

MODESTO CITY COUNCIL
RESOLUTION NO. 92-1

A RESOLUTION ORDERING THE VILLAGE ONE REORGANIZATION TO
THE CITY OF MODESTO SUBJECT TO CONFIRMATION BY ELECTION
(INHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 91-22A dated October 23, 1991, approved the proposed Village One Reorganization to the City of Modesto (CITY) 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 Village One Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 91-35A dated December 4, 1991, denied a request for reconsideration of the Village One Reorganization, and

WHEREAS, said Reorganization consists of approximately 1,700 acres of land bounded by Sylvan Avenue, Oakdale Road and Roselle Avenue (south of Floyd), Floyd Avenue (west of Roselle) and Briggsmore Avenue/Parker Road and the A.T. and S.F. Railroad, and

WHEREAS, LAFCO by said resolution approved the proposal subject to the terms and conditions that (a) it be processed as a reorganization consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, the detachment of the subject territory from the Riverbank and Empire Fire Protection Districts, and the dissolution of the McHenry-Dry Creek Fire Protection District; (b) that prior to recording the Certificate of Completion, an agreement be entered into between the City of Modesto and the McHenry-Dry Creek Fire Protection District relinquishing all assets, and

WHEREAS, LAFCO 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 the implementation and development of Village One, and

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

WHEREAS, the 7th day of January, 1992, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California was set as the date, time and place for hearing protests against said reorganization, and the City Clerk has given notice to all persons legally entitled thereto, and

WHEREAS, said public hearing was held on January 7, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and

WHEREAS written protests were filed and not withdrawn by less than twenty-five (25%) percent of property owners with less than twenty-five (25%) percent of assessed value of land within the affected territory and at least twenty-five (25%) percent, but less than fifty (50%) percent, of the registered voters residing in the affected territory prior to the close of said hearing, and

WHEREAS, thirty (30) parcels within said territory are subject to California Land Conservation Act Contracts (Williamson Act Contracts), twenty-seven (27) of which were protested to by resolutions adopted by the City Council and which protests were upheld by resolutions adopted by LAFCO. Said Williamson Act Contracts within Village One and said resolutions adopted by the City Council and LAFCO are more specifically identified on Exhibit "A"

attached hereto and incorporated herein by reference. Three (3) contracts were not protested to by the City, therefore, the City intends to not succeed to the remaining twenty-seven (27) protested contracts. Upon approval of the reorganization, all contracts that were protested to and upheld by LAFCO, as identified on Exhibit "A" attached hereto, would be null and void, and

WHEREAS, the McHenry-Dry Creek Fire Protection District by resolution dated December 9, 1991, approved the dissolution of said Fire District and approved the relinquishing of assets of said Fire District to the City of Modesto, a copy of said resolution is attached hereto as Exhibit "C",

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

SECTION 1. ANNEXATION ORDERED. The territory hereinafter described is ordered annexed to the City of Modesto for the purpose of submitting to the qualified electors residing in said territory the question whether or not they confirm that said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and in order that the property in said territory shall, after such annexation, be subjected to taxation after annexation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election.

That the area or territory designated as the Village One Reorganization is more particularly described on Exhibit "B" attached hereto and made a part hereof by reference as though set forth in full herein.

BE IT FURTHER RESOLVED that, pursuant to the provisions of Government Code Section 51243, the CITY hereby states its intention not to

succeed to the California Land Conservation Act Contracts referred to above, subject to approval by election of said Village One Reorganization to the City of Modesto. Said contracts pertaining to property in the Village One Reorganization to the City of Modesto are more specifically identified on Exhibit "A" attached hereto and incorporated herein by reference, .

BE IT FURTHER RESOLVED that the City Clerk shall within five (5) days hereof transmit a certified copy of this resolution by registered mail to the Executive Officer of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *John L. Christman*
Public Works and Transportation
Department - Engineering

City of Modesto
MEMORANDUM

December 30, 1991

A summary of Williamson Act Contract agreements located within Village One is provided below.

Contract Number	Name under Contract	Assessor's Parcel Number	City Council Resolution & Date		City Council Action	LAFCO Upheld
74-1681	Bruce Vincent	52-23-06	74-102	2/4/74	Protested	11/22/77
74-1682	Bruce Vincent	52-23-16	74-103	2/4/74	Protested	11/22/77
74-1685	Robert Beck	52-20-02	N/A	1/1/74	Unprotested	N/A
74-1695	J.D. Colby	52-20-05	N/A	1/1/74	Unprotested	N/A
74-1796	Ralph Gaarde	52-79-18	74-149	2/4/74	Protested	11/22/77
74-1802	Stewart Bradley	52-24-67, 68	74-108	2/4/74	Protested	11/22/77
75-1814	Robert Beck	52-20-03	N/A	1/1/74	Unprotested	N/A
75-1817	Sandra Ostler	52-23-12	74-270	4/8/74	Protested	03/29/78
75-1819	Warren S. Lawson	52-23-02	74-272	4/8/74	Protested	03/29/78
75-1820	Smith/Lawson Ent.	53-23-11	74-273	4/8/74	Protested	03/29/78
75-1842	Ruth M.P. Smith	52-79-01	74-866A	10/7/74	Protested	03/29/78
75-1858	E.E. Kappler	14-25-14, 15	74-996	11/25/74	Protested	03/29/78
75-1909	Alvin Ohlson	77-09-02	75-34	1/13/75	Protested	03/29/78

Exhibit "A"

Contract Number	Name under Contract	Assessor's Parcel Number	City Council Resolution & Date	City Council Action	LAFCO Upheld
75-1948	George Nufer	52-77-01	75-244 2/3/75	Protested	03/29/78
75-1949	Carl Harms	52-79-17	75-289 2/18/75	Protested	03/29/79
75-1965	Wesley Brendler	52-24-58	75-288 2/18/75	Protested	03/29/78
75-1985	Ruby J. Holloman	52-23-10	75-292 2/18/75	Protested	03/29/78
75-2007	Roy Nevins	52-20-63, 64	75-245 2/3/75	Protested	03/29/78
76-2043	Gus Papatone	77-09-40	75-926 9/15/75	Protested	04/19/78
76-2091	Alfred C. Nadalet	52-20-51	76-283 2/9/76	Protested	04/19/78
76-2160	John Kamstra	52-23-42, 43, 44	76-281 2/9/76	Protested	04/19/78
76-2228	Robert Cleveland	52-23-13	76-282 2/9/76	Protested	04/19/78
76-2283	Hubert Mattoon	52-20-06	76-284 2/9/76	Protested	04/19/78
76-2396	Samuel Courtney	77-33-07, 10	76-279 2/9/76	Protested	04/19/78
77-2464	Norton Ent.	52-77-08	76-1020 9/7/76	Protested	04/19/78
77-2525	Duane Corwin	52-77-06	76-1304 12/6/76	Protested	04/19/78
78-2703	Paul LaVine	77-09-13	77-67 1/17/77	Protested	04/19/78
78-3079	H. Naraghi	77-08-20	77-985 9/19/77	Protested	10/25/77
78-3092	Bart Arotca	14-25-02	77-1146 11/7/77	Protested	12/15/77
79-3624	H. Naraghi	77-08-26	79-50 1/16/79	Protested	01/24/79

30 Total

Village One Reorganization
To the City Of Modesto

All that certain property situate in Sections 11, 12, 13, and 14, Township 3 South, Range 9 East; and in Sections 7 and 18, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 11, said point being the centerline intersection of original 40 foot Sylvan Ave. with original 40 foot Oakdale Rd.; thence South $0^{\circ}30'54''$ East 2,645.75 feet to the southwest corner of said section 11; thence South $0^{\circ}05'00''$ West 1,355.44 feet to the southwest corner of the northwest quarter of the northwest quarter of said section 14, being also the centerline intersection of original 40 foot Oakdale Rd. with original 40 foot Floyd Ave.; thence North $89^{\circ}50'19''$ East, along the centerline of Floyd Ave., 5,264.63 feet to the southeast corner of the northeast quarter of the northeast quarter of said section 14; thence South $00^{\circ}25'53''$ East 2,853.11 feet to a point on the west line of said section 14; thence North $89^{\circ}42'25''$ East 5.67 feet; thence South $00^{\circ}24'13''$ West 1,036.98 feet; thence South $89^{\circ}59'49''$ West 5.67 feet; thence South $00^{\circ}14'29''$ West 82.17 feet, to the southeast corner of said section 14; thence South $89^{\circ}55'05''$ East 5,244.8 feet along the south line of said section 13, to the southeast corner of said section 13; thence South $89^{\circ}55'05''$ East 2,813.37 feet, to a point on the centerline of original 40 foot Parker Rd., being the intersection of said centerline and the southerly extension of the west property line of the A.T. & S.F. R.R. property right-of-way; thence South $17^{\circ}41'55''$ East 79.01 feet to the southerly right-of-way line of 100 foot Parker Rd.; thence South $88^{\circ}55'26''$ East 105.38 feet to the east line of the A.T. & S.F. R.R. property right-of-way; thence North $17^{\circ}45'12''$ West along said east property line of A.T. & S.F. R.R., and the southerly and northerly extensions of said line 5,699.01 feet, to a point on the northern line of 66 foot Milnes Rd.; thence South $89^{\circ}53'24''$ East 45.75 feet, to the point of intersection of said northern line of Milnes Rd. and the westerly right-of-way line of 80 foot wide Santa Fe Ave.; thence North $8^{\circ}54'21''$ West 201.24 feet, along said west right-of-way line to the beginning of a tangent curve concave to the southwest, having a radius of 1,782.84 feet and a central angle of $7^{\circ}50'24''$; thence continuing northwesterly along said right-of-way and the arc of said curve 243.92 feet; thence North $18^{\circ}33'43''$ West along said right-of-way 1,434.43 feet to a tangent curve concave to the

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

southwest having a radius of 1,768.33 feet and a central angle of 11°09'00"; thence along said right-of-way and arc of said curve 344.22 feet; thence North 30°59'30" West along said right-of-way 141.29 feet, to the beginning of a tangent curve concave to the northeast, having a radius of 1,830.96 feet and a central angle of 10°19'48"; thence along said right-of-way and arc of said curve 330.05 feet; thence North 18°43'33" West along said right-of-way 1,342.66 feet, to a point on the west line of 100 foot wide Claus Rd.; thence South 0°18'19" East 1,130.01 feet along the western right-of-way line of said Claus Rd. to the beginning of a curve concave to the northwest having a radius of 15 feet and a central angle of 89°57'00"; thence along said curve 23.55 feet; thence along the northerly right-of-way line of Sylvan Ave. the following 31 courses:

- 1) South 0°20'25" East 15.0 feet;
- 2) South 89°39'35" West 300.01 feet;
- 3) North 0°18'19" West 30.0 feet;
- 4) South 89°39'35" West 949.64 feet;
- 5) South 0°29'57" East 30.0 feet;
- 6) South 89°46'26" West 2,640.73 feet;
- 7) North 0°29'57" West 30.0 feet;
- 8) South 89°44'09" West 1,258.9 feet;
- 9) South 89°59'53" West 130.27 feet;
- 10) North 89°44'38" West 214.15 feet;
- 11) South 0°41'53" East 30.0 feet;
- 12) North 89°44'38" West 385.05 feet;
- 13) North 0°41'53" West 30.0 feet;
- 14) North 89°44'38" West 326.05 feet;
- 15) South 0°22'26" East 6.8 feet;
- 16) North 89°44'38" West 30.0 feet;
- 17) North 0°41'53" West 6.8 feet;
- 18) North 89°44'38" West 326.05 feet;
- 19) South 0°41'53" East 30.0 feet;
- 20) North 89°44'38" West 1,303.21 feet;
- 21) North 0°15'22" East 10.0 feet;
- 22) North 89°44'38" West 970.35 feet;
- 23) South 0°17'53" East 15.0 feet;
- 24) North 89°44'38" West 164.16 feet;
- 25) North 0°17'53" West 15.0 feet;
- 26) North 89°44'38" West 172.3 feet;
- 27) South 0°35'44" East 10.0 feet;
- 28) North 89°44'38" West 637.69 feet;
- 29) North 0°35'44" West 10.0 feet;
- 30) North 89°44'38" West 396.34 feet;
- 31) North 0°35'44" West 10.0 feet;

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

thence North $89^{\circ}44'38''$ West 264.57 feet; to a point on the centerline of Oakdale Rd.; thence South $0^{\circ}28'12''$ East 40.01 feet to the point of beginning of this description.

CONTAINING: 1758 Acres

Approved as to description
ON 10-2-91
H.T. [signature]

McHENRY-DRY CREEK FIRE PROTECTION DISTRICT
RESOLUTION

A RESOLUTION APPROVING THE DISSOLUTION of the McHENRY-DRY CREEK FIRE PROTECTION DISTRICT AND THE RELINQUISHMENT OF ALL ASSETS OF THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT TO THE CITY OF MODESTO.

WHEREAS, Corporate powers of this District have not been used, as specified in Government Code §56759, and that there is a reasonable probability that those powers will not be used in the future; and

WHEREAS, the District is a registered-voter District and is inhabited; and

WHEREAS, the Board of Directors of the District has, by unanimous resolution, consented to the dissolution of the District, subject to a Certificate of Completion being filed by the Stanislaus Local Agency Formation Commission Executive Director.

BE IT HEREBY RESOLVED by the Directors of the McHenry-Dry Creek Fire Protection District, that pursuant to Government Code Section 57075 et seq, this District is to be dissolved for reason that the land contained within the exterior boundaries of said District is to be annexed to the City of Modesto and the regular County Assessment role will be utilized; that the affected territory will not be taxed for existing general bonded indebtedness.

BE IT FURTHER RESOLVED, that the effective date of this resolution shall be after the filing of a Certificate of Completion by the Stanislaus Local Agency Formation Commission Executive Director.

BE IT FURTHER RESOLVED, that execution of any necessary documents or agreements which will effectuate this dissolution is hereby authorized to be signed by the President of the Board of Directors of this District.

BE IT FURTHER RESOLVED, that all assets of the District be relinquished upon dissolution to the City of Modesto;

The foregoing resolution was introduced at a regular meeting of the Board of Directors of the McHenry-Dry Creek Fire Protection District held on the 9th day of December 1991, by Director Ralph E. Gaarde, who moved its adoption, which motion being duly seconded by Director Stewart Bradley, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Directors:	Ralph E. Gaarde, Stewart Bradley, Robert Neugebauer
NOES:	Directors:	None
ABSENT:	Directors:	None

ATTEST: 
RALPH E. GAARDE, Secretary

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 92-2

A RESOLUTION DENYING THE CLOSURE OF PELTON AVENUE BETWEEN
TOULON DRIVE AND SUPERIOR AVENUE AND OVERRULING THE
DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for a street closure was filed by
the Stanislaus County Housing Authority on April 30, 1991 to close Pelton
Avenue between Toulon Drive and Superior Avenue with a six-foot-eight inch
high masonry wall, and

WHEREAS, the proposed street closure was referred to affected City
departments and local utility companies, and some objections were received, and

WHEREAS, notices of a public hearing to consider the street closure
were posted in the area and said hearing was held by the Planning Commission
on September 23, 1991, in the City Council Chambers in City Hall, 801 11th
Street, Modesto, California, at which hearing evidence both oral and
documentary was received and considered, and

WHEREAS, the Planning Commission by Resolution No. 91-60, adopted on
September 23, 1991, found and determined that Pelton Avenue between Toulon
Drive and Superior Avenue is unnecessary for present or prospective street
purposes, that the proposed street closure is in the public interest, and the
Planning Commission by said Resolution No. 91-60 recommended to the City
Council the street closure of Pelton Avenue between Toulon Drive and Pelton
Avenue to vehicular traffic and partial closure to pedestrian traffic during
evening and early morning hours, with a six-foot-eight-inch high masonry wall,
and

WHEREAS, the City Clerk caused to be mailed and posted in the area
notices of the date, time and place of the City Council proposed public

hearing to consider the requested street closure, and said public hearing was held by the Council of the City of Modesto on Tuesday, January 7, 1992, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed street closure were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done in relation to the proposed street closure as required by Section 21101, et seq. of the California Vehicle Code in order to close said street have been done and accomplished, 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 relating to the proposed street closure of Pelton Avenue between Toulon Drive and Superior Avenue, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the requested street closure should be denied for the following reasons, and that the decision of the Planning Commission should be overruled:

1. Pelton Avenue between Toulon Drive and Superior Avenue is needed for present or prospective street purposes. Pelton Avenue provides direct access to Robertson Road School, Harriett Kirschen School, and future Robertson Road Park.
2. That the street closure would not improve public safety to the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the street closure of Pelton Avenue between Toulon Drive and Superior Avenue to vehicular traffic and partial closure to pedestrian

traffic during evening and early morning hours, with a six-foot-eight-inch high masonry wall for the reasons set forth above and the decision of the Planning Commission is hereby overruled.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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: Dobbs

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-3

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(488). (DANO CONSTRUCTION)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Dano Construction on August 28, 1991, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(488), to allow eight (8) zero lot line homes, property located on the west side of Collier Avenue south of Dawn Drive, described as follows:

R-1 to P-D(488)

All that certain real property situate in a portion of the Northwest 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:

The East 10.00 feet of Lot 15 and the West 162.60± feet of the North 330.00± feet of Lot 18 shown on that certain map of the Mensinger Colony, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 18, 1909, in Volume 4 of Maps, Page 25.

and

WHEREAS, after a public hearing held on October 21, 1991, and continued to November 18, 1991, 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. 91-74 that the rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The overall residential density of the development conforms to the R-1 density standard of the General Plan.
2. The proposed P-D zone provides a subdivision with a zero lot line design that is innovative and makes good use of the land.

3. The proposed development will interject a different housing type into the neighborhood as called for in the General Plan.

and

WHEREAS, after a public hearing held on January 7, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Dano Construction 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. 91-74 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2798-C.S. on the 7th day of January, 1992, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(488).

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

1. All development shall conform to the revised plans as amended in red, stamped approved by the Planning Commission on November 18, 1991.
2. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Seven-foot-high solid double-sided wood fence around all private yard areas.
 - b. Eight-foot-high decorative masonry wall along the west property line between the garages.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street and alley dedication and improvements 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. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
8. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
9. 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 but shall not be located in the garage.
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. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
13. 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.

14. The garages shall be equipped with an automatic garage door opener. The automatic garage door opener shall be equipped with a timed light.
15. Prior to the issuance of a building permit, a landscaping and irrigation plan for the front yards shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D(488):

The entire construction program shall be accomplished in one phase, construction to begin on or before November 18, 1992, and completion to be not later than November 18, 1993.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned-Development Zone, P-D(488) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill, Muratore

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William P. ...
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 92-4

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(488). (DANO CONSTRUCTION)

WHEREAS, on January 7, 1992, the City Council introduced Ordinance No. 2798-C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(488), property located on the west side of Collier Avenue south of Dawn Drive, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(488), property located on the west side of Collier Avenue south of Dawn Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill, Muratore

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-5

A RESOLUTION APPROVING A REVERSION TO ACREAGE OF THE
ORANGEBURG TERRACE SUBDIVISION (P & R ENTERPRISES).

WHEREAS, the reversion to acreage of the Orangeburg Terrace
Subdivision was filed in the office of the Secretary of the Planning
Commission on October 31, 1991, in accordance with the provisions of Section
4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said reversion to acreage were sent to the Empire
Elementary School District, and Modesto Irrigation District, the local utility
companies, and the City Public Works and Transportation Department, and

WHEREAS, Orangeburg Terrace Subdivision was recorded on November 8,
1989, creating ten R-2 lots, and

WHEREAS, the subdivision site was rezoned on September 3, 1991, from
R-2 to P-D(486), for a senior citizen housing complex, and

WHEREAS, Sandy Court within the subdivision is unnecessary for
public purposes and is proposed to be abandoned, and

WHEREAS, the individual ten lots are not necessary for the approved
senior citizen housing complex and this application would revert the ten lots
back to the original 3.1 acre lot, and

WHEREAS, a public hearing was held by the Planning Commission on
December 2, 1991, 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, after hearing evidence both oral and
documentary, the Planning Commission, by its Resolution No. 91-76, found and
determined as follows:

1. That the reversion to acreage 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. The dedication of Sandy Court to be abandoned by the reversion to acreage is unnecessary for present or prospective public purposes.
3. All