is hereby approved subject to the following conditions:
1. All development shall conform to the plot plan and elevations titled "Site Plan Target Shopping Center" as amended in red, stamped approved by the Planning Commission on October 4, 1993.

2. Street dedication and improvement consistent with the Standard Specifications or as revised by the Public Works and Transportation Director, shall be made prior to the issuance of a building permit and prior to occupancy, respectively, or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

3. 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. A median on Sisk Road shall be constructed in conjunction with improvement of this street to a major street standard as required by the Public Works and Transportation Director.

4. Prior to issuance a building permit, as a CEQA traffic mitigation measure, the developer shall deposit with the City of Modesto the sum of $304,926.01 to be used to mitigate traffic impacts in the County of Stanislaus in conjunction with the development of the Pelandale/Freeway 99 interchange. Said funds shall remain on deposit until such time that the County of Stanislaus and the developer have agreed to said sum to be the proper amount of the mitigation or shall agree to an alternate amount.

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 establishes:

a. That the purpose of the fee to be paid to the County is to mitigate the impact of traffic generated by the project.

b. That the fee will be used by the County to fund the County's portion of improvements to the Pelandale overcrossing of State Highway 99.
c. As set forth in the applicant's traffic study, shopping centers generate traffic, therefore there is a reasonable relationship between the use of the fee (to fund a portion of the cost of improvements to the Pelandale overcrossing of State Highway 99) and the type of development project on which the fee is imposed.

d. That as set forth in the applicant's traffic study, there is a reasonable relationship between the need for improvements to the Pelandale overcrossing of State Highway 99 and development projects of this type because the Pelandale overcrossing will receive a large portion of the approximate 16,989 new daily trips that will be generated by this project.

e. That as set forth in the letter from Stanislaus County Director of Public Works, H. R. Callahan, dated August 16, 1993, there is a reasonable relationship between the amount of the fee ($304,926.01) and the portion of the costs of improving the Pelandale overcrossing of State Highway 99 attributable to this development.

5. Prior to issuance of a building permit, the developer shall provide CEQA traffic mitigation measures as follows:

a. Make street dedications for two northbound bus turnouts, one just north of Vintage Drive and one just north of the project's central driveway on Sisk Road.

b. Submit plans and legal descriptions for the required dedications for approval by the Public Works and Transportation Director.

c. Submit to and receive approval of the Director of Public Works and Transportation of a neighborhood traffic control plan for the local streets in the Pelandale Neighborhood which are projected to be significantly impacted by the project's traffic. The Director's approval will require that the developer satisfy the requirements of the City's Speed Hump policy, acting as and performing the responsibilities
of the "petitioner" under that policy. The Director's approval will also require that the developer submit a traffic engineering feasibility analysis of the various traffic control devices (e.g., stop signs, traffic, circles, diverters, etc.) proposed in the neighborhood traffic control plan, addressing the specific locations where they are to be installed, phasing, and costs. It shall be the developer's responsibility to work with the neighborhood to ensure that affected residents have adequate opportunity to review and comment on the proposals, and provide their input as the plan is developed.

6. Prior to issuance of an occupancy permit, the developer shall provide CEQA traffic mitigation measures as follows:

   a. Fund one hundred percent (100%) of the cost of the neighborhood traffic control program.

   b. Install painted left-turn channelization on Vintage Drive in the vicinity of the project's driveway.

   c. Construct a traffic signal and widen the southbound off-ramp approach to two lanes at the Pelandale Avenue and Southbound Route 99 Ramps intersection, widen the east and west legs, and restripe the Pelandale overcrossing, unless these improvements are already constructed by others and in operation at the time an occupancy permit is issued, or unless some alternate temporary mitigation measure is implemented by Target, subject to the approval of Caltrans and the Public Works and Transportation Director, which prevents the existing level of service from deteriorating until the ultimate identified measures are completed. As a condition of issuance of an encroachment permit, Caltrans will require the developer to signalize and widen approaches at the Northbound Route 99 Ramps intersection also, if the Southbound Ramps intersection is signalized. To the extent that these improvements are eligible for CFF funding, the developer will be reimbursed in accordance with the agreement required by Condition 6d, which follows.
d. The developer shall enter into an agreement with the City for the reimbursement of some or all of the off-site improvement costs required by Condition 6c, above. Subject to agreement by both parties, such reimbursement may consist of a credit against the City fees for roadway capital facilities which the developer would otherwise be required to pay.

e. If, due to administrative requirements imposed by the public agencies involved, the off-site improvements at the Southbound freeway ramp intersection (required by Condition 6c, above) cannot be installed prior to when the developer desires issuance of the first occupancy permit, then the developer shall pay to the City 100% of the estimated cost of these required improvements. The cost estimates for these improvements are to be approved by the Public Works and Transportation Director.

7. Prior to issuance of an occupancy permit for Phase 2 of the development as defined by the April 2, 1993, traffic analysis by K. D. Anderson, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area, the developer shall construct a traffic signal at the project’s central driveway on Sisk Road as a CEQA traffic mitigation measure.

8. 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 in sequence with development phasing and along the entire north and east property lines as indicated on the approved plans. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

Eight-foot- (8") high decorative masonry wall along the entire north and east property lines as part of the first phase of development as indicated on the approved plans.
10. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

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

12. 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. Except for the freestanding businesses along the Sisk Road frontage which have no business hour restrictions and for the month of December when the remaining occupancies are allowed 12:00 midnight closing, all businesses may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking other hours is obtained from the Board of Zoning Adjustment.

16. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

17. The loading dock area on the east side of the shopping center may not be used for outside storage of any type of material.
18. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.

19. At least one of the four major anchor tenants shall be among the first uses to open for business in the entire shopping center.

20. All signs shall conform to the sign requirements of the C-3 Zone. No signs above eight feet (8') high shall be allowed on the northeast sides of the buildings located on the northeast half of the entire site.

21. Prior to issuance of a building permit, the developer shall file a parcel map application, lot line adjustment, or summary abandonment as necessary to sever the small land areas adjoining Setrock Drive and the Akeby Drive/Ashfield Way intersection. The developer shall be responsible for ongoing maintenance of these land areas unless and until such time as the owners of adjoining properties accept these areas as additions to their respective properties.

22. The developer shall provide the CEQA air quality mitigation measures as follows:

   a. Bicycle Facilities. The project shall include bicycle racks for patrons at convenient locations adjacent to the primary entrances of the major anchor tenants. Bicycle racks shall also be provided at each outlying pad. Bicycle racks shall be provided at time of occupancy of the respective businesses.

   b. Transit Facilities/Incentives. As part of the off-site improvements, two bus pullouts shall be constructed on Sisk Road adjacent to the project. These locations are on a future extension of a MAX route. To promote efficient operation, both pull-outs shall be built on the downstream side of an intersection which will be signalized in the future. Shelters shall be constructed at each location. Target and Mervyn's shall also subsidize transit passes a minimum of 50% for those employees electing to use transit.
c. **Transportation Coordinator.** The shopping center shall employ a Transportation Coordinator to provide employees with information regarding transportation options. The coordinator shall distribute transit information, coordinate employee carpools and enforce preferential carpool parking.

d. **Employee Ridesharing.** The shopping center shall use various methods to promote the use of carpools including as follows: preferential carpool spaces shall be designated near employee entrances; the Transportation Coordinator shall provide an on-site carpool matching service; Target and Mervyn's shall provide a Guaranteed Ride Home service for pool members who need an alternative during emergencies.

e. **Landscaping.** The shopping center site shall include a significant amount of landscaped area along the project boundaries. These areas shall include a variety of trees, shrubs and ground cover as reflected in Condition 8 above.

f. **On-site Amenities.** The Target Store shall include a snack bar for employees and patrons. This will provide an alternative to driving off-site to eat. On-site postal and ATM banking may be developed as the final tenant mix is determined.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(499):

The construction program be accomplished in two phases as follows:

Phase I, the south approximately 24.6 acres - Construction to begin on or before October 4, 1995, and completion to be not later than October 4, 1996.

Phase II, the remainder of the site - Construction to begin on or before October 4, 1996, and completion to be not later than October 4, 1997.
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(499), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 93-633

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING AN AMENDMENT TO SECTION MAP 11-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(381), P-D(331), P-D(332), AND R-3 TO P-D(499). (TARGET STORES)

WHEREAS, on August 18, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 11-3-8 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(381), Planned Development Zone, P-D(331), Planned Development Zone, P-D(332), and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(497), property located on the northeast side of Sisk Road, north of Vintage Drive, south of Akeby Drive and west of Gagos Drive might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended mitigated negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and
WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed mitigated negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed mitigated negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 93-634

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REHABILITATION OF THE STORM WATER LIFT STATION AT TULLY AND BRIGGSMORE

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

SECTION 1. The specifications for the rehabilitation of the storm water lift station at Tully and Briggsmore, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 9, 1993, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-635

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WATERLINE ON "I" STREET FROM 6TH STREET TO 8TH STREET

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

SECTION 1. The specifications for the waterline on "I" Street from 6th to 8th Streets, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 9, 1993 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-636

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE CONSTRUCTION OF THE PARALLEL OUTFALL SEWER - SECONDARY TREATMENT PLANT
TO STATION 122+46

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

SECTION 1. The specifications for the construction of the parallel
outfall sewer - secondary treatment plant to Station 122+46,
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
December 9, 1993, at 11:10 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 9th day of November
1993, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: "Norrine Coyle, City Clerk

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-637

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT GIVING THE CITY THE AUTHORITY TO CONSTRUCT THE PARALLEL OUTFALL SEWER LINE WITHIN THEIR RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Turlock Irrigation District, giving the City of Modesto the authority to construct the parallel outfall sewer line within their right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-638

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY GIVING THE CITY THE AUTHORITY TO CONSTRUCT THE PARALLEL OUTFALL SEWER LINE WITHIN THEIR RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, giving the City of Modesto the authority to construct the parallel outfall sewer line within their right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ADOPTING THE TRANSIT SECTION'S
DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL
OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS
FOR FISCAL YEAR 1993-94.

WHEREAS, the Transit Section's Disadvantaged Business
Enterprise (DBE) Program adopted by Council on May 2, 1988,
prescribes the establishment of an annual goal for DBE
participation in transit contract awards, and

WHEREAS, the Urban Mass Transportation Administration
(UMTA) requires each grantee to submit its DBE goal on an annual
basis, and

WHEREAS, UMTA has recommended adoption of a 13% goal for
Modesto, and

WHEREAS, UMTA has approved a draft copy of the City's
Fiscal Year 1993-94 DBE goal,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto does hereby adopt a DBE goal of 13% for
participation in transit contract awards for Fiscal Year 1993-94.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALVIN E. OHLSON 1991 TRUST FOR THE ACQUISITION OF A PERMANENT AND TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alvin E. Ohlson 1991 Trust for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION 93-641

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE DEVELOPER CONTRIBUTION REVENUE FOR A NEW CIP PROJECT.

WHEREAS, as part of traffic mitigation requirements for development at the Standiford and Carver intersection, developers are required to pay for traffic signal improvements. The signal will be upgraded from simple fixed-time operation to fully actuated signals with protected-permissive left-turns (5-section signal heads).

WHEREAS, the developer's have made the following deposits in the City of Modesto trust fund: Developer on the southeast corner of Standiford and Carver has deposited $30,000, the developer on the southwest corner has deposited $111,135.

WHEREAS, the developer contribution of $30,000 that was to be placed in trust was erroneously deposited into account 610-510-9510-4201 Water Sales. This has been verified by the subdivision fees letter dated 2/16/89 and paid on 3/14/89. This resolution will schedule a transfer from Water fund to the Gas Tax fund to correctly appropriate these funds.

WHEREAS, it is now necessary to estimated these funds as revenue and appropriate the project.

Gas Tax Fund

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<td>070-160-D358-6010 Standiford-Carver T/S Modify Engineering</td>
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<td>070-160-D358-6040 Standiford-Carver T/S Modify Construction</td>
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<td>070-160-D358-6050 Standiford-Carver T/S Modify Contingency</td>
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<td>070-160-D358-6060 Standiford-Carver T/S Modify Construction Administration</td>
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<th>Revenues</th>
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<td>070-510-9510-4057 Developer Share of Street Project</td>
<td>111,135</td>
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<tr>
<td>070-700-7000-7610 Transfer-In from Water Fund (Developer Contribution)</td>
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Water Fund

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<td>610-700-7000-7070 Transfer Out to Gas Tax (Reimburse for deposit error)</td>
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</tr>
<tr>
<td>610-800-8000-8003 Contingency Reserve</td>
<td>(30,000.)</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JULY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-642

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SEND A LETTER TO THE COUNTY OF STANISLAUS
REQUESTING THAT THE STANISLAUS COUNTY
AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR
INCLUDE THE CITY OF MODESTO IN THE
ALTERNATIVE METHOD OF PROPERTY TAX
DISTRIBUTION KNOWN AS THE "TEETER PLAN".

WHEREAS, Revenue and Taxation Code Sections 4701
to 4717 allow for an alternate method of property tax
apportionment called the "Teeter Plan", and

WHEREAS, under the plan, a county provides local
agencies with their full tax levy upfront rather than just giving
them actual collections. In exchange, the county collects late
taxes and the penalties that accrue on delinquent payments, and

WHEREAS, participation in the plan is strictly optional
for cities, and

WHEREAS, City staff has determined that inclusion of
the City of Modesto in the Teeter Plan would be beneficial to the
City of Modesto because 100% of the taxes billed in a year would
be received in that year and the City would not need to be
concerned about collection of delinquent property taxes, and

WHEREAS, the plan will result in a one-time estimated
net revenue gain to the General Fund of $397,003 in the current
fiscal year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes the City Manager to
send a letter to the County of Stanislaus requesting that the

11/08/93
-1-
Stanislaus County Auditor-Controller/Treasurer-Tax Collector
include the City of Modesto in the alternative method of Property
Tax distribution known as the "Teeter Plan".

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the ___ day of ___November____, 1993, by Councilmember ___Muratore____, who moved its adoption, which motion being duly seconded by Councilmember ___Friedman____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-643


WHEREAS, the representatives of the City and the Modesto Police Officers Association (MPOA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by the MPOA for the Fiscal Year 1993-94, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association for the Fiscal Year 1993-94 is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-644

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEEDSHILL-HERKENHOFF, INC. FOR ENGINEERING SERVICES AND CONSTRUCTION ADMINISTRATION FOR DESIGN FOR NEW WATER/SEWER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Leedshill-Herkenhoff, Inc. for engineering services and construction administration for design for new water/sewer Supervisory Control and Data Acquisition (SCADA) system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. FOR THE LEASE OF HANGAR PLOTS 1 AND 2 AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Executive Air Charter, Inc. for the lease of Hangar plots 1 and 2 at the Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill, Friedman

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-646

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND HENDLEY-SKYTREK AVIATION FUEL, INC. FOR AN INCREASE IN THE TERM OF THEIR LEASE AT THE MODESTO CITY-COUNTY AIRPORT, TO 35 YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc. for an increase in the term of their lease at the Modesto City-County Airport, to 35 years be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill, Friedman

ABSENT: Councilmembers: None

ATTEST: __________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-647

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(500). (U.S. RENTAL, INC.)

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by U.S. Rental, Inc. on September 16, 1993, to reclassify from Light Industrial Zone, M-1, to Planned Development Zone, P-D, to allow an expansion of the U.S. Rental facilities to include a concrete mixing system, property located on the south side of Coldwell Avenue west of Tully Road, described as follows:

M-1 to P-D(500)

All that certain real property situate in a portion of Section 30, 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:

Parcel 3 as shown on Parcel Map filed May 7, 1990, in Book 42, Page 98 of Parcel Maps in the Office of the County Recorder.

Including the Southerly 30 feet of Coldwell Avenue immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on October 18, 1993, 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. 93-46, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:
1. The proposed P-D Zone will allow for a land use that is compatible with other industrial uses located along Coldwell Avenue as provided for in the General Plan.

2. The approved plot plan, along with conditions of approval of the planned development zone will assure compatibility with other adjacent industrial uses.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated September 15, 1993, should be certified as adopted.

and

WHEREAS, after a public hearing held on November 16, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of U.S. Rental, 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. 93-46 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2878-C.S. on the 16th day of November, 1993, reclassifying the above-described property from Light Industrial Zone, M-1, to Planned Development Zone, P-D(500).

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(500), is hereby approved subject to the following conditions:
1. All Development shall conform to the plot plan and floor plans titled "U.S. Rentals, Inc., 1331 Coldwell Avenue" as amended in red, stamped approved by the Planning Commission on October 18, 1993.

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

3. 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.

4. All signs shall comply with the sign requirements of the M-1 Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(500):

The entire construction program be accomplished in one phase, construction to begin on or before October 18, 1995, and completion to be not later than October 18, 1996.

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(500), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:
By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:
By Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 93-648

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, 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 30-3-9 OF THE ZONING
MAP OF THE CITY OF MODESTO RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON FROM M-1 TO
P-D(500). (U.S. RENTAL, INC.)

WHEREAS, on September 15, 1993, the City's
Environmental Assessment Committee (EAC) conducted an initial
study to determine if the amendment to Section Map 30-3-9 of the
Zoning Map of the City of Modesto to reclassify from Light
Industrial Zone, M-1, to Planned Development Zone, P-D(500),
property located on the south side of Coldwell Avenue west of
Tully Road might have a significant effect on the environment,
and

WHEREAS, the EAC recommended that a draft negative
declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, City staff thereafter recommended that the
Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW SEWER LINE CAMERA AND RELATED EQUIPMENT

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

SECTION 1. The specifications for the purchase of one new sewer line camera and related equipment, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-650

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, BY A PUBLIC
AUCTION, BY SCRAPPING THE EQUIPMENT, OR BY
RETURNING THE EQUIPMENT TO THE MANUFACTURER.

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

WHEREAS, the City possesses one (1) lot of SCADA System
equipment, list attached, which has been placed into surplus, as
this equipment is obsolete and has been replaced with state-of-
the-art equipment, and

WHEREAS, said equipment could best be sold on a sealed
bid basis, however, if said items of property do not sell on a
sealed bid basis said property should then be sold at a public
auction, and

WHEREAS, if the sealed bid process nor the auction
process brings the desired results, then the equipment will be
sold for scrap or returned back to the manufacturer of the
equipment at no cost to the City,

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

SECTION 1. The City Manager or his authorized
representative is hereby authorized and directed to sell on a
sealed bid basis to the highest bidder, one (1) lot of SCADA
System equipment which is referred to above, which is hereby
found to be surplus.
SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice 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.

SECTION 4. If said property cannot be sold on a sealed bid process or at a public auction as provided for above, then said property will be sold for scrap or returned back to the manufacturer of the equipment at no cost to the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

11/15/93--CA
## SUPERVISORY CONTROL AND DATA ACQUISITION EQUIPMENT (SCADA)

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<tr>
<td>1</td>
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MISC. - Documentation-Support Manuals-Tape Cartridges-I/O Printed Circuit Board Cards
A RESOLUTION ACCEPTING THE BID OF KSENCO CONSTRUCTION FOR THE INSTALLATION OF THE GRANGER-ARDMORE AVENUE AREA WATERLINE

WHEREAS, Resolution No. 93-524, adopted by the Council of the City of Modesto on September 21, 1993, approved the plans and specifications for the installation of the Granger-Ardmore Avenue waterline and authorized the calling for bids; and

WHEREAS, the bids received for the installation of the Granger-Ardmore Avenue area waterline were opened at 11:05 a.m. on October 21, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ksenco Construction in the amount of $66,186 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ksenco Construction be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $21,842 FOR THE INSTALLATION OF THE GRANGER-ARDMORE AVENUE AREA WATERLINE

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

FROM: Tank 5 Construction  
(612 480 C118 6040)  
$21,842

TO: Alley waterline - Granger, Calder, Ardmore  
(612 480 C110 6040)  
$21,842

The original project was under-budgeted and additional funds are needed to complete the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF SCRIMSHER AND MINENI CONSTRUCTION FOR THE REHABILITATION OF SEWER LIFT STATIONS - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE

WHEREAS, Resolution No. 93-566 , adopted by the Council of the City of Modesto on October 5 , 1993 , approved the plans and specifications for rehabilitating sewer lift stations - Muriel Avenue, Maze Boulevard and Mark Randy Place

and authorized the calling for bids; and

WHEREAS, the bids received for rehabilitation of sewer lift stations - Muriel Avenue, Maze Boulevard and Mark Randy Place were opened at 11:00 a.m. on November 4, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Scrimsher and Mineni Construction in the amount of $437,758.80 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher and Mineni Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norris Coyle, City Clerk
MODesto City Council
Resolution No. 93-654

A Resolution Approving Appropriation Transfer of $92,000 to Complete the Rehabilitation of Sewer Lift Stations - Muriel Avenue, Maze Boulevard and Mark Randy Place

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

FROM: Lift Station Rehabilitations (621 480 0319 6040) $92,000
TO: Design of Maze Lift Station Construction, Contingency and Inspection accounts $92,000

The scope of work increased for the Maze Lift Station due to requirements imposed on the project by Caltrans because the lift station is in the State right of way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMine COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-655

A RESOLUTION ACCEPTING THE CONTROL BUILDING EXPANSION AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the Control Building expansion at the Water Quality Control Plant has been completed by The McDonald Glenn Company in accordance with the contract agreement dated October 20, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Control Building expansion at the Water Quality Control Plant be accepted from said contractor, The McDonald Glenn Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $632,966.08 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 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-656

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
STANISLAUS COUNTY FOR THE CITY TO PROVIDE INTERIM ASSISTANCE IN THE OPERATION
OF THE COUNTY'S VEHICLE FLEET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Stanislaus County for the
City to provide interim assistance in the operation of the County's vehicle
fleet

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 16th day of November 1993,
by Councilmember Bird, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES:        Councilmembers:  Bird, Cogdill, Dobbs, Friedman,
               Muratore, Patterson, Mayor Lang
NOES:         Councilmembers:  None
ABSENT:       Councilmembers:  None

ATTEST: __________________________
           NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A FINANCIAL AGREEMENT BETWEEN THE CITY OF MODESTO AND ANA LOPEZ, OWNER OF PROPERTY AT 342 COLORADO AVENUE, FOR THE PURPOSE OF REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financial agreement between the City of Modesto and Ana Lopez, owner of property at 342 Colorado Avenue, for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-658

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HABITAT FOR HUMANITY, STANISLAUS CHAPTER, FOR A GRANT OF $20,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Habitat for Humanity, Stanislaus Chapter, for a grant of $20,000 under the Community Development Block Grant Program for FY 1993-94 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-659

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO APPROVING AN APPLICATION FOR GRANT
FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND
MITIGATION PROGRAM UNDER SECTION 164.56 OF
THE STREETS AND HIGHWAYS CODE FOR THE
FOLLOWING PROJECT: LAND ACQUISITION ADJACENT
TO CLAUS ROAD.

WHEREAS, the Legislature of the State of California has
enacted AB 471 (Chapter 106 of the Statutes of 1989), which is
intended to provide $10 million annually for a period of ten (10)
years for grant funds to local, state and federal agencies and
nonprofit entities for projects to enhance and mitigate the
environmental impacts of modified or new public transportation
facilities, and

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

WHEREAS, said procedures and criteria established by
the Resources Agency require a resolution certifying the approval
of application by the applicant's governing body before
submission of said application to the State, and

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

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

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

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

2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.

3. Appoints J. Edward Tewes, City Manager, as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-660


WHEREAS, the passage of Proposition 172 extends the statewide half-cent sales tax and allocates the funds to local agencies for public safety purposes, and

WHEREAS, the Forward Modesto IV task force on Security and Law Enforcement recommended hiring additional police personnel,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

**Revenue**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>010-510-9510-3172</td>
<td>Prop 172 Tax Allocation</td>
<td>$198,000</td>
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**Appropriations**

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<th>Description</th>
<th>Amount</th>
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<td>010-180-1802-5748</td>
<td>EOC Equipment</td>
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<tr>
<td>010-180-1802-5749</td>
<td>Field Com Equip Upgrades</td>
<td>$29,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY T. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-661

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE UNDER THE POLICE HIRING SUPPLEMENTAL PROGRAM FOR SALARIES AND BENEFITS OF ADDITIONAL MODESTO POLICE OFFICERS TO WORK IN COMMUNITY ORIENTED POLICING.

WHEREAS, the United States Department of Justice is currently taking applications from law enforcement agencies for additional sworn police personnel, salaries and benefits, and

WHEREAS, with a population in excess of 150,000, the City of Modesto qualifies to apply for up to $2 million for a grant project of three years, and

WHEREAS, if selected, the City would decide at what financial level it desires to participate in and would be required to make a 50 percent match of funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the United States Department of Justice for a grant up to $2 million for a grant project of three years to provide additional sworn police personnel, salaries and benefits.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION COMMENDING MODESTO POLICE OFFICER JOHNNY JOHNSTON FOR SIGNIFICANT CONTRIBUTIONS HE HAS MADE TO THE COMMUNITY OF MODESTO AND FOR HIS OUTSTANDING LAW ENFORCEMENT ACHIEVEMENTS AND NAMING OFFICER JOHNSTON THE 1993 RECIPIENT OF THE GERALD L. MC KINSEY ACHIEVEMENT AWARD.

WHEREAS, Modesto Police Officer Johnny Johnston began his law enforcement career on September 11, 1979, and

WHEREAS, Officer Johnston administered lifesaving CPR on a four-year-old boy on Christmas Day, 1972, and

WHEREAS, Officer Johnston served as a Neighborhood Youth Advisor from August 1973 to July 1976, and during that time Officer Johnston counseled hundreds of students, directing them toward lawful and purposeful lives, and

WHEREAS, Officer Johnston is currently assigned as a Drug Abuse Resistance Education Officer, teaching social and drug refusal skills to the children of our community, and

WHEREAS, Officer Johnston is also responsible for providing instruction and guidance to approximately 1,500 students at seven school sites, and

WHEREAS, Officer Johnston is positively shaping the future by influencing today's youth, and

WHEREAS, Officer Johnston is the Modesto Police Department's representative to the following boards and committees:
WHEREAS, Officer Johnston is rated as "top notch" by school administrators who comment that his desire to make a positive difference in the lives of students is unmatched,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto Police Officer Johnny Johnston is commended for his performance and involvement in community activities and is hereby named the 1993 recipient of the Gerald L. McKinsey Achievement Award for his law enforcement professionalism and for the significant contributions he has made to the Modesto community.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-663

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (STEWART W. BRADLEY, ET UX.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering

(Seal)

ATTEST: Judy C. Hall, Acting City Clerk

11/15/93--CA

-3-
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the South half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of Lots 14 and 15 of the ADAMS COLONY, as per map filed October 21, 1908, in Volume 4 of Maps, Page 5, Stanislaus County Records, also being a portion of the East half of the East Half of the South half of Lot 1 of the O McHENRY RANCH, as per map filed February 14, 1905, in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

Commencing at the Northwestern corner of said Lot 14, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 14, South 00°26'15" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Merle Avenue; thence along said Southern line of Merle Avenue, North 89°52'22" East, 13.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from the Western line of said Lots 14 and 15, and the true point of beginning of this description; thence along said parallel line, South 00°26'15" East, 1233.09 feet, to a point on the Northern line of the 140.00 foot wide Modesto Irrigation District Lateral No. 3; thence along said Northern line of Lateral No. 3, South 89°53'18" East, 47.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from said Western line of Lots 15 and 14; thence along said last mentioned parallel line, North 00°26'15" West, 1233.29 feet, to a point on the Southern line of 40.00 foot Merle Avenue; thence along the Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 47.00 feet, to the point of beginning, containing 1.331 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the South half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of Lots 14 and 15 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, also being a portion of the East half of the East half of the South half of Lot 1 of the O MCHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northwestern corner of said Lot 14, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 14, South 00°26'15" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Merle Avenue, and the true point of beginning of this description; thence along said Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 9.00 feet, to a point on a line which is parallel with and 9.00 feet, measured at right angles, Westerly from the Western line of said Lots 14 and 15; thence along said parallel line, South 00°26'15" East, 1233.00 feet, to a point on the Northern line of the 140.00 foot Modesto Irrigation District Lateral No. 3; thence along said Northern line of Lateral No. 3, South 89°53'18" East, 22.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from said Western line of Lots 15 and 14; thence along said last mentioned parallel line, North 00°26'15" West, 1233.09 feet, to a point on the Southern line of 40.00 foot Merle Avenue; thence along the Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 13.00 feet, to the point of beginning, containing 0.623 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northwestern corner of said Lot 14, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 14, South 00°26'15" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Merle Avenue; thence along
said Southern line of 40.00 foot Merle Avenue, North 89°52'22" East, 60.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from the Western line of said Lots 14 and 15, and the true point of beginning of this description; thence along said parallel line, South 00°26'15" East, 1233.29 feet, to a point on the Northern line of the 140.00 foot Modesto Irrigation District Lateral No. 3; thence along said Northern line of Lateral No. 3, South 89°53'18" East, 11.00 feet, to a point on a line which is parallel with and 71.00 feet, measured at right angles, Easterly from said Western line of Lots 15 and 14; thence along said last mentioned parallel line, North 00°26'15" West, 1233.34 feet, to a point on the Southern line of 40.00 foot Merle Avenue; thence along the Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 11.00 feet, to the point of beginning, containing 0.311 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-664

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (E. B. POLAKIS, ET UX.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __23rd____
day of __November____, 1993, 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, Cogdill, Dobbs, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By __________________________
Public Works And Transportation
Department - Engineering

JUDY C. HALL, Acting City Clerk

11/10/93--CA

-3-
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 1 of the O McHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of said Lot 1; thence along the Northern line of Lot 1, South 89°51'58" West, 28.98 feet; thence South 62°58'37" East, 32.66 feet, to a point on the Eastern line of Lot 1; thence along said Eastern line of Lot 1, North 00°26'15" West, 14.91 feet, to the point of beginning, containing 216 square feet, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 1 of the McHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Lot 1; thence along the Eastern line of Lot 1, South 00°26'15" East, 14.91 feet, to the true point of beginning of this description; hence continuing along said Eastern line of Lot 1, South 00°26'15" East, 12.40 feet; thence North 62°58'37" West, 59.82 feet, to a point on the Northern line of Lot 1; thence along said Northern line of Lot 1, North 89°51'58" East, 24.10 feet; thence South 62°58'37" East, 32.66 feet, to the point of beginning, containing 509 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Lot 1; thence along the Eastern line of Lot 1, South 00°26'15" East, 335.08 feet, to a point on a non-tangent curve from which point a radial line bears South 79°18'48" East, and the true point of beginning of this description; thence Southerly along said non-tangent curve concave to the East, having a Radius of 479.00 feet, a Central Angle of 11°07'27" and an Arc Length of 93.00 feet, to its point of tangency on a line which is parallel with and 9.00 feet, measured at right angles, Westerly from said Eastern line of Lot 1; thence along said parallel line, South 00°26'15" East, 460.42 feet, to a point on the Northern line of Parcel A, as per map filed July 12, 1978 in Book 27 of Parcel Maps, Page 55, Stanislaus County Records; thence along said Northern line of Parcel A, North 89°52'22" East, 9.00 feet, to a point on the Eastern line of Lot 1; thence along the Eastern line of Lot 1, North 00°26'15" West, 552.89 feet, to the point of beginning, containing 4,700 square feet, more or less.
Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-664A

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (E. B. POLAKIS, ET UX.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7257.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Cobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY G. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 11 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 11, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 11, North 00°26'15" West, 20.00 feet, to a point on the Northern line of 40.00 foot Merle Avenue; thence along said Northern line of 40.00 foot Merle Avenue, North 89°52'22" East, 13.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from said Western line of Lot 11, and the true point of beginning of this description; thence along said parallel line, North 00°26'15" West, 527.52 feet, to a point on the Southern line of property conveyed to the City of Modesto by Grant Deed recorded March 3, 1992, as Instrument 018683, Stanislaus County Records; thence along said Southern line of the City of Modesto property, North 89°51'48" East, 47.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from the Western line of Lot 11; thence along said last mentioned parallel line, South 00°26'15" East, 527.53 feet, to a point on the Northern line of 40.00 foot Merle Avenue; thence along the Northern line of 40.00 foot Merle Avenue, South 89°52'22" West, 47.00 feet, to the point of beginning, containing 0.569 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 11 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Lot 11, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 11, North 00°26′15″ West, 20.00 feet, to a point on the Northern line of 40.00 foot Merle Avenue and the true point of beginning of this description; thence continuing along said Western line of Lot 11, North 00°26′15″ West, 527.52 feet, to the Southwestern corner of property conveyed to the City of Modesto by Grant Deed recorded March 3, 1992, as Instrument 018683, Stanislaus County Records; thence along the Southern line of said City of Modesto property, North 89°51′48″ East, 13.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from the Western line of Lot 11; thence along said parallel line, South 00°26′15″ East, 527.52 feet, to a point on said Northern line of 40.00 foot Merle Avenue; thence along the Northern line of 40.00 foot Merle Avenue, South 89°52′22″ West, 13.00 feet, to the point of beginning, containing 0.157 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Lot 11, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 11, North 00°26′15″ West, 20.00 feet, to a point on the Northern line of said 40.00 foot Merle Avenue; thence along said Northern line of 40.00 foot Merle Avenue, North 89°52′22″ East, 60.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from said Western line of Lot 11 and the true point of beginning of this description; thence along said parallel line, North 00°26′15″ West, 527.53 feet, to a point on the Southern line of property conveyed to the City of Modesto by Grant Deed recorded March 3, 1992, as Instrument 018683, Stanislaus County Records; thence along said Southern line of the City of Modesto property, North 89°51′48″ East, 11.00 feet, to a point on a line which
is parallel with and 71.00 feet, measured at right angles, Easterly from the Western line of Lot 11; thence along said last mentioned parallel line, South 00°26'15" East, 527.53 feet, to a point on the Northern line of 40.00 foot Merle Avenue; thence along the Northern line of 40.00 foot Merle Avenue, South 89°52'22" West, 11.00 feet, to the point of beginning, containing 0.133 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-565

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE LAKEWOOD SEWER
TRUNK INTO VILLAGE ONE. (ST. PETER LUTHERAN
CHURCH)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal description, marked Exhibit "A", attached hereto and
made a part hereof as though contained in full herein is
necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibit "A".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By: Public Works And Transportation Department - Engineering

(SEAL)

JUDY C. WALL, Acting City Clerk
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of the Southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel A, as per map filed July 12, 1978 in Book 27 of Parcel Maps, Page 55, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, described as follows:

Commencing at the Southeastern corner of said Parcel A; thence along the Eastern line of Parcel A, North 00°26'15" West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Parcel A, said parallel line being the Northern line of a 10.00 foot Public Utility Easement in Parcel A, and the true point of beginning of this description; thence continuing along said Eastern line of Parcel A, North 00°26'15" West, 395.00 feet, to the Northeastern corner of Parcel A; thence along the Northern line of Parcel A, South 89°52'22" West, 9.00 feet, to a point on a line which is parallel with and 9.00 feet, measured at right angles, Westerly from the Eastern line of Parcel A; thence along said last mentioned parallel line, South 00°26'15" East, 395.00 feet, to a point on said Northern line of 10.00 foot Public Utility Easement in Parcel A; thence along said Northern line of the 10.00 foot Public Utility Easement in Parcel A, North 89°52'22" East, 9.00 feet, to the point of beginning, containing 3,555 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-666

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (BILLIE C. HOLLOMAN)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

(Seal)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department - Engineering

JUDY C. HALL, Acting City Clerk
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 7 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus Country Records, described as follows:

Beginning at the Southwestern corner of said Lot 7; thence along the Western line of Lot 7, North 00°26'15" West, 38.06 feet; thence South 62°58'37" East, 83.39 feet, to a point on the Southern line of Lot 7; thence along said Southern line of Lot 7, South 89°51'58" West, 73.99 feet, to the true point of beginning of this description, containing 1,408 square feet, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 7 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Lot 7; thence along the Western line of Lot 7, North 00°26′15″ West, 38.06 feet, to the true point of beginning of this description; thence continuing along said Western line of Lot 7, North 00°26′15″ West, 24.79 feet; thence South 62°58′37″ East, 137.71 feet, to a point on the Southern line of Lot 7; thence along said Southern line of Lot 7, South 89°51′58″ West, 48.20 feet; thence North 2°58′37″ West, 83.39 feet, to the point of beginning, containing 2,423 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-667

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE LAKEWOOD SEWER
TRUNK INTO VILLAGE ONE. (SANDRA B. OSTELE, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the East half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

Beginning at the Southeastern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Southern line of the East half of the Southeast quarter of the Northwest quarter of Section 13, South 89°51'58" West, 28.98 feet; thence North 62°58'37" West, 706.94 feet, more or less, to a point on the West line of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence along said West line, North 00°30'31" West, 203.60 feet; thence North 24°36'40" East, 418.31 feet; thence Northerly along a tangent curve concave to the West, having a Radius of 468.00 feet, a Central Angle of 25°08'55" and an Arc Length of 205.42 feet; thence along a tangent line, North 00°32'15" West, 199.69 feet, more or less, to a point on the Southern line of 40.00 foot Floyd Avenue; thence along said Southern line of 40.00 foot Floyd Avenue, North 89°51'30" East, 64.00 feet; thence South 00°32'15" East, 199.25 feet, more or less; thence Southerly along a tangent curve concave to the West, having a Radius of 532.00 feet, a Central Angle of 25°08'55" and an Arc Length of 233.51 feet; thence along a tangent line, South 24°36'40" West, 554.67 feet; thence South 62°58'37" East, 739.60 feet, more or less, to a point on the East line of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence along said East line, South 00°26'15" East, 38.06 feet, to the point of beginning, containing 2.12 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the East half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Southern line of the East half of the Southeast quarter of the Northwest quarter of Section 13, South 89°51'58" West, 28.98 feet, to the true point of beginning of this description; thence continuing along said Southern line, South 89°51'58" West, 24.10 feet; thence North 62°58'37" West, 679.76 feet, more or less, to a point on the West line of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence along said West line, North 00°30'31" West, 12.40 feet; thence South 62°58'37" East, 706.94 feet, more or less, to the true point of beginning, containing 7,624 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the East line of the East half of the Southeast quarter of the Northwest quarter of Section 13, North 00°26'15" West, 38.06 feet, to the true point of beginning of this description; thence continuing along said East line, North 00°26'15" West, 24.79 feet; thence North 62°58'37" West, 707.08 feet; thence North 24°36'40" East, 533.58 feet; thence Northerly along a tangent curve concave to the West, having a Radius of 554.00 feet, a Central Angle of 25°08'55" and an Arc Length of 243.17 feet; thence along a tangent line, North 00°32'15" West, 199.10 feet, more or less, to a point on the Southern line of 40.00 foot Floyd Avenue; thence along said Southern line of 40.00 foot Floyd Avenue, South 89°51'30" West, 22.00 feet; thence South 00°32'15" East, 199.25 feet, more or less; thence Southerly along a tangent curve concave to the West, having a Radius of 532.00 feet, a Central Angle of 25°08'55" and an
Arc Length of 233.51 feet; thence along a tangent line, South 24°36′40" West, 554.67 feet; thence South 62°58′37" East, 739.60 feet, more or less, to the point of beginning, containing 0.86 Acres, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 3

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the West line of the East half of the Southwest quarter of the Northwest quarter of Section 13, North 00°30′31" West, 526.27 feet, to the true point of beginning of this description; thence continuing along said West line, North 00°30′31" West, 42.40 feet; thence North 24°36′40" East, 379.91 feet; thence Northerly along a tangent curve concave to the West, having a Radius of 450.00 feet, a Central Angle of 25°08′55" and an Arc Length of 197.52 feet; thence along a tangent line, North 00°32′15" West, 199.82 feet, more or less, to a point on the Southern line of 40.00 foot Floyd Avenue; thence along said Southern line of 40.00 foot Floyd Avenue, North 89°51′30" East, 18.00 feet; thence South 00°32′15" East, 199.69 feet, more or less; thence Southerly along a tangent curve concave to the West, having a Radius of 468.00 feet, a Central Angle of 25°08′55" and an Arc Length of 205.42 feet; thence along a tangent line, South 24°36′40" West, 418.31 feet, more or less, to the point of beginning, containing 14,404 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-663

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE LAKEWOOD SEWER
TRUNK INTO VILLAGE ONE. (JOHN A. CALCAGNO
TRUST, ET AL.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Public Works And Transportation Department - Engineering

(Seal)

JUDY C. HALL, Acting City Clerk

11/23/93--CA
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

Commencing at the Southeastern corner of said West half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Eastern line of the West half of the Southeast quarter of the Northwest quarter of Section 13, North 00°30′31″ West, 322.68 feet, to the true point of beginning of this description; thence continuing along said Eastern line, North 00°30′31″ West, 203.60 feet; thence South 24°36′40″ West, 180.70 feet; thence South 62°58′37″ East, 86.51 feet, to the point of beginning, containing 7,809 square feet, more or less.
LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-23-13A (JOHN A. CALCAGNO TRUST, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of said West half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Eastern line of the West half of the Southeast quarter of the Northwest quarter of Section 13, North 00°30'31" West, 310.28 feet, to the true point of beginning of this description; thence continuing along said Eastern line, North 00°30'31" West, 12.40 feet; thence North 62°58'37" West, 86.51 feet; thence North 24°36'40" East, 180.07 feet, to a point on said Eastern line of the West half of the Southeast quarter of the Northwest quarter of Section 13; thence along said Eastern line, North 00°30'31" West, 42.40 feet; thence South 24°36'40" West, 229.34 feet; thence South 62°58'37" East, 109.79 feet, to the point of beginning, containing 4,770 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a Notice of Completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-669

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE LAKEWOOD SEWER
TRUNK INTO VILLAGE ONE. (BEARDEN FAMILY
LIMITED PARTNERSHIP)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwestern corner of said Northeast quarter of the Northwest quarter of Section 13, said point being the intersection of the centerlines of 40.00 foot Floyd Avenue and 40.00 foot Esta Avenue; thence along said centerline of 40.00 foot Floyd Avenue, North 89°51’30” East, 902.74 feet; thence North 00°32’15” West, 20.00 feet, to a point on the Northern line of Floyd Avenue and the true point of beginning of this description; thence continuing North 00°32’15” West, 255.75 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 485.00 feet, a Central Angle of 25°21’52” and an Arc Length of 214.71 feet; thence along a tangent line, North 25°54’07” West, 923.58 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 1°21’22” and an Arc Length of 12.19 feet, to a point on the North line of Section 13, from which point a radial line bears North 65°27’15” East; thence along said North line of Section 13, North 89°50’09” East, 52.02 feet; thence South 25°54’07” East, 913.18 feet; thence Southerly along a tangent curve concave to the Southwest, having a Radius of 532.00 feet, a Central Angle of 25°21’52” and an Arc Length of 235.51 feet; thence along a tangent line, South 00°32’15” East, 256.07 feet, to a point on said Northern line of 40.00 foot Floyd Avenue; thence along the Northern line of 40.00 foot Floyd Avenue, South 89°51’30” West, 47.00 feet, to the point of beginning, containing 1.52 acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Northeast quarter of the Northwest quarter of Section 13, said point being the intersection of the centerlines of 40.00 foot Floyd Avenue and 40.00 foot Esta Avenue; thence along said centerline of 40.00 foot Floyd Avenue, North 89°51'30" East, 891.74 feet; thence North 00°32'15" West, 20.00 feet, to a point on the Northern line of Floyd Avenue and the true point of beginning of this description; thence continuing North 00°32'15" West, 255.67 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 474.00 feet, a Central Angle of 25°21'52" and an Arc Length of 209.84 feet; thence along a tangent line, North 25°54'07" West, 923.58 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 526.00 feet, a Central Angle of 1°53'53" and an Arc Length of 17.42 feet, to a point on the North line of Section 13, from which point a radial line bears North 65°59'46" East; thence along said North line of Section 13, North 89°50'09" East, 12.05 feet, to a point on a non-tangent curve, from which point a radial line bears North 65°27'15" East; thence Southeasterly along said non-tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 1°21'22" and an Arc Length of 12.19 feet; thence along a tangent line, South 25°54'07" East, 923.58 feet; thence Southerly along a tangent curve concave to the Southwest, having a Radius of 485.00 feet, a Central Angle of 25°21'52" and an Arc Length of 214.71 feet; thence along a tangent line, South 00°32'15" East, 255.75 feet, to a point on said Northern line of 40.00 foot Floyd Avenue; thence along the Northern line of 40.00 foot Floyd Avenue, South 89°51'30" West, 11.00 feet, to the point of beginning, containing 0.36 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:
Commencing at the Southwestern corner of said Northeast quarter of the Northwest quarter of Section 13, said point being the intersection of the centerlines of 40.00 foot Floyd Avenue and 40.00 foot Esta Avenue; thence along said centerline of 40.00 foot Floyd Avenue, North 89°51'30" East, 949.74 feet; thence North 00°32'15" West, 20.00 feet, to a point on the Northern line of Floyd Avenue and the true point of beginning of this description; thence continuing North 00°32'15" West, 256.07 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 532.00 feet, a Central Angle of 25°21'52" and an Arc Length of 235.51 feet; thence along a tangent line, North 25°54'07" West, 913.18 feet, to a point on the North line of Section 13; thence along said North line of Section 13, North 80°50'09" East, 24.42 feet; thence South 25°54'07" East, 902.58 feet; thence Southerly along a tangent curve concave to the Southwest, having a Radius of 554.00 feet, a Central Angle of 25°21'52", and an Arc Length of 245.25 feet; thence along a tangent line, South 00°32'15" East, 256.22 feet, to a point on said Northern line of 40.00 foot Floyd Avenue; thence along the Northern line of 40.00 foot Floyd Avenue, South 89°51'30" West, 22.00 feet, to the point of beginning, containing 0.71 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-670  

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (ALLEN R. BECK, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North one-half of the East one-half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Sylvan Avenue, and the true point of beginning of this description; thence continuing along said North-South quarter section line, South 00°17'35" East, 1287.15 feet; thence South 89°49'19" West, 38.88 feet; thence Westerly along a tangent curve concave to the South, having a Radius of 3968.00 feet, a Central Angle of 2°35'40" and an Arc Length of 179.68 feet; thence along a tangent line, South 87°13'39" West, 197.32 feet, to a point on the South line of said North one-half of the East one-half of the Southwest quarter of Section 12; thence along said South line of the North one-half of the East one-half of the Southwest quarter of Section 12, South 89°49'19" West, 509.44 feet; thence North 2°46'21" West, 40.94 feet; thence at right angles, North 87°13'39" East, 706.23 feet; thence Easterly along a tangent curve concave to the South, having a Radius of 4032.00 feet, a Central Angle of 2°35'40" and an Arc Length of 182.58 feet; thence along a tangent line, North 89°49'19" East, 6.76 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Westerly from the North-South quarter section line of Section 12; thence along said parallel line, North 00°17'35" West, 1223.14 feet, to a point on said Southern line of 40.00 foot Sylvan Avenue; thence along the Southern line of 40.00 foot Sylvan Avenue, North 89°48'37" East, 32.00 feet, to the point of beginning, containing 2.12 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North one-half of the East one-half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of 40.00 foot Sylvan Avenue; thence along said Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 32.00 feet, to the true point of beginning of this description; thence continuing along the Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 22.00 feet, to a point on a line which is parallel with and 54.00 feet, measured at right angles, Westerly from said North-South quarter section line of Section 12; thence along said parallel line, South 00°17'35" East, 1201.16 feet, to a point on a non-tangent curve from which point a radial line bears South 00°23'39" East; thence Westerly along said non-tangent curve concave to the South, having a Radius of 4054.00 feet, a Central Angle of 2°22'42" and an Arc Length of 168.28 feet; thence along a tangent line, South 87°13'39" West, 717.23 feet; thence at right angles, South 2°46'21" East, 62.44 feet, to a point on the South line of said North one-half of the East one-half of the Southwest quarter of Section 12; thence along said South line of the North one-half of the East one-half of the Southwest quarter of Section 12, North 89°49'19" East, 11.01 feet; thence North 2°46'21" West, 40.94 feet; thence North 87°13'39" East 706.23 feet; thence Easterly along a tangent curve concave to the South, having a Radius of 4032.00 feet, a Central Angle of 2°35'40" and an Arc Length of 192.58 feet; thence North 89°49'19" East, 6.76 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Westerly from the North-South quarter section line of Section 12; thence along said last mentioned parallel line, North 00°17'35" West, 1223.14 feet, to the point of beginning, containing 1.07 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2
A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East 1287.15 feet, to the true point of beginning of this description; thence continuing South 00°17'35" East, 13.00 feet, to the Southeast corner of said North one-half of the East one-half of the Southwest quarter of Section 12; thence along the South line of said North one-half of the East one-half of the Southwest quarter of Section 12, South 89°49'19" West, 415.64 feet; thence North 87°13'39" East, 197.32 feet; thence Easterly along a tangent curve concave to the South, having a Radius of 3968.00 feet, a Central Angle of 2°35'40" and an Arc Length of 179.68 feet; thence along a tangent line, North 89°49'19" East, 38.88 feet, to the point of beginning, containing 3,477 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-671

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE LAKEWOOD SEWER
TRUNK INTO VILLAGE ONE. (ROBERT A. BECK, ET
UX., TRUST)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the West half of the Southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Sylvan Avenue, and the true point of beginning of this description; thence continuing along said North-South quarter section line, South 00°17'35" East, 1287.15 feet; thence North 89°49'19" East, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Easterly from the North-South quarter section line of Section 12; thence along said parallel line, North 00°17'35" West, 1287.15 feet, to a point on said Southern line of 40.00 foot Sylvan Avenue; thence along the Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 15.00 feet, to the point of beginning, containing 0.44 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the West half of the Southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Sylvan Avenue; thence along said Southern line, North 89°48'37" East, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Easterly from said North-South quarter section line of Section 12, and the true point of beginning of this description; thence along said parallel line, South 00°17'35" East, 1287.15 feet; thence South 89°49'19" West, 15.00 feet, to a point on the North-South quarter section line of Section 12; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 18.00 feet; thence North 89°49'19" East, 26.00 feet, to a point on a line which is parallel with and 26.00 feet, measured at right angles, Easterly from the North-South quarter section line of Section 12; thence along said last mentioned parallel line, North 00°17'35" West, 1305.15 feet, to a point on the Southern line of 40.00 foot Sylvan Avenue; thence along the Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 11.00 feet, to the point of beginning, containing 0.34 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-672

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE LAKEWOOD SEWER
TRUNK INTO VILLAGE ONE. (SCOTT A. BATES, ET
AL.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereeto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
ement domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-20-06 (SCOTT A. BATES, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southeastern corner of said Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, said point being on the East line of the East half of the Southwest quarter of Section 12; thence along the Southern line of said Parcel "2", South 89°49'51" West, 865.42 feet, to the true point of beginning of this description; thence South 00°19'26" East, 284.35 feet; thence Southeasterly along a tangent curve concave to the Northeast, having a Radius of 468.00 feet, a Central Angle of 25°34'41" and an Arc Length of 208.93 feet; thence along a tangent line, South 25°54'07" East, 10.40 feet, to a point on the Southern line of Section 12; thence along said Southern line of Section 12, South 89°50'09" West, 52.02 feet, to a point on a non-tangent curve from which point a radial line bears North 65°27'15" East; thence Northwesterly along said non-tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 24°13'19", and an Arc Length of 217.72 feet; thence North 00°19'26" West, 284.47 feet, to a point on said Southern line of Parcel "2"; thence along the Southern line of Parcel "2", North 89°49'51" East, 47.00 feet, to the point of beginning, containing 0.54 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, said point being on the East line of said East half of the Southwest quarter of Section 12; thence along the Southern line of said Parcel "2", South 89°49'51" West, 912.42 feet, to the true point of beginning of this description; thence South 00°19'26" East, 284.47 feet; thence Southeasterly along tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 24°13'19", and an Arc Length of 217.72 feet, to a point on the South line of Section 12, from which point a radial line bears North 65°27'15" East; thence along said South line of Section 12, South 89°50'09" West, 12.05 feet, to a point on a non-tangent curve from which point a radial line bears North 65°59'46" East; thence Northwesterly along said non-tangent curve concave to the Northeast, having a Radius of 526.00 feet, a Central Angle of 23°40'48", and an Arc Length of 217.39 feet; thence along a tangent line, North 00°19'26" West, 284.50 feet, to a point on said Southern line of Parcel "2"; thence along the Southern line of Parcel "2"; North 89°49'51" East, 11.00 feet, to the point of beginning, containing 5,522 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, said point being on the East line of said East half of the Southwest quarter of Section 12; thence along the Southern line of said Parcel "2", South 89°49'51" West, 843.42 feet, to the true point of beginning of this description; thence South 00°19'26" East, 284.29 feet; thence Southeasterly along a tangent curve concave to the Northeast, having a Radius of 446.00 feet, a Central Angle of 25°34'41", and an Arc Length of 199.10 feet; thence along a tangent line, South 25°54'07" East, 21.00 feet, to a point on the South line of Section 12; thence along said South line of Section 12, South 89°50'09" West, 24.42 feet; thence North 25°54'07" West,
10.40 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a radius of 468.00 feet, a Central Angle of 25°34'41" and an Arc Length of 208.93 feet; thence North 00°19'26" West, 284.35 feet, to a point on said Southern line of Parcel "2"; thence along the Southern line of Parcel "2", North 89°49'51" East, 22.00 feet, to the point of beginning, containing 11,089 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-673

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (McHENRY BOWL, INC., ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and
renew the facilities and appurtenances together with the right of ingress thereto and
egress therefrom over, under and across the following described real property in the State
of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of the Southwest quarter of Section 12, Township
3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as
per map filed December 7, 1981 in Book 32 of Parcel Maps, Page 76, Stanislaus County
Records, described as follows:

Commencing at the Northeastern corner of said Parcel "2"; thence along the Northern line
of Parcel "2", South 89°49'31" West, 865.63 feet, to the true point of beginning of this
description; thence continuing along said Northern line of Parcel "2", South 89°49'31"
West, 47.00 feet; thence along a line parallel with the Western line of Parcel "2", South
00°19'26" East, 390.29 feet, to a point on the Southern line of Parcel "2"; thence along
said Southern line of Parcel "2", North 89°49'51" East, 47.00 feet; thence along a line
parallel with said Western line of Parcel "2", North 00°19'26" West, 390.29 feet, to the
point of beginning, containing 0.42 Acres, more or less.
AKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-20-64A (MCNERY BOWL, INC., et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel "2"; thence along the Northern line of Parcel "2", South 89°49'31" West, 912.63 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "2", South 89°49'31" West, 11.00 feet; thence along a line parallel with the Western line of Parcel "2", South 00°19'26" East, 390.29 feet, to a point on the Southern line of Parcel "2"; thence along said Southern line of Parcel "2", North 89°49'51" East, 11.00 feet; thence along a line parallel with said Western line of Parcel "2", North 00°19'26" West, 390.29 feet, to the point of beginning, containing 4,293 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel "2"; thence along the Northern line of Parcel "2", South 89°49'31" West, 843.63 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "2", South 89°49'31" West, 22.00 feet; thence along a line parallel with the Western line of Parcel "2", South 00°19'26" East, 390.29 feet, to a point on the Southern line of Parcel "2"; thence along said Southern line of Parcel "2", North 89°49'51" East, 22.00 feet; thence along a line parallel with said Western line of Parcel "2", North 00°19'26" West, 390.29 feet, to the point of beginning, containing 8,586 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-674

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE LAKEWOOD SEWER
TRUNK INTO VILLAGE ONE. (JAMES LAMATIS, ET
AL.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

(Seal)

APPROVED AS TO FORM:

By _Michael D. Milich_, City Attorney

APPROVED AS TO DESCRIPTION:

By _Public Works And Transportation Department - Engineering_
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 8, 1971, in Book 12 of Parcel Maps, Page 83, Stanislaus County Records, described as follows:

Commencing at the Northeastern corner of said Parcel "A"; thence along the Northern line of Parcel "A", South 89°49'19" West, 415.64 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "A", South 89°49'19" West, 509.44 feet; thence South 2°46'21" East, 285.73 feet; thence South 00°19'26" East, 151.45 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", North 89°49'31" East, 47.00 feet; thence North 00°19'26" West, 152.59 feet; thence North 2°46'21" West, 263.67 feet; thence North 87°13'39" East, 461.91 feet, to the point of beginning, containing 0.58 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 8, 1971, in Book 12 of Parcel Maps, Page 83, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel "A"; thence along the Northern line of Parcel "A", South 89°49'19" West, 925.08 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "A", South 89°49'19" West, 11.01 feet; thence South 2°46'21" East, 286.00 feet; thence South 00°19'26" East, 151.18 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", North 89°49'31" East, 11.00 feet; thence North 00°19'26" West, 151.45 feet; thence North 2°46'21" West, 285.73 feet, to the point of beginning, containing 0.11 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Beginning at the Northeastern corner of said Parcel "A"; thence along the Eastern line of Parcel "A", South 00°17'35" East, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southerly from the Northern line of said Parcel "A"; thence along said parallel line, South 89°49'19" West, 38.92 feet; thence Westerly along a tangent curve concave to the South, having a Radius of 3950.00 feet, a Central Angle of 2°35'40" and an Arc Length of 178.86 feet; thence along a tangent line, South 87°13'39" West, 637.23 feet; thence South 2°46'21" East, 246.14 feet; thence South 00°19'26" East, 153.12 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", South 89°49'31" West, 22.00 feet; thence North 00°19'26" West, 152.59 feet; thence North 2°46'21" West, 263.67 feet; thence North 87°13'39" East, 461.91 feet, to a point on said Northern line of Parcel "A"; thence along the Northern line of Parcel "A", North 89°49'19" East, 415.64 feet, to the point of beginning, containing 0.48 Acres, more or less.
Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (RONALD L. LaFORCE, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North half of the South half of the South half of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41′13″ West, 624.54 feet; thence North 00°32′10″ West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11, and the true point of beginning of this description; thence continuing North 00°32′10″ West, 331.17 feet, more or less, to a point on the Northern line of said North half of the South half of the South half of the Southwest quarter of Section 11; thence along said last named line, North 89°40′33″ West, 47.01 feet; thence South 00°32′10″ East, 331.18 feet, more or less, to a point on said Northern line of the South half of the South half of the South half of the Southwest quarter of Section 11; thence along said last mentioned line, South 89°41′13″ East, 47.01 feet, to the point of beginning, containing 0.357 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North half of the South half of the South half of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

**PARCEL 1**

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 22.00 feet wide, measured at right angles, lying adjacent to and Easterly of the following described line:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11, and the true point of beginning of this description; thence continuing North 00°32'10" West, 331.17 feet, more or less, to a point on the Northern line of said North half of the South half of the South half of the Southwest quarter of Section 11, and the end of this description, containing 0.167 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

**PARCEL 2**

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 11.00 feet wide, measured at right angles, lying adjacent to and Westerly of the following described line:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11; thence along said last mentioned Northern line, North 89°41'13" West, 47.01 feet, to the true point of beginning of this description; thence North 00°32'10" West, 331.18 feet, more or less, to a point on the Northern line of said North half of the South half of the South half of the Southwest quarter of Section 11, and the end of this description, containing 0.084 Acres, more or less.
Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-576

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (MODESTO VENTURE 168)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: [Signature]

(JUDGE C. HALL, Acting City Clerk)

(SEAL)

APPROVED AS TO FORM:

[Signature]

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

[Signature]

Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet, to the true point of beginning of this description; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11; thence along said last named line, North 89°41'13" West, 47.00 feet; thence South 00°32'10" East, 310.58 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from said South line of Section 11; thence along said parallel line, North 89°41'13" West, 671.45 feet; thence at right angles, South 00°18'47" West, 20.00 feet, to a point on the South line of Section 11; thence along the South line of Section 11, South 89°41'13" East, 718.75 feet, to the point of beginning, containing 0.665 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 22.00 feet wide, measured at right angles, lying adjacent to and Easterly of the following described line:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet to the true point of beginning of this description; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of said Southwest quarter of Section 11, and the end of this description, containing 0.167 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 1343.29 feet, to the true point of beginning of this description; thence continuing along said South line of Section 11, North 89°41'13" West, 22.00 feet; thence North 00°18'47" East, 42.00 feet, to a point on a line which is parallel with and 42.00 feet, measured at right angles, Northerly from the South line of Section 11; thence along said parallel line, South 89°41'13" East, 682.12 feet; thence North 00°32'10" West, 288.58 feet, to a point on the North line of the South one-half of the Southwest quarter of Section 11; thence along said last named line, South 89°41'13" East, 11.00 feet; thence South 00°32'10" East, 310.58 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from the South line of Section 11; thence along said last mentioned parallel line, North 89°41'13" West, 671.45 feet; thence South 00°18'47" West, 20.00 feet, to the point of beginning, containing 0.433 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-677

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK
INTO VILLAGE ONE. (JOHN MAGADDINO, ET UX.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _____ day of __________, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _______________________________

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _______________________________

Public Works And Transportation Department - Engineering
SONOMA SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 77-09-25 (JOHN MAGADDINO, et ux) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel A, as per map filed January 31, 1966, in Book 1 of Parcel Maps, Page 41, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of said Parcel A; thence along the Eastern line of Parcel A, South 00°34′03″ East, 32.00 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Southerly from the Northern line of Parcel A; thence along said parallel line, North 89°40′18″ West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from said Eastern line of Parcel A; thence along said last mentioned parallel line, North 00°34′03″ West, 32.00 feet, to a point on said Northern line of Parcel A; thence along the Northern line of Parcel A, South 89°40′18″ East, 15.00 feet, to the point of beginning, containing 0.011 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel A, as per map filed January 31, 1966 in Book 1 of Parcel Maps, Page 41, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel A; thence along the Northern line of Parcel A, North 89°40'18" West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from the Eastern line of Parcel A, and the true point of beginning of this description; thence along said parallel line, South 00°34'03" East, 32.00 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Southerly from said Northern line of Parcel A; thence along said last mentioned parallel line, South 89°40'18" East, 15.00 feet, to a point on said Eastern line of Parcel A; thence along the Eastern line of Parcel A, South 00°34'03" East, 22.00 feet, to a point on a line which is parallel with and 54.00 feet, measured at right angles, Southerly from the Northern line of Parcel A; thence along said last mentioned parallel line, North 89°40'18" West, 26.00 feet, to a point on a line which is parallel with and 26.00 feet, measured at right angles, Westerly from the Eastern line of Parcel A; thence along said last mentioned parallel line, North 00°34'03" West, 54.00 feet, to a point on the Northern line of Parcel A; thence along the Northern line of Parcel A, South 89°40'18" East, 11.00 feet, to the point of beginning, containing 0.021 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-678

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (OAKDALE PARK LP)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as per map filed December 31, 1987 in Book 40 of Parcel Maps, Page 38, Stanislaus County Records, described as follows:

Beginning at the Southeastern corner of said Parcel "2"; thence along the Eastern line of Parcel "2", North 00°38'26" West, 882.97 feet, to a Northeastern corner of Parcel "2"; thence along a Northern line of Parcel "2", North 89°44'38" West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from said Eastern line of Parcel "2"; thence along said parallel line, South 00°38'26" East, 882.97 feet, to a point on the Southern line of Parcel "2"; thence along said Southern line of Parcel "2", South 89°45'17" East, 15.00 feet, to the point of beginning, containing 0.304 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as per map filed December 31, 1987, in Book 40 of Parcel Maps, Page 38, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 11.00 feet wide, measured at right angles, lying adjacent to and Westerly of the Eastern 15.00 feet, measured at right angles, of said Parcel "2", containing 0.223 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-678A

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK
INTO VILLAGE ONE. (MODESTO CITY SCHOOL
DISTRICT)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Public Works And Transportation Department - Engineering
An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 17, 1978 in Book 28 of Parcel Maps, Page 3, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Parcel "A"; thence along the Southern line of Parcel "A", North 89°44'38" West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of Parcel "A", and the true point of beginning of this description; thence along said parallel line, said line being the Western line of an existing 10.00 foot wide public utility easement, North 00°38'26" West, 375.05 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of Parcel "A"; thence along said last mentioned parallel line, said line being the Southern line of an existing 10.00 foot wide public utility easement, North 89°44'38" West, 5.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from said Eastern line of Parcel "A"; thence along said last mentioned parallel line, South 00°38'26" East, 375.05 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", South 89°44'38" East, 5.00 feet, to the point of beginning, containing 0.043 Acres, more or less.
A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 17, 1978 in Book 28 of Parcel Maps, Page 3, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 11.00 feet wide, measured at right angles, lying adjacent to and Westerly of the following described line:

Commencing at the Southeastern corner of said Parcel "A"; thence along the Southern line of Parcel "A", North 89°44'34" West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from the Eastern line of Parcel "A", and the true point of beginning of this description; thence along said parallel line, North 00°38'26" West, 375.05 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of Parcel "A" and the end of this description, containing 0.095 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.
A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF WIDENING SCENIC AVENUE IMMEDIATELY EAST OF OAKDALE ROAD. (SELDON J. GRAHAM)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of widening Scenic Avenue immediately east of Oakdale Road,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.
3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibit "A".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Public Works And Transportation Department - Engineering
EXHIBIT A

Parcel 67-25-5 (Graham)

All that portion of the Southwest quarter of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the Southeast corner of that 1.195 acre parcel of land shown on that Record of Survey recorded in Book 8 of Surveys, at Page 47, Stanislaus County Records, said point being on the Northerly line of Scenic Drive, 25 feet wide, and on the East line of that parcel of land conveyed to Gerald H. Graham and wife by deed recorded on August 29, 1932 in Volume 479 of Official Records, at Page 29, Stanislaus County Records, as Instrument 8367; thence Northerly, along the Easterly property line of the said Graham parcel of land, North 00° 11' 42" East, 30.24 feet, to a point on a non-tangent curve from which point a radial line bears South 07° 16' 58" West; thence Westerly along said non-tangent curve concentric to the existing Northerly line of Scenic Drive and concave to the Southwest, having a Radius of 1009.93 feet, a Central Angle of 08° 22' 10" and an Arc Length of 147.52 feet, to a point on the West line of said 1.195 acre parcel of said Graham property, from which point a radial line bears South 01° 05' 12" East; thence along said West line of the 1.195 acre parcel of the Graham property, South 00° 50' 45" East, 30 feet, to a point on the Northerly line of Scenic Drive, from which a radial line bears South 01° 05' 38" East; thence Easterly on the Northerly line of Scenic Drive on a curve concave to the Southwest, having a Radius of 979.93 feet, a Central Angle of 08° 35' 42" and an Arc Length of 147.00 feet, to the point of beginning, containing 0.101 Acres (4418 square feet) more or less.
A RESOLUTION ACCEPTING THE 1993 STREET CAPE SEALS PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the 1993 street cape seals project has been completed by Valley Slurry Seal Company in accordance with the contract agreement dated July 13, 1993.

NOW, THEREFORE, BE IT RESOLVED that the 1993 street cape seals project be accepted from said contractor, Valley Slurry Seal Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $35,157.03 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 23rd day of November, 1993 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-681

A RESOLUTION ACCEPTING THE WIDENING OF SCENIC DRIVE EAST OF COFFEE ROAD TO ROSE AVENUE, SOUTH SIDE, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the widening of Scenic Drive east of Coffee Road to Rose Avenue, south side, has been completed by George Reed, Inc.
in accordance with the contract agreement dated June 22, 1993.

NOW, THEREFORE, BE IT RESOLVED that the widening of Scenic Drive east of Coffee Road to Rose Avenue, south side
be accepted from said contractor, George Reed, Inc.;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of $182,296.42 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 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:
JUDY C. HALL, Acting City Clerk
HODESTO CITY COUNCIL
RESOLUTION NO. 93-682

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
NORA NARAGHI FOR THE ACQUISITION OF A PERMANENT AND TEMPORARY EASEMENT FOR
THE SONOMA SEWER TRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Nora Naraghi for the
acquisition of a permanent and temporary easement for the Sonoma sewer
trunk

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM DAVID H. THOMPSON FOR THE ACQUISITION OF 2,569+ SQUARE FEET OF RIGHT OF WAY NEEDED FOR THE SCENIC - EAST OF OAKDALE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David H. Thompson for the acquisition of 2,569+ square feet of right of way needed for the Scenic - east of Oakdale widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from David H. Thompson for the Scenic - east of Oakdale widening project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
ACTING CITY CLERK JUDY C. HALL
MODESTO CITY COUNCIL
RESOLUTION NO. 93-684

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM ANDREW J. PULIZZI FOR THE ACQUISITION OF 1,775+ SQUARE FEET OF RIGHT OF WAY NEEDED FOR THE SCENIC - EAST OF OAKDALE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Andrew J. Pulizzi for the acquisition of 1,775+ square feet of right of way needed for the Scenic - east of Oakdale widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Andrew J. Pulizzi for the Scenic - east of Oakdale widening project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Judy C. Hall
Acting City Clerk Judy C. Hall
MODESTO CITY COUNCIL
RESOLUTION NO. 93-685

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY REINVESTMENT FUND, INC. TO PROVIDE LOAN SERVICING FOR THE HOUSING AND ECONOMIC DEVELOPMENT LOAN PORTFOLIOS FOR THE COMMUNITY DEVELOPMENT PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Reinvestment Fund, Inc. to provide loan servicing for the Housing and Economic Development Loan Portfolios for the Community Development Program Office be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-336

A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE TUOLUMNE RIVER REGIONAL PARK TRAIL PROJECT.

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the State, and

WHEREAS, the proposed Tuolumne River Regional Park Trail project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan - 1988, and

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,

-1-
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance, and

2. Certifies that said agency has matching funds from Capital Facilities Fees, and can finance 100 percent of the project, half of which will be reimbursed, and

3. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project, and

4. Appoints the City Manager as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

APPROVED AS TO FORM:

By ___________________________________________
MICHAEL D. MILICH, City Attorney

(SEAL)

ATTEST: _____________________________________________________________________________
JUDY C. HALL, Acting City Clerk

11/23/93--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 93-687

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

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

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

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

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

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

Industrial Waste Inspector I/II
Events Supervisor

The revised specifications for the classification of Industrial Waste Inspector I/II, as shown on the attached Exhibit "A", and Events Supervisor, as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Events Coordinator

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
DEFINITION

To inspect, sample, monitor and regulate commercial and industrial facilities discharge within the City sewerage system for compliance with industrial waste permits; assess user charges and penalties for sewer service; and to act as liaison between the City and industrial dischargers.

DISTINGUISHING CHARACTERISTICS

INDUSTRIAL WASTE INSPECTOR I - This is the entry level class in the Industrial Waste Inspector series. This class is distinguished from the Industrial Waste Inspector II by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited related work experience.

Industrial Waste Inspector II - This is the full journey level class within the Industrial Waste Inspector series. Employees within this class are distinguished from the Industrial Waste Inspector I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Industrial Waste Inspector I

Receives immediate supervision from the Industrial Waste Supervisor.

Industrial Waste Inspector II

Receives general supervision from the Industrial Waste Supervisor.

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

Inspect, sample, and monitor flow of industrial dischargers within the City; gather, interpret and extrapolate information from industrial discharger and various departments within the City to insure compliance with Federal, State, and local environmental discharge requirements.
Receive requests from industries for changes in discharge permits; compile information for issuance of industrial waste permits.

Act as a liaison between the City and industrial dischargers; develop communication with industries; inform them of inspection requirements; meet with industry personnel on permit violations; notify them of categorical standard, sludge and hazardous waste disposal practices.

Monitor categorical liquid waste haulers; assist in the issuing and monitoring of permit holders who wish to discharge at the treatment plant.

Pick up and deliver samples of industrial discharge for laboratory testing for calculation of sewer billing.

Monitor industry flow to see that industrial pretreatment equipment is operating properly.

Advise industry on ways to achieve greater industrial waste control; make suggestions to industry on ways they benefit from efficient pretreatment processes.

Evaluate construction at industry sites to assure compliance with industrial waste permit; evaluate construction plans with actual construction to prevent unapproved changes.

Assist industry in proper reporting of tracking logs.

Conduct tours of treatment plant to industry personnel; educate industrial personnel of the operations of a sewage treatment plant.

Investigate complaints; keep records and prepare reports.

Calculate flow date from influent and effluent meters to assess hydraulic loading from each industry; read meters; prepare flow sheet for monthly meter readings.

Gather laboratory information from City and industries privately contracted labs.

Clean and maintain sampling units according to standard methods.

Prepare monthly billing records for industries.
EXAMPLES OF DUTIES (continued)

May assist in the training of new staff.
Inspect industries according to EPA regulations.
Perform related duties as assigned.

QUALIFICATIONS

Industrial Waste Inspector I

Knowledge of:
Pertinent Federal, State, and local laws, codes and regulations.
Operation and maintenance of equipment used for the monitoring and control of industrial discharge and waste.
Procedures and materials used in chemical, biochemical and bacteriological laboratory tests and analysis.
Methods and techniques used in monitoring sewer systems.
Uniform plumbing codes as they apply to grease traps and industrial wastewater.
Industrial processes producing waste to the waste stream.
Methods used in industrial waste control.
Sampling techniques and preservations.

Ability to:
Evaluate safety hazards.
Interpret, apply and enforce Federal, State and local policies, procedures, laws and regulations.
Read and interpret blueprints.
Conduct inspections.
Gather, interpret and present data.
Establish effective relations with industry personnel.
Ability to: (continued)

Conduct field laboratory tests.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

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

Experience:

Three years of experience as a Wastewater Treatment Plant Operator.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in industrial waste inspection or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

A valid Grade II Wastewater Treatment Operator certificate as issued by the State of California is highly desirable.

Possession of a Grade I Industrial Waste Inspector Certificate issued by the California Water Pollution Control Association (C.W.P.C.A.), or the ability to obtain one within 2 1/2 years of appointment. Failure to obtain said certificate will constitute grounds for termination.
Industrial Waste Inspector II

In addition to the qualifications for Industrial Waste Inspector I:

Experience:

Eighteen (18) months of experience as an Industrial Waste Inspector I with the City of Modesto, or two years experience as an Industrial Waste Inspector in a public agency.

License or Certificate

Possession of a Grade II Industrial Waste Inspector Certificate issued by the C.W.P.C.A., or the ability to obtain one within 4 1/2 years of appointment. Failure to obtain said certificate will be grounds for demotion to first-level Industrial Waste Inspector.
EVENTS SUPERVISOR

DEFINITION

Under direction, supervise and coordinate the needs and services of lessees for events at the Modesto Centre Plaza. This work includes booking, scheduling, planning, and supervision of events.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Centre Plaza Manager.

Exercises direct supervision over subordinate, technical, scheduling, temporary, and contracted staff.

EXAMPLES OF DUTIES

Booking, scheduling, and sales of Centre Plaza events.

Working with Centre Plaza users to plan the execution of their events, including equipment, personnel, and services.

Supervise Centre Plaza events while in progress. This includes some evening and weekend events.

Prepare event settlements and evaluations.

Supervise Centre Plaza parking operations including hiring and supervision of personnel; recording and depositing monies collected.

Operation of box office functions including ticket ordering, ticket sales, ticket taking, supervision of related personnel and final ticket auditing.

Record, transfer and process all monies that the Centre generates through ticket sales, rental deposits and settlement, novelty sales and other.

Assist in budget preparation and administration.

Respond to facility user complaints and inquiries.

Maintain and update as needed: rental agreement, permit agreements, and associated rules and regulations for events and outside services; service manuals, box office manuals, and operation manual for contracted services and center personnel; evaluation procedures for catering, concessions, and decorators who provide services.

Exhibit "B"
Maintain records and prepares reports and correspondence, as necessary, related to events and facility use.

Perform other related work as may be assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques for scheduling, booking, planning, servicing and coordinating a variety of theatrical, entertainment, meeting, banquet, and convention events.

Basic accounting as used in event and box office bookkeeping and settlement.

Fire and safety regulations and emergency procedures related to public assembly facilities.

Security, catering, concessions, equipment, services, and other operational needs of community/convention center events.

Negotiation techniques.

Principles of administration, budget and personnel management.

Principles of box office and ticketing operations.

Ability to:

Book, schedule, and sell Centre Plaza space to potential users.

Plan, organize, and coordinate the activities of various service providers associated with Centre Plaza events.

Supervise events in progress.

Supervise, train, and evaluate subordinates.

Communicate clearly and concisely, orally and in writing.

Respond appropriately to Centre Plaza guests within the context of Centre Plaza policies and procedures while maintaining a high customer service ethic.

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.
Lift and carry heavy objects, if it becomes necessary.

Establish and maintain cooperative relationships with those contacted during work.

Experience and Training Guidelines

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

**Experience:**

Two (2) years experience in supervising and coordinating a variety of events in a conference center, convention center, hotel, college union, recreational, entertainment, or other public assembly facility.

One (1) year experience with ConCentRICS facility management software is desirable.

**Training:**

Equivalent to graduation with a Bachelor's Degree from an accredited college or university.

**License or Certificate**

Possession of valid Class 3 drivers' license issued by California Department of Motor Vehicles within one month of employment.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-633

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO DELETE EVENTS COORDINATOR.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, 93-127, and 93-620, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.
Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective November 23, 1993", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" deletes class specifications for Events Coordinator (Range 434).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

(Seal)

ATTEST: Judy C. Hall, Acting City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  

Effective November 23, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td></td>
</tr>
<tr>
<td>405</td>
<td></td>
</tr>
<tr>
<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk  
Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Custodian Supervisor  
Legal Secretary |
| 419   |       |
| 420   | Worker's Compensation Claims Examiner  
Employee Benefits Coordinator  
Legal Services Technician  
Office Services Supervisor  
Deputy City Clerk  
Executive Secretary |
| 421   |       |

Exhibit "G"
# CITY OF MODESTO

## CLASS RANGE TABLE

### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective November 23, 1993**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
<tr>
<td>424</td>
<td>Assistant Planner</td>
</tr>
<tr>
<td></td>
<td>Asst. City Clerk/Auditor</td>
</tr>
<tr>
<td>425</td>
<td>Police Records Supervisor</td>
</tr>
<tr>
<td></td>
<td>Administrative Analyst I</td>
</tr>
<tr>
<td></td>
<td>Executive Assistant</td>
</tr>
<tr>
<td></td>
<td>Legal Services Supervisor</td>
</tr>
<tr>
<td>426</td>
<td>Warehouse Supervisor</td>
</tr>
<tr>
<td></td>
<td>Museum Supervisor</td>
</tr>
<tr>
<td>427</td>
<td>Events Supervisor</td>
</tr>
<tr>
<td>428</td>
<td>Parks Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Airport Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Trees Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Equipment Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Social Services Coordinator</td>
</tr>
<tr>
<td></td>
<td>Buyer</td>
</tr>
<tr>
<td></td>
<td>Accountant II</td>
</tr>
<tr>
<td></td>
<td>Assistant Budget Analyst</td>
</tr>
<tr>
<td></td>
<td>Public Works Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Building Maintenance Supervisor</td>
</tr>
<tr>
<td>429</td>
<td>Associate Planner</td>
</tr>
<tr>
<td>430</td>
<td>Parks Construction Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Junior Civil Engineer</td>
</tr>
<tr>
<td></td>
<td>Junior Traffic Engineer</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Preservation Supervisor</td>
</tr>
</tbody>
</table>
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective November 23, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 431   | Administrative Analyst II  
       | Affirmative Action Officer  
       | Personnel Analyst  
       | Training Coordinator  
       | Assistant Risk Manager  
       | Recycling Program Coordinator  
       | Budget Analyst |
| 432   | Plant Mechanic Supervisor  
       | Recreation Supervisor II  
       | Historical Buildings Supervisor  
       | Senior Accountant  
       | Youth Program Supervisor  
       | Industrial Waste Supervisor |
| 433   | Assistant Civil Engineer  
       | Laboratory Supervisor  
       | Assistant Traffic Engineer |
| 434   | Senior Programmer Analyst  
       | Electrical Supervisor  
       | Assistant Equipment Maint. Supt.  
       | Engineering Systems Manager  
       | Sr. Housing Rehab. Specialist  
       | Public Works Supervisor II  
       | Secondary Treatment Site Supv.  
       | Parks Maintenance Supervisor II  
       | Operations Supervisor  
       | Landscape Designer  
       | Arborist  
       | Trees Maintenance Supv. II  
       | Land Surveyor  
       | Equipment Maintenance Supervisor II |
## CITY OF MODESTO
### CLASS RANGE TABLE
#### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 23, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
        | Deputy City Attorney I  
        | Senior Personnel Analyst  
        | Public Information Officer  
        | Budget Officer  
        | Financial Analyst  
        | Administrative Services Officer  
        | Integrated Waste Specialist  
        | Project Manager |
| 436   | Senior Planner  
        | Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
        | Asst. Water Quality Control Supt.  
        | Transportation Planner  
        | Housing Program Supervisor |
| 439   | Deputy City Attorney II  
        | Associate Civil Engineer  
        | Associate Traffic Engineer |
| 440   | Principal Accountant  
        | Purchasing Officer |
| 441   | Community Development Program Manager  
        | Sr. Deputy City Attorney I  
        | Airport Manager  
        | Solid Waste Program Manager  
        | Transit Manager  
        | Streets Maintenance Supt.  
        | Parks Superintendent  
        | Risk Manager  
        | Assistant Personnel Director  
        | Recreation Superintendent  
        | Golf Superintendent  
        | Fleet Manager  
        | Wastewater Collections Superintendent  
        | Water Superintendent  
<pre><code>    | Building Maintenance Superintendent |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 442   | Supv. Building Inspector  
Finance Data Processing Manager  
Supv. Construction Inspector |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
Principal Planner |
| 445   | Finance Division Manager |
| 446   | Senior Civil Engineer  
Traffic Engineer |
| 447   | Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. - Civic Center  
Asst. Parks & Recreation Dir. - Parks  
Asst. Parks & Recreation Dir. - Recreation |
| 448   | Sr. Deputy City Attorney II |
| 449   |       |
| 450   | Deputy Director Public Works - Engineering  
Deputy Director Public Works - Operations  
Deputy Director Public Works - Transportation |
| 451   |       |
| 452   | Assistant City Attorney |
MODESTO CITY COUNCIL
RESOLUTION NO. 93-689

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED MITIGATED NEGATIVE DECLARATION, AND
DIRECTING THE PLANNING AND COMMUNITY
DEVELOPMENT DIRECTOR TO FILE A NOTICE OF
DETERMINATION OF THE ENVIRONMENTAL IMPACT
RELATING TO THE APPROVAL OF A MODESTO URBAN
AREA GENERAL PLAN AMENDMENT REDESIGNATING AN
INDUSTRIAL BUSINESS PARK AREA TO RESIDENTIAL;
A PREZONE OF PROPERTY TO A LOW DENSITY
RESIDENTIAL, R-1, ZONE; AND APPROVAL OF A
VESTING TENTATIVE SUBDIVISION MAP FOR
SYMPHONY PLACE SUBDIVISION. (SARJAK
ENTERPRISES/REDEV, INC.)

WHEREAS, on September 22, 1993, the City's
Environmental Assessment Committee (EAC) conducted an initial
study to determine if the proposed project relating to a General
Plan Amendment redesignating property from an Industrial Business
Park area to a Residential area, a prezone to a Low Density
Residential Zone, R-1, and approval of a vesting tentative
subdivision map for Symphony Place Subdivision might have a
significant effect on the environment, and

WHEREAS, pursuant to the initial study, a traffic
study, "Traffic Impact Study For A Proposed Residential
Development Near the Blue Gum/Poust Intersection in Modesto"
(Fehr & Peers Assoc., 8/4/93) and a Congestion Management Study,
"Congestion Management Program Traffic Impact Study of the
Proposed Sarjak Enterprises Residential Development General Plan
Amendment" (TJKM Transportation Consultants, 6/25/93), were
prepared, which studies identified mitigation to be undertaken in
conjunction with the project, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term unmitigated environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.
SECTION 3. 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 as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Friedman

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

12/21/93
MODESTO CITY COUNCIL
RESOLUTION NO. 93-690

A RESOLUTION GRANTING THE APPEAL OF RICHARD HAGERTY ON BEHALF OF SARJAK ENTERPRISES/REDEV, INC., TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR SYMPHONY PLACE SUBDIVISION.

WHEREAS, the vesting tentative map of the Symphony Place Subdivision was filed in the office of the Secretary of the Planning Commission on September 22, 1993, 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 Hart Ransom Elementary School and Modesto High School Districts, and Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

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

WHEREAS, the area can be served by elementary schools in the Hart Ransom School District and by Fire Station #4 at Blue Gum Avenue and Carpenter Road, 0.75 miles distant, and

WHEREAS, a public hearing was held by the Planning Commission on November 1, 1993, 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. 93-49, found and determined that the vesting tentative map of the Symphony Place Subdivision accepted for filing in the office of the Secretary of the Planning Commission on September 22, 1993, 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 Symphony Place Subdivision was filed with the City Clerk by Richard Hagerty on behalf of Sarjak Enterprises and Redev, Inc., by letter dated November 2, 1993, and

WHEREAS, said matter was set for a public hearing on December 7, 1993, 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, at its meeting of December 7, 1993, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Richard Hagerty to the decision of the Planning Commission denying approval of the vesting tentative map of the Symphony Place Subdivision should be granted for the following reasons and the decision of the Planning Commission should be overruled:

1. The land inventory for residential development within the City of Modesto is low. More residential land is needed for adequate housing opportunity.
2. The property south of MID Lateral No. 3 is appropriate for residential use and will not interfere with business park use of the remainder of the College West Neighborhood.

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

1. That 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 Mitigated Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated September 22, 1993 should be certified as adopted.

4. That with regard to condition 3, the City Council finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establish the following:

   a. That the purpose of the proposed fee is to postpone the installation of Morse Road until it connects with another street to the north. The fee would cover this project's share of improvement that would normally be installed when the map is recorded.

   b. That the use to which the fee will be put is for a part-width installation of Morse Road adjacent to the proposed development site.

   c. That there is a reasonable relationship between the use of the fee and the type of development that is proposed because the proposed development will generate traffic on Morse Road.
d. That there is a reasonable relationship between the need for the public facilities to be funded and the type of development that is proposed because Morse Road is an expressway that will provide an important north/south access for this development and West Modesto.

e. That there is a reasonable relationship between the amount of the fee and the cost of the proposed public facilities to be funded because the fee would be based on installing a part-width street to City Standard. The properties on the west side of Morse Road would install their share and the City would bear costs for the center portion.

5. That with regard to condition 4, the City Council finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establish the following:

a. That the purpose of the proposed fee is for the proposed development to pay their fair-share of the two canal crossings.

b. That the use to which the fee will be put is for the canal crossings of MID Lateral No. 3 at Morse Road and Poust/McDonald.

c. That there is a reasonable relationship between the use of the fee and the type of development that is proposed because the proposed development will generate traffic on these two canal crossings.

d. That there is a reasonable relationship between the need for the public facilities to be funded and the type of development that is proposed because the two canal crossings will provide important north/south access for this development with the surrounding area.

e. That there is a reasonable relationship between the amount of the fee and the cost of the proposed public facilities to be funded because the fee would be based on estimated cost of the canal crossings and a logical area of benefit. Other properties in the
area of benefit would have to pay their fair share.

BE IT FURTHER RESOLVED by the Council that the appeal of Richard Hagerty on behalf of Sarjak Enterprises and Redev, Inc., to the decision of the Planning Commission denying approval of the vesting tentative map of the Symphony Place Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Symphony Place Subdivision which was accepted for filing in the office of the Secretary of the Planning on September 22, 1993, 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 subdivision area shall be annexed to the City and prior to the recording of the final map.

2. That all street dedication be provided; and subdivision improvements, except Morse Road, 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 prior to recording the final map, financial security shall be posted for the Morse Road improvement to expressway standards as approved by the Public Works and Transportation Department. Street dedication shall be provided prior to or concurrently with the recording of the final map.

4. In the absence of an approved assessment district for the canal crossings of MID Lateral No. 3 at Morse Road and Poust/McDonald, the developer shall pay an estimated fair-share fee for the two canal crossings prior to recording of the final map. The Public Works and Transportation Department shall establish the estimated cost.
5. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.

6. That direct vehicular and pedestrian access between MID Lateral No. 3 and adjacent subdivision lots shall be prohibited by appropriate notes on the final map. A six-foot solid masonry wall shall be constructed along the south side of the lateral.

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

8. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a subdivision, action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

9. 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 the time of issuance of the building permit.

10. That prior to recordation of a final subdivision map, the subdivider contact the United States Postal Service for review and establishment of a mail delivery plan.
11. That the following mitigation measures as required by the adopted Mitigated Negative Declaration shall be completed:


   b. School mitigations pursuant to a signed agreement between the proponent and the Modesto High School and the Hart Ransom Elementary School Districts. The agreement shall be completed prior to the City Council approval of the General Plan Amendment and Prezone.

   c. Prior to recording of the final map, an eight-foot high solid decorative masonry wall along Morse Road shall be installed or appropriate security posted as approved by the Public Works and Transportation Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Muratore, Patterson
Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Friedman

ATTEST: _______________________
NORRINE COYLE / City Clerk
(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-691

A RESOLUTION GRANTING THE APPEAL OF REDEV, INC. AND SARJAK ENTERPRISES TO THE DECISION OF THE PLANNING COMMISSION AND AMENDING THE LAND USE ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN TO REDESIGNATE THE INDUSTRIAL FOR BUSINESS PARK AREA TO A RESIDENTIAL ZONE LOCATED WITHIN THE COLLEGE WEST 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 has been subsequently amended, which amendments include the title which is currently "Modesto Urban Area General Plan", and

WHEREAS, thereafter, said General Plan has been amended by the following Modesto City Council Resolutions:

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)

No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)

No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)

No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)

No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)

No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)

No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)
No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)

No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)

No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)

No. 78-854, adopted on August 14, 1978 (Conservation Element)

No. 78-855, adopted on August 14, 1978 (Noise Element)

No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)

No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)

No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)

No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)

No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)

No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)

No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)

No. 84-462, adopted on July 10, 1984 (Amendment to Housing Element)

No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)

No. 86-1297, adopted on November 26, 1986 (Circulation Element)

No. 86-1298, adopted on November 26, 1986 (Circulation...
Element)

No. 86-1299, adopted on November 26, 1986 (Circulation Element)

No. 86-1300, adopted on November 26, 1986 (Circulation Element)

No. 86-1301, adopted on November 26, 1986 (Circulation Element)

No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 89-579, adopted on May 23, 1989 (Amendment to the Modesto Urban Area General Plan Map - Orchard Neighborhood)

No. 89-632, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Bret Harte)

No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)

No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map Chrysler-99 Neighborhood)

No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)

No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire General Plan)

No. 90-758, adopted on September 11, 1990 (Amendment to Modesto Urban Area General Plan - Village One)

No. 91-233, adopted on April 23, 1991, (Amendment to Modesto Urban Area General Plan Map - Fleur De Ville Subdivision)

No. 93-631, adopted on November 9, 1993, (Amendment to Modesto Urban Area General Plan Map - Commercial Area (Target) and Wood Colony Neighborhood Shopping Center)

and
WHEREAS, pursuant to the provisions of 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, an application was submitted by Sarjak Enterprises and Gerritt Oosterkamp to amend the Land Use Element of the Modesto Urban Area General Plan to redesignate the Industrial Business Park Area to a Residential Zone, and

WHEREAS, the project site is located in the unincorporated area within the College West Neighborhood, which is bounded by Blue Gum Avenue, Morse Road extended, Southern Pacific Railroad, Shoemake Avenue, and Poust Road, and

WHEREAS, on November 1, 1993, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to said application for an amendment to the Land Use Element of the Modesto Urban Area General Plan, and

WHEREAS, at said hearing, the Modesto City Planning Commission adopted Resolution No. 93-47, denying the proposed amendment to the Land Use Element of the Modesto Urban Area General Plan for reasons set forth in said resolution, and

WHEREAS, by letter which was received in the Office of the City Clerk on November 2, 1993, an appeal to the decision of the Planning Commission denying said proposed amendment to the Land Use Element of the Modesto Urban Area General Plan was filed.
by Richard Hagerty on behalf of Sarjak Enterprises and Redev, Inc., and

WHEREAS said appeal was set for a public hearing of the City Council to be held on November 9, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Land Use Element of the General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Land Use Element of the General Plan to redesignate the Industrial Business Park Area to a Residential Zone on property located in the unincorporated area within the College West Neighborhood, which is bounded on the north side of Blue Gum Avenue and West of Poust Road in the City of Modesto is required for the public health, safety and welfare for the following reasons:

1. The land inventory for residential development within the City of Modesto is low. More residential land is needed for adequate housing opportunity.

2. The property south of MID Lateral No. 3 is appropriate for residential use and will not interfere with business park use of the remainder of the College West Neighborhood.
BE IT FURTHER RESOLVED by the Council that the Land Use Element of the General Plan be and hereby is amended to redesignate the Industrial Business Park Area designation to a Residential Zone on property located in the unincorporated area within the College West Neighborhood, which is located on the north side of Blue Gum Avenue West of Poust Road, as shown on the map which is attached hereto marked 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 to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days after adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Friedman

ATTEST: [Signature]

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney

12/21/93
MODESTO CITY COUNCIL
RESOLUTION NO. 93-692

A RESOLUTION DESIGNATING THE SOUTHERN PACIFIC DEPOT AT 9TH AND "J" STREETS AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 18, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 25, that the Southern Pacific Depot at 9th and "J" Streets is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

5. The City has the ability to remodel, add to, or otherwise alter the building and the surrounding site as necessary and in such a manner so as to enable it, in the sole judgment of the City, to function efficiently, effectively and safely as an intermodal transportation facility or any other function that the City believes is an appropriate
use for the site, including any structures which may be located thereon.

and

WHEREAS, after a public hearing held on December 7, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Southern Pacific Depot at 9th and "J" Streets is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 9th and "J" Streets is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Southern Pacific Depot at 9th and "J" Streets has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The Southern Pacific Depot, built in 1915, is architecturally significant as a fine example of the Mission Revival Style of architecture as adopted for a railroad depot.

2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

That certain parcel of land situated in the south half of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being also a portion of Block 143, as said Block is shown on that certain Parcel Map filed January 27, 1976, in Book 22 of Parcel Maps, Page 47, Records of said County, and being also a portion of land described in deed dated May 4, 1874, from Contract and Finance Company to Central Pacific Railroad Company (now Southern Pacific Transportation Company), recorded June 6, 1874, in Volume 12 of Deeds, Page 416, Records of said County, more particularly described as follows:

Beginning at the point of intersection of the southeasterly line of "K" Street (80 feet wide) with the southwesterly line of Ninth Street (88 feet wide), said point being also the most northerly corner of said Block 143; thence, South 43'30'59" East, along said southwesterly line, and also the northeasterly line of said Block, 880.72 feet to a point in the northwesterly line of "I" Street (100 feet wide), last said point being also the most easterly corner of said Block; thence, South 46'27'10" West, along said northwesterly line and also the southeasterly line of said Block, 178.48 feet to a line parallel with and distant 34 feet northeasterly, measured at right angles, from the original located center line of Southern Pacific Transportation Company's main track (Lathrop-Fresno); thence, North 43'31'43" West, along said parallel line, 880.74 feet to said southeasterly line of "K" Street; thence, North 46'27'30" East, along last said southeasterly line, and also the northwesterly line of said Block, 178.67 feet to the Point of Beginning, containing an area of 3.611 acres, more or less.

Together with all right, title and interest of Grantor, in and to the land underlying those portions of the southeasterly half of said "K" Street, and the northwesterly half of said "I" Street abutting upon the above described 3.611 acre parcel of land.

Also, together with all right, title and interest of Grantor in and to that portion of that certain 1.083 acre parcel of land described in deed dated October 26, 1932, from Southern Pacific Company, et al., to the City of Modesto, abutting upon the northeasterly line of the above described 3.611 acre parcel of land.

Prepared by:
Southern Pacific
1989
MODESTO CITY COUNCIL
RESOLUTION NO. 93-693

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE BRIGGSMORE AVENUE WATERLINE FROM WELL NO. 21 TO COFFEE ROAD

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

SECTION 1. The specifications for the Briggsmore Avenue waterline from Well No. 21 to Coffee Road, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 6, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE SCENIC DRIVE WIDENING EAST OF OAKDALE ROAD PROJECT

WHEREAS, Resolution No. 93-489, adopted by the Council of the City of Modesto on August 24, 1993, approved the plans and specifications for the Scenic Drive widening east of Oakdale Road project and authorized the calling for bids; and

WHEREAS, the bids received for the Scenic Drive widening east of Oakdale Road project were opened at 11:05 a.m. on September 16, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of $61,339 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $61,339 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $71,000 TO FUND THE WIDENING OF SCENIC DRIVE EAST OF OAKDALE ROAD

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

FROM: Pavement Maintenance (070 430 C737 6040) $71,000
TO: Scenic Drive East of Oakdale Road project $71,000

This transfer will provide funds for the construction of improvements to widen Scenic Drive east of Oakdale Road. The original amount budgeted was only intended to cover right of way and engineering. Originally staff believed some of those funds would be available for construction also. However, since it appears one parcel will need to be acquired through eminent domain, all construction costs will be funded from savings in last year's Pavement Maintenance project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-696

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94
ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE
DEVELOPER'S CONTRIBUTION FOR SCENIC DRIVE
WIDENING EAST OF OAKDALE ROAD.

WHEREAS, the City is constructing a project titled
"Scenic Drive Widening East of Oakdale Road" the project is
budgeted in account number 070-430-P583, and

WHEREAS, SKW and Associates contributed $8,600 for
their share of the project. This amount was collected and placed
in the City of Modesto Trust Fund. It is now necessary to budget
and appropriate this revenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following adjustment is necessary:

SPECIAL GAS TAX FUND

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase (Decrease)</th>
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</thead>
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<tr>
<td><strong>Expenditures</strong></td>
<td></td>
</tr>
<tr>
<td>070-430-P583-6040</td>
<td>Scenic Drive East of Oakdale Road-construction</td>
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<tr>
<td><strong>Revenues</strong></td>
<td></td>
</tr>
<tr>
<td>070-510-9510-4057</td>
<td>Developer's Contribution</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to take the necessary steps to implement the
provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-697

A RESOLUTION ACCEPTING THE SENIOR CITIZENS CENTER WALL MODIFICATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Senior Citizens Center wall modifications

has been completed by Howell Construction, Inc.

in accordance with the contract agreement dated August 17, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Senior Citizens Center wall modifications

be accepted from said contractor, Howell Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $28,135.97, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: ____________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE INSTALLATION OF EMERGENCY GENERATORS AT WELLS 33 AND 39 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the emergency generators installed at Wells 33 and 39 have been completed by Tri-Technic, Inc., in accordance with the contract agreement dated January 9, 1993.

NOW, THEREFORE, BE IT RESOLVED that the installation of emergency generators at Wells 33 and 39 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 $97,200.96 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 

NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-699

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 JANUARY 8, 1994, AT 824 KIERNAN AVENUE, AND JANUARY 10, 1994, AT 501 NORTH JEFFERSON AND 601 11TH STREET.

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

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on January 8 and 10, 1994, and

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

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

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, January 8, 1994, at a large facility located at 824 Kiernan Avenue, and on Monday, January 10, 1994, at 501 North Jefferson, City Corporation Yard, and 601 11th
Street, Police Department Vehicle Maintenance Shop, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-700

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, AND DIRECTING
THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF
THE ENVIRONMENTAL IMPACT RELATING TO THE
ORCHARD NEIGHBORHOOD PARK SITE MASTER
PLAN/CONSTRUCTION PROJECT.

WHEREAS, on November 3, 1993, the City's Environmental
Assessment Committee (EAC) conducted an initial study to
determine if the Orchard Neighborhood Park Site Master
Plan/Construction Project might have a significant effect on the
environment, and

WHEREAS, the EAC recommended that a draft negative
declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, City staff thereafter recommended that the
Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and
considered the negative declaration proposed by the EAC
including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. 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 as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHAWN AND KRISTINE MILAR FOR THE LEASE OF THE MCCLURE CARETAKER'S COTTAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shawn and Kristine Milar for the lease of the McClure Caretaker's Cottage be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEND: ____________________________
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 93-702

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR THE CONSTRUCTION OF A WATERLINE ALONG BRIGGSMORE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Consent to Common Use Agreement between the City of Modesto and Modesto Irrigation District for the construction of a waterline along Briggsmore Avenue, within Modesto Irrigation District right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN EXPENDITURE OF 
FUNDS FOR THE CONSTRUCTION OF A WATER LINE ON 
MONTEREY AVENUE TO THE AIRPORT BY DEL ESTE 
WATER COMPANY.

WHEREAS, the amount of water available for fire 
suppression on the General Aviation side of the Modesto City-
County Airport is sub-standard, and

WHEREAS, Del Este Water Company has offered to install 
and maintain a 12" water line down Monterey Avenue from Empire 
Avenue for an estimated cost of $57,000, the final cost will be 
based on Del Este's actual cost of installation, and

WHEREAS, the estimated project costs are as follows:

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Construction by Del Este</td>
<td>$57,056</td>
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<td>(including applicable taxes)</td>
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<tr>
<td>Contingency</td>
<td>$5,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$62,756</strong></td>
</tr>
</tbody>
</table>

and

WHEREAS, funds for this purpose are available in the 
93-94 Fiscal Year Budget, Account 632-480-B923, and ninety (90%) 
percent of the costs noted above are funded by a Grant from the 
Federal Aviation Administration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the 
City of Modesto that it hereby approves an expenditure of up to 
$62,756 for the construction of a water line on Monterey Avenue 
to the Airport by Del Este Water Company.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JEFF GROVER FROM THE PLANNING COMMISSION, EFFECTIVE DECEMBER 7, 1993

WHEREAS, Jeff Grover was appointed a member of the Planning Commission on February 23, 1988; and

WHEREAS, Jeff Grover has tendered his resignation from the Planning Commission effective December 7, 1993; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Jeff Grover from the Planning Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-705

A RESOLUTION APPOINTING GARRAD MARSH AND LARRY ERWIN TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. The following persons are hereby appointed to the Board of Zoning Adjustment for the respective term as indicated:

Garrad Marsh
3124 Esta Avenue
Modesto, Ca. 95355
Term to expire: 1/1/98

Larry Erwin
2400 Dutchollow Court
Modesto, Ca. 95356
Term to expire: 1/1/98

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: ________________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-706

A RESOLUTION APPOINTING BONNIE JOHNSON TO THE HUMAN RELATIONS COMMISSION

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

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

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

Bonnie Johnson
252 California Avenue
Oakdale, Ca. 95361
Term to expire: 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORMINE COYLE, City Clerk

Boards and Commissions
MODesto CITY COUNCil
RESOLUTION NO. 93-707

A RESOLUTION APPOINTING VIRGINIA GLESER, CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, AS ALTERNATE MEMBER TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Housing Rehabilitation Loan Committee as alternate member:

Virginia Gleser, member of the Citizens Housing and Community Development Committee
Term to expire 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-708

A RESOLUTION APPOINTING DEAN COLLI AND GERALD CLENDENIN TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. The following persons are hereby appointed to the Community Qualities Forum for the respective term as indicated:

Dean Colli
Term to expire 12/31/97

Gerald Clendenin
Term to expire 12/31/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING 23 VARIOUS TYPES OF VEHICLES, OR PURCHASE FROM THE CALIFORNIA
STATE CONTRACT, OR LOWEST NON-CONTRACT BID

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

SECTION 1. The specifications for furnishing 23 various types of
vehicles for purchase from the California State contract, or lowest non-contract bid, whichever is in the best interest of the City, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 3, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE 1993-94 FISCAL YEAR PROGRAM OF PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U.S. Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
1. That the attached Program of Projects attached hereto marked Exhibit A and incorporated herein by reference is hereby approved.

2. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file an application on behalf of the City of Modesto with the U.S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

3. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

4. That the Transit Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

5. That the City Manager of the City of Modesto or his authorized designee is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

6. That the City Manager of the City of Modesto or his authorized designee is authorized to execute grant agreements on behalf of the City of Modesto with the U.S. Department of Transportation for aid in the
financing of the planning, capital and/or operating assistance Program of Projects and budget.

7. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of __________, 1993, by Councilmember __________ Patterson, who moved its adoption, which motion being duly seconded by Councilmember __________ Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

12/16/93 -- CA
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR THE LEASE OF A PORTION OF THE MODESTO TRANSPORTATION CENTER

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

the agreement between the City of Modesto and Stanislaus County for

lease of a portion of the Modesto Transportation Center

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LAIDLAW TRANSIT, INC. FOR THE LEASE OF A PORTION OF THE MODESTO TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Laidlaw Transit, Inc. for the lease of a portion of the Modesto Transportation Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:       Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:       Councilmembers: None
ABSENT:     Councilmembers: None

ATTEST:    NORRINE COYLE, CITY CLERK
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $95,000 TO COVER THE CITY'S SHARE OF THE COSTS TO CONSTRUCT TRAFFIC SIGNAL MODIFICATIONS AND STREET IMPROVEMENTS NEEDED AT CARPENTER AND BLUE GUM

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

FROM: Yosemite/Creekwood Traffic Project and Traffic Signal Design account

TO: Carpenter/Blue Gum Traffic Signal modifications (141 160 D402 6040)

$95,000

Development of the Home Depot on the southwest corner of Carpenter and Blue Gum will impact traffic patterns, so the signal upgrade project is needed at this time. Future Capital Facility Funds will be used to restore the funding shifted from the Yosemite/Creekwood Traffic Signal project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO.  93-714  

A RESOLUTION DESIGNATING THE HOUSING REHABILITATION LOAN PROGRAM AS A REVOLVING LOAN FUND.  

WHEREAS, the Housing Rehabilitation Program has been a successful program operated by the Community Development Program Office since 1977, and  

WHEREAS, City staff has recommended that the Housing Rehabilitation Loan Program should be formally designated as a Revolving Loan Fund, and  

WHEREAS, the Housing Rehabilitation Loan Committee, at its meeting of October 20, 1993, considered and approved the proposal that the Housing Rehabilitation Loan Program receive the designation of a Revolving Loan Fund, and  

WHEREAS, the Citizen's Housing and Community Development Committee, at its meeting of October 22, 1993, considered and approved the proposal that the Housing Rehabilitation Loan Program receive the designation of a Revolving Loan Fund, and  

WHEREAS, the Community Development and Housing Committee of the Council, at its meeting of November 10, 1993, considered and approved the proposal that the Housing Rehabilitation Loan Program receive the designation of a Revolving Loan Fund, and  

WHEREAS, said proposal is consistent with Community Development Block Grant regulations, and
WHEREAS, said proposal was considered by the Council at its meeting of January 25, 1994,

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

1. That the Council hereby approves the designation of the Housing Rehabilitation Loan Program as a Revolving Loan Fund.

2. That all loan repayments from the Housing Rehabilitation Program shall be segregated and only used for the funding of new loans for the same program.

3. That the provisions of this resolution shall become effective January 1, 1994.

4. That the Finance Director of the City of Modesto is hereby directed to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1994, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STEWART W. AND BETTY J. BRADLEY FOR THE ACQUISITION OF A 1.331+ ACRE PERMANENT EASEMENT AND A 0.934+ ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stewart W. and Betty J. Bradley for the acquisition of a 1.331+ acre permanent easement and a 0.934+ acre temporary easement for the Lakewood Sewer Trunk Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:       Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:       Councilmembers:  None

ABSENT:     Councilmembers:  None

ATTEST:    Norrine Coyle

NORRINE COYLE, CITY CLERK
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
THE ST. PETER LUTHERAN CHURCH FOR THE ACQUISITION OF A 3,555+ ACRE TEMPORARY
EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and the St. Peter Lutheran
Church for the acquisition of a 3,555+ acre temporary easement for the Lakewood
Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 14th day of December 1993, by Councilmember Patterson, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-717

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CONSTANTINE SCOTO, JR. FOR LEASE OF THE FORMER HOGIN PROPERTY IN DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Constantine Scoto, Jr. for lease of the former Hogin property in Dry Creek Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers:    Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:    Councilmembers:    None

ABSENT: Councilmembers:    None

ATTEST: ____________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-718

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
GEORGE FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION NO. 5 FOR A
GARDEN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and George Frederickson for
the lease of a portion of Fire Station No. 5 for a garden
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 14th day of December ,
1993, by Councilmember Patterson , who moved its adoption, which motion
being duly seconded by Councilmember Cogdill , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. AND MRS. RICHARD WILSON TO AUTHORIZE THEM TO INSTALL AND MAINTAIN LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY ADJACENT TO THEIR PROPERTY AT 3640 DRY CREEK DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. & Mrs. Richard Wilson to authorize them to install and maintain landscaping within the public right of way adjacent to their property at 3640 Dry Creek Drive be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

MORRINE COYLE, City Clerk
MODesto CiTY COUNCIL
RESOLUTION NO. 93-720

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO A's PROFESSIONAL BASEBALL CLUB FOR THE USE OF JOHNthurman FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto A's Professional Baseball Club for the use of John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

MORRINE COYLE, City Clerk
A RESOLUTION APPROVING A RIGHT OF WAY CERTIFICATION FOR TWO "HAZARD ELIMINATION AND SAFETY" (HES) PROGRAM PROJECTS

WHEREAS, the right of way certification assures the State that necessary right of way has been secured for the two-way left-turn lane project on Tully Road and a signal modification project at the Orangeburg/Carver intersection.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of way certification for two "Hazard Elimination and Safety" Program projects be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-722

A RESOLUTION IN SUPPORT OF THE EFFORTS OF "PROTECT OUR CHILDREN."

WHEREAS, "Protect Our Children" is a nonprofit organization of concerned citizens working to prevent sexual abuse of children, and

WHEREAS, "Protect Our Children" is outraged with the alarming increase of child sexual molestation, and

WHEREAS, psychological profiles have shown that most offenders have molested several victims before ever being caught or convicted, and

WHEREAS, "Protect Our Children" has three main goals:
1. Getting the laws concerning this issue improved,
2. Educating the public concerning this issue, and
3. Setting up a support system for the victims and families of child sexual molestation,

and

WHEREAS, the Council desires to encourage our legislators to strengthen the laws against child sexual abuse and to support the efforts of "Protect Our Children",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby encourages the State Legislature, State Attorney General Dan Lungren, and Governor Wilson to support the efforts of "Protect Our Children", a group of concerned citizens working to strengthen the laws against child sexual abuse and working to assist victims and their families.
BE IT FURTHER RESOLVED that copies of this resolution shall be sent to Assemblyman Bob Epple, Chairman of the Assembly Public Safety Committee; Assemblyman John Vasconcellos, Chairman of the Assembly Ways and Means Committee; State Attorney General Dan Lungren; Senator Dan McCorquodale; and Assemblyman Sal Cannella.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-723

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO TRANSFER TWENTY-FIVE THOUSAND SEVEN HUNDRED FORTY-FIVE ($25,745) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of twenty-five thousand seven hundred forty-five ($25,745) dollars is available in the Police Asset Forfeiture Trust Account, and

WHEREAS, the Council desires to transfer said sum to the General Fund Police Department and appropriate it for equipment and services for the Area of Command offices,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 annual budget be amended as follows:

<table>
<thead>
<tr>
<th>Revenue</th>
<th></th>
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<tbody>
<tr>
<td>010-190-1961-7202</td>
<td>Asset Seizures</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Appropriations</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>010-190-1961-5753</td>
<td>Telephone Switching/inst</td>
</tr>
<tr>
<td>010-190-1961-5754</td>
<td>1 Mobile Data Term, 4th Area Office</td>
</tr>
<tr>
<td>010-190-1961-5755</td>
<td>2 FALCO CAD Terminals</td>
</tr>
<tr>
<td>010-190-1961-5756</td>
<td>2 FAX Machines, TRU/FOD Offices</td>
</tr>
<tr>
<td>010-190-1961-5757</td>
<td>4 FAX Machines for Area Offices</td>
</tr>
<tr>
<td>010-190-1961-5758</td>
<td>4 Electric Typewriters</td>
</tr>
<tr>
<td>010-190-1961-5759</td>
<td>Remodel costs, Southwest office</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 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______ NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _______ MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-724

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LAKewood TRUNK SEWER FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE PROJECT

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

SECTION 1. The specifications for the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 20, 1994 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 93-725

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SONOMA TRUNK SEWER FROM FLOYD AVENUE TO SYLVAN AVENUE PROJECT

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

SECTION 1. The specifications for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 20, 1994 at 11:00 a.m., the City clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE PAVER AND ONE PAVER TRAILER

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

SECTION 1. The specifications for one paver and one paver trailer, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 10, 1994 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk
MODesto CITY COUNCIL
RESOLUTION NO. 93-727

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR PROPOSALS FOR FURNISHING A JOINT CITY/COUNTY FLEET MAINTENANCE MANAGEMENT SYSTEM

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

SECTION 1. The specifications for proposals for furnishing a joint City/County fleet maintenance management system, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 14, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 19 93, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF MOUNTAIN CASCADE INC. FOR CONSTRUCTION OF THE PARALLEL OUTFALL SEWER

WHEREAS, Resolution No. 93-636, adopted by the Council of the City of Modesto on November 9, 1993, approved the plans and specifications for construction of the parallel outfall sewer - secondary treatment plant to Station 122+46 and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the parallel outfall sewer - secondary treatment plant to Station 122+46 were opened at 11:10 a.m. on December 9, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Mountain Cascade Inc. in the amount of $2,879,840 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mountain Cascade Inc. in the amount of $2,879,840 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:
JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $332,400 FOR CONSTRUCTION OF THE PARALLEL OUTFALL SEWER

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) $332,400

TO: Parallel Outfall Construction (621 480 P989 6010, 6040, 6050 and 6060) $332,400

Bids received for the project were approximately 11% over the Engineer's estimate. Staff has determined that the bids received were appropriate because of the number of bids received and the close grouping of the bid amounts. The Engineer's estimate underestimated the cost of installing the pipe in the existing soil conditions and the cost of installing the access manholes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS, INC. FOR REHABILITATION OF THE STORM WATER LIFT STATION AT TULLY AND BRIGGSMORE

WHEREAS, Resolution No. 93-634, adopted by the Council of the City of Modesto on November 9, 1993, approved the plans and specifications for the rehabilitation of the storm water lift station at Tully and Briggsmore and authorized the calling for bids; and

WHEREAS, the bids received for the rehabilitation of the storm water lift station at Tully and Briggsmore were opened at 11:00 a.m. on December 9, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Howk Systems, Inc. in the amount of $114,700 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems, Inc. in the amount of $114,700 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-731

A RESOLUTION ACCEPTING THE BID OF 3T EQUIPMENT COMPANY FOR FURNISHING ONE NEW SEWER LINE CAMERA AND RELATED EQUIPMENT

WHEREAS, Resolution No. 93-649, adopted by the Council of the City of Modesto on November 16, 1993, approved the plans and specifications for the purchase of one new sewer line camera and related equipment and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of one new sewer line camera and related equipment were opened at 11:00 a.m. on December 6, 1993, 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 3T Equipment Company in the amount of $26,598 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 3T Equipment Company in the amount of $26,598 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-732

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO CONFIRMING THE CANVASS OF THE SECOND
REGULAR MUNICIPAL ELECTION, A RUN OFF
ELECTION BY MAIL BALLOT, HELD IN THE CITY OF
MODESTO ON DECEMBER 14, 1993, AND DECLARING
THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 2, 1993, a Regular
Municipal Election was held in the City of Modesto (herein called
"City") and in the Modesto High School District (herein called
"District") of Stanislaus County, to elect one Councilmember to
Chair No. 2 for a term of four years, one Councilmember to Chair
No. 4 for a term of four years, one Councilmember to Chair No. 5
for a term of four years, and to elect four members to the
Modesto Board of Education of said District for a term of four
years, and

WHEREAS, said election was held on Tuesday, November 2,
1993, in accordance with law and the proceedings of this Council,
and the votes thereat received and canvassed, and the returns
thereof ascertained, determined, and declared in all respects as
required by law, and

WHEREAS, the City Clerk canvassed the returns of said
election in accordance with law, and certified the results of the
election to the Council by a Certificate of Canvass and Statement
of Votes dated November 2, 1993, a copy of which is attached to
Modesto City Council Resolution No. 93-630A, marked Exhibit "A"
and on file in the office of the City Clerk, and
WHEREAS, at said Regular Municipal Election a majority vote was not cast for Councilmember for Chair No. 2, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, a Second Regular Municipal Election, a run off election by mail ballot, was called to be held on Tuesday, December 14, 1993, and

WHEREAS, the two candidates receiving the highest number of votes at the November 2, 1993, Regular Municipal Election for Councilmember, Chair No. 2, Janine McClanahan and Pete Kolf, had their names placed on the ballot for election to the office of Councilmember, Chair No. 2, and

WHEREAS, said Second Regular Municipal Election was held in the City of Modesto on Tuesday, December 14, 1993, in accordance with law and the proceedings of this Council, to elect one Councilmember for a term of four years, Chair No. 2, and the votes thereafter received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk has canvassed the returns of said December 14, 1993, election in accordance with the law and certified the results of the election to the Council by a
Certificate of Canvass and Statement of Votes dated December 14, 1993,

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

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

2. That in accordance with Section 22933 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

   (a) The whole number of votes cast in the city.
   (b) The names of the persons voted for.
   (c) For what office each person was voted for.
   (d) The number of votes given in the city to each person.

3. That the following named person having received a majority of the votes cast for the elective office of Councilmember for a term of four years Chair No. 2 as designated on Exhibit "A", is hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to said person, certifying her election to the office appearing after her name, and to administer to said person the oath of office prescribed by the
Constitution and laws of the State of California, and the Charter of said City, to wit:

Janine McClanahan Councilmember for a term of four years Chair No. 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(JUDGE) 

HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

CITY OF MODESTO
SECOND REGULAR MUNICIPAL ELECTION

December 14, 1993

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on December 16, 1993, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 14, 1993, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Chair 2, Modesto City Council

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janine McClanahan</td>
<td>14,548</td>
<td>59.7%</td>
</tr>
<tr>
<td>Pete Kolf</td>
<td>9,799</td>
<td>40.2%</td>
</tr>
</tbody>
</table>

Voter Turnout

<table>
<thead>
<tr>
<th>Location</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto</td>
<td>24,772</td>
<td>33.0%</td>
</tr>
</tbody>
</table>

December 16, 1993

Norrine Coyle
City Clerk & Auditor
City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 93-733

A RESOLUTION ADOPTING THE 1994-93
COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY
(CHAS), THE 1993-94 CHAS ANNUAL PLAN, AND
APPROVING THE 1992-93 CHAS ANNUAL
PERFORMANCE REPORT.

WHEREAS, the five-year Comprehensive Housing
Affordability Strategy (CHAS) and the CHAS Annual Plan are
reports required by HUD, and

WHEREAS, said reports include an assessment of social
and market characteristics affecting affordable housing in the
community; a strategy to accomplish stated goals; they identify a
general list of priorities to assist various groups of people in
meeting their housing needs, both on a long and short term basis,
and

WHEREAS, the five-year CHAS will serve as a guide for
the City in allocating resources to assist in meeting affordable
housing needs on an annual basis as reflected in the Annual Plan,
and

WHEREAS, the 1992-93 CHAS Annual Performance Report is
also required by HUD, and

WHEREAS, said report is to measure how well the City
performed in accomplishing the CHAS Annual Plan list of
strategies, and

WHEREAS, the National Affordable Housing Act requires
that all jurisdictions applying for certain Federal housing
programs have a Five-Year and Annual CHAS approved by HUD, and
WHEREAS, an Annual Performance Report covering the last fiscal year must also be submitted to HUD by the end of the calendar year, and

WHEREAS, the draft five-year CHAS and Annual Plan were distributed for public review on November 9, 1993, and draft copies of the Annual Performance Report were forwarded to local nonprofit agencies on November 27, 1993, and copies of said reports were made available to the public, and

WHEREAS, HUD requires that the citizens of Modesto be provided with a 30-day review period, and

WHEREAS, the Citizens Housing and Community Development Committee at a public hearing on December 15, 1993, considered the reports and recommended adoption of said reports as reflected in the final versions of said documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 1992-93 CHAS Annual Performance Report, a copy of which is on file in the office of the City Clerk, is hereby approved for forwarding to HUD; that the 1994-98 Comprehensive Housing Affordability Strategy (CHAS) and the 1993-94 CHAS Annual Plan are hereby adopted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION DECLARING UP TO TWENTY-FIVE (25) BICYCLES SURPLUS PROPERTY AND AUTHORIZING THE DONATION OF SAID BICYCLES TO CHARITABLE CAUSES.

WHEREAS, the Police Department of the City of Modesto has up to twenty-five (25) bicycles in the Police Impound/Evidence Property Room that have become surplus property to the City's needs, and

WHEREAS, it has been recommended by Police Department personnel that up to twenty-five (25) bicycles should be donated to charitable causes as determined by the Police Department, and

WHEREAS, during the course of the year the Police Department recovers hundreds of lost, stolen and abandoned bicycles, and

WHEREAS, if the bicycles are not claimed after a waiting period of ninety (90) days, they are transferred to the Purchasing Officer for sale to the highest bidder at public auction, and

WHEREAS, some time in December, personnel of the Police Department noticed a large Christmas tree located at the Vintage Faire Mall, and

WHEREAS, on this tree were various names of children identifying different needs, one of the items requested were bicycles, and
WHEREAS, Police Department personnel inquired to the feasibility of donating some of the above noted bicycles to the children whose names appear on the Christmas tree, and

WHEREAS, the Purchasing Officer has reviewed the request and concurs with the recommendation and he has calculated that the value of the bicycles will not exceed $150.00, and

WHEREAS, the Council of the City of Modesto desires to donate up to twenty-five (25) surplus bicycles to up to twenty-five (25) needy children in time for Christmas,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that up to twenty-five (25) bicycles in the Police Impound/Evidence Property Room have become surplus property to the City's needs, and the Council hereby authorizes the donation of up to twenty-five (25) bicycles to up to twenty-five (25) needy children in time for Christmas.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __21st__
day of __December__, 1993, by Councilmember __Friedman__,
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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

By __[Signature]__ MICHAEL D. MILICH, City Attorney
A resolution approving an agreement between the City of Modesto and John and Sylvia Magaddino for the acquisition of a 0.011+ acre permanent easement and a 0.021+ acre temporary easement for the Sonoma sewer trunk project

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John and Sylvia Magaddino for the acquisition of a 0.011+ acre permanent easement and a 0.021+ acre temporary easement for the Sonoma sewer trunk project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, 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:

AVES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS, INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION COMMITTING TO ACCEPTING THE
STANISLAUS AREA ASSOCIATION OF GOVERNMENTS'
POPULATION FIGURES AS THE BASIS FOR THE
STANISLAUS COUNTY TRANSIT FEES.

WHEREAS, Stanislaus County Transit provides transit
service in each jurisdiction in Stanislaus County, and

WHEREAS, each jurisdiction pays a portion of its
Transportation Development Act (TDA) funds to Stanislaus County
Transit to cover the cost of these services, and

WHEREAS, the Stanislaus County Planning Department,
which was designated by the Stanislaus County Board of
Supervisors as the agency that will provide the population
figures to Stanislaus County Transit that are used to calculate
each city's share of the cost-sharing arrangements is no longer
able to provide this information, and

WHEREAS, the Stanislaus Area Association of Governments
(SAAG), as the Regional Census Data Center, has the information
that is needed to calculate these cost-sharing arrangements, and

WHEREAS, the SAAG Policy Board has approved SAAG's
participation in this process, by providing the population
figures that are used to calculate the cost-sharing arrangements, and

WHEREAS, the SAAG Policy Board has approved this
participation contingent upon each of the cities and the County
committing (by resolution) to accepting the population figures
that SAAG provides as the basis for the Stanislaus County Transit cost-sharing arrangements,

NOW, THEREFORE, BE IT RESOLVED, that the City of Modesto accepts the population figures to be approved by SAAG as the basis for the Stanislaus County Transit cost-sharing arrangements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHÄEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-738

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR GENERATION INSTALLATIONS IN WELLS 6, 40, 41 AND 42

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

SECTION 1. The specifications for generation installations in
wells 6, 40, 41 and 42
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
January 27, 1994 at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of December
1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-739

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING ANNUAL JANITORIAL SUPPLIES AND ANNUAL RECYCLED JANITORIAL
PAPER PRODUCTS UNDER A COOPERATIVE LOCAL GOVERNMENT AGENCY BID

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

SECTION 1. The specifications for furnishing annual janitorial
supplies and recycled janitorial paper products,
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
January 24, 1994, at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of December
1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ______________________
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 93-740

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 24 NEW ELECTRONIC FAREBOXES FROM GENERAL FAREBOX, INC.

WHEREAS, the Transit Division of Public Works & Transportation has requested the purchase of 24 electronic fareboxes for City buses; and

WHEREAS, General Farebox is the only manufacturer that can provide these electronic fareboxes that can interface to a data collection unit; 9 of the 33 buses in our active fleet are already equipped with these units.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 24 new electronic fareboxes is hereby waived.

BE IT FURTHER RESOLVED that purchase of 24 new electronic fareboxes from General Farebox, Inc. for the total cost of $112,500 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-741

A RESOLUTION DESIGNATING COUNCILMEMBER JANINE McCLANAHAN TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-742

A RESOLUTION ADOPTING THE 1994-95 CITIZEN PARTICIPATION PLAN AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION PROCESS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Community Development Block Grant Application Schedule and Citizen Participation Plan for fiscal year 1994-95, a copy of which is attached hereto as Exhibit A, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Community Development Block Grant Application Schedule and Citizen Participation Plan by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
## Exhibit "A"
### CITY OF MODESTO
### COMMUNITY DEVELOPMENT BLOCK GRANT
### APPLICATION PREPARATION PLAN FOR FISCAL YEAR 1994-95

**Citizens Participation Plan and Timeline of Events**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>DEC</th>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>APR</th>
<th>MAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. CH&amp;CDC Meeting to Recommend Approval of the 1994-95 CDBG Application Process and Attendant Citizen Participation Plan; City Hall, 801 11th Street</td>
<td>12-15-93</td>
<td>7:00 p.m.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>2. City Council Meeting to Approve 1994-95 CDBG Application Process and Attendant Citizen Participation Plan; City Hall Council Chambers, 801 11th Street</td>
<td>12-28-93</td>
<td>4:00 p.m.</td>
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<td>3. CDBG application period opens. Applications available at the Community Development Program Office, 940 11th Street</td>
<td>12-29-93</td>
<td>2-4-94</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>4. Staff Workshop to Assist Agencies in Submitting Requests for Funding; CDPO, 940 11th Street</td>
<td></td>
<td>1-12-94</td>
<td></td>
<td></td>
<td>3-18-94</td>
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<tr>
<td>5. Begin Staff Analysis of Requests for Funding; CDPO, 940 11th Street</td>
<td></td>
<td>2-4-94</td>
<td></td>
<td>3-8-94</td>
<td></td>
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<tr>
<td>6. CH&amp;CDC Meeting to Consider Requests for Funding; City Hall Council Chambers, 801 11th Street</td>
<td></td>
<td></td>
<td></td>
<td>3-18-94</td>
<td>12:00 Noon</td>
<td></td>
</tr>
<tr>
<td>7. CH&amp;CDC Meeting to Approve Final Staff Recommendations for CDBG Allocations; City Hall Council Chambers, 801 11th Street</td>
<td></td>
<td></td>
<td></td>
<td>4-15-94</td>
<td>12:00 Noon</td>
<td></td>
</tr>
<tr>
<td>8. City Council Public Hearing to Consider CH&amp;CDC Recommendation for CDBG Allocations; City Hall Council Chambers, 801 11th Street</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>5-10-94</td>
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<tr>
<td>9. Deadline for Submission of CDBG Application to HUD</td>
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<td></td>
<td></td>
<td></td>
<td>5-31-94</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 93-743

A RESOLUTION APPROVING A FINANCING AGREEMENT WITH LARRY SALCEDO FOR THE PURPOSE OF REHABILITATING PROPERTY AT 116 MERCED AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Larry Salcedo for the purpose of rehabilitating property at 116 Merced Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO CITY SCHOOL DISTRICT FOR THE ACQUISITION OF A 0.043+ ACRE PERMANENT
EASEMENT AND A 0.095+ ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK
PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Modesto City School District
for the acquisition of a 0.043+ acre permanent easement and a 0.095+ acre
temporary easement for the sonoma sewer trunk project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of December ,
1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-745

A RESOLUTION FINDING THAT ACQUISITION OF A
0.043± ACRE PERMANENT EASEMENT AND A 0.095±
ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER
TRUNK PROJECT IS CONSISTENT WITH THE PROGRAM
ENVIRONMENTAL IMPACT REPORT.

WHEREAS, on May 5, 1993, the City's Environmental
Assessment Committee (EAC) conducted an analysis to determine if
the sanitary sewer trunk project through Village One, Sonoma
Sewer Trunk Extension from Floyd Avenue to Sylvan Avenue and
Lakewood Sewer Trunk Extension from Brigsmore Avenue to Sylvan
Avenue, might have a significant effect on the environment, and

WHEREAS, the EAC made the findings that this project is
within the scope of the Village One Specific Plan, and the
Program EIR (SCH. No. 90020181) for the Village One Specific Plan
adequately describes the project for the purposes of CEQA
(Section 15168, State CEQA Guidelines), and the proposed changes
to the project pose no new significant environmental impacts that
were not considered in the Program EIR (Section 15162 State CEQA
Guidelines), and no substantial changes have occurred which will
require important revisions in the Program EIR due to the
involvement of new significant environmental impacts not covered
in the previous EIR (Section 15162, State CEQA Guidelines), and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, on July 13, 1993, the City Council adopted
3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO TRANSFER RESPONSIBILITY FOR CUSTODIAL SERVICE AT THE AIRPORT TO THE PARKS AND RECREATION DEPARTMENT.

WHEREAS, in 1992 the City Council adopted the Public Works and Transportation Department’s management audit, and

WHEREAS, the audit included alternative methods for providing security, custodial, and maintenance services to the Airport which include transfer of the responsibility for custodial service to the Parks and Recreation Department in the General fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

### GENERAL FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer in from Fund 631</td>
<td>$23,901.</td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$25,900.</td>
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<tr>
<td>Part Time Salaries</td>
<td>$8,400.</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>$8,601.</td>
</tr>
<tr>
<td>Service Credits</td>
<td>($19,000.)</td>
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</tbody>
</table>

### AIRPORT OPERATIONS FUND

<table>
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<th>Amount</th>
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<tbody>
<tr>
<td>Salaries and Wages</td>
<td>($25,900.)</td>
</tr>
<tr>
<td>Part Time Salaries</td>
<td>($8,400.)</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>($8,601.)</td>
</tr>
<tr>
<td>Services by City Forces</td>
<td>$19,000.</td>
</tr>
<tr>
<td>Transfer out to Fund 010</td>
<td>$23,901.</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-747

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO PROVIDE $635,000 IN FUNDING TO THE COUNTY FOR THE LIBRARY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to provide $635,000 in funding to the County for the library be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClenahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 93-748

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND McHENRY MUSEUM SOCIETY TO PROVIDE FUNDING FOR PART-TIME MUSEUM AIDE

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

the agreement between the City of Modesto and McHenry Museum Society
to provide funding for part-time museum aide

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, CITY CLERK
A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO PROVIDE FOR FUNDING FOR A PART TIME MUSEUM AIDE BY THE MCHENRY MUSEUM SOCIETY.

WHEREAS, the McHenry Museum Society desires to fund a part time Museum Aide position for the City of Modesto to work nineteen hours per week, and

WHEREAS, the City will be responsible for employment of the Aide and will bill the Society on a quarterly basis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010 of the City of Modesto for FY 1993-94.

Revenue
010-360-3612-4085 Salary Reimbursement Agreements $2,742.

Appropriations
010-360-3612-0140 Part Time Salaries $2,742.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 93-750

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

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

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

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

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

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

Community Development Director

The specifications for the classification of Community Development Director (Range 722), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 28, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA C. COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

12/29/93--CA
COMMUNITY DEVELOPMENT DIRECTOR

DEFINITION

To direct, plan, facilitate, review, and be responsible for the activities and operations of the Department for Community Development; to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, and clerical staff.

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

- Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.
- Supervise and participate in the development and administration of the Department budget; direct the forecast of additional funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement mid-year adjustments.
- Select, train, motivate, and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
- Direct, oversee, and participate in the development of the Department's work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.
- Negotiate and resolve significant and controversial issues; negotiate development agreements with proponents of private development projects.
- Confer with public officials, developers, citizen groups, and the general public on matters related to the City's development regulations and policies; serve as a resource for the public.
- Provide support to a variety of boards and commissions; attend and participate in professional groups and committees.
- Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff...
reports and other necessary correspondence.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern and highly complex principles and practices of planning, housing and community development programs, business development and redevelopment, financing programs, urban planning, real estate, and administration.

Pertinent Federal, State, local laws, codes, and regulations.

Principles and procedures of municipal budget preparation and administration.

Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs.

Research methods and sources of information related to urban growth and redevelopment.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Ability to:

Organize, direct, and coordinate the activities of the Department in a manner conducive to full performance and high morale.

Analyze economic studies, financial statements, marketing studies, plans, specifications, and bid documents.

Formulate substantive recommendations for community development and financing.

Skillfully represent the agency in all types of contract negotiations.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Prepare and administer a budget.
Analyze organization and operational issues and select proper courses of action.

Administer a variety of ongoing activities which involve complex redevelopment, finance, and urban growth matters.

Communicate clearly and concisely, both orally and in writing; prepare clear, concise, and comprehensive reports, records, correspondence, and other written materials.

Represent the City's interests before other agencies.

Identify and respond to public and City Council issues and concerns.

Establish and maintain effective working relationships with subordinates, City officials, and the public.

Gain cooperation through discussion and persuasion.

Plan, organize, and direct the work of subordinate staff.

**Experience and Training:**

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

**Experience:**

Eight years of increasingly responsible community development experience, including economic development, and redevelopment, and including three years of administrative and supervisory responsibility. Experience in managing a public agency with integrated community development functions is highly desirable.

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in economics, business administration, public administration, municipal budgeting, urban/regional planning, finance, or a related field. A Master's Degree is highly desirable.

**License or Certificate:**

Possession of, or the ability to obtain, an appropriate and valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 93-751

A RESOLUTION AMENDING EXHIBIT "M" OF
RESOLUTION NO. 91-464 TO AMEND THE CLASS
RANGE TABLE TO ADD COMMUNITY DEVELOPMENT
DIRECTOR.

WHEREAS, Exhibit "M" of Resolution No. 91-464 has been
previously amended by Resolution No. 93-371, and
WHEREAS, the City Council desires to further amend
Exhibit "M" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.
Exhibit "M" entitled "City of Modesto Class Range Table Executive
Management Effective July 2, 1991", attached to Resolution
No. 91-464, is hereby amended as shown on the amended Exhibit "M"
entitled, "City of Modesto Class Range Table Executive Management
Effective December 28, 1993", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "M" adopts class specifications for Community Development
Director at range 722.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after December 28, 1993.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ______________
Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ______________
Michael D. Milich, City Attorney
# CITY OF MODESTO
## CLASS RANGE TABLE
### EXECUTIVE MANAGEMENT

Effective December 28, 1993

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<th>TITLE</th>
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<td>City Clerk/Auditor</td>
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<td>Economic Development Manager</td>
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<td>Personnel Director</td>
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<td>Planning &amp; Comm. Dev. Director</td>
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<td>Finance Director</td>
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<tr>
<td>720</td>
<td>Parks &amp; Recreation Director</td>
<td>5960</td>
<td>7450</td>
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<tr>
<td></td>
<td>Fire Chief</td>
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</tr>
</tbody>
</table>

Exhibit "M"
CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT  

Effective December 28, 1993

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
<th>MINIMUM</th>
<th>MAXIMUM</th>
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<td>721</td>
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</tr>
<tr>
<td>722</td>
<td>City Attorney</td>
<td>6261</td>
<td>7826</td>
</tr>
<tr>
<td></td>
<td>Police Chief</td>
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<td></td>
<td>Community Development Director</td>
<td></td>
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<tr>
<td>723</td>
<td>Public Works and Transportation Director</td>
<td>6418</td>
<td>8022</td>
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<tr>
<td>724</td>
<td>Deputy City Manager</td>
<td>6578</td>
<td>8222</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 93-752

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-
94 TO PROVIDE PARTIAL YEAR FUNDING FOR
ESTABLISHMENT OF THE DEPARTMENT OF COMMUNITY
DEVELOPMENT.

WHEREAS, the City of Modesto would benefit from the
establishment of a Department of Community Development, and
WHEREAS, the implementation of this reorganization
would occur at the beginning of the new fiscal year on July 1,
1994, and
WHEREAS, the City Manager's office needs to recover the
intervening costs of recruitment, salary and incidental expenses,
NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following changes be made to the Annual
Budget of the City of Modesto for Fiscal Year 1993-94 as follows:

GENERAL FUND APPROPRIATIONS

010-800-8000-8003 General Fund Contingency Reserve ($40,000.)
010-020-0201-0110 Salaries and Wages $20,000.
010-020-0201-0188 Employee Benefits $8,000.
010-020-0201-0235 Professional Services $12,000.

BE IT FURTHER RESOLVED that the Director of Finance is
hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING MICHAEL SERPA TO THE PLANNING COMMISSION, AND RE-APPOINTING ROBERT DUNBAR AND C. LYNNE GONZALES TO THE PLANNING COMMISSION

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

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

SECTION 1. The following persons are hereby appointed or reappointed to the Planning Commission for the respective term as indicated:

- Michael Serpa
  1229 Brighton #210
  Modesto, Ca. 95355
  (Term to expire 1/1/96)

- Robert Dunbar
  Term expires: 1/1/98

- C. Lynne Gonzales
  Term expires 1/1/98

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

Boards and Commissions

ATTEST: Norrine Coyle, City Clerk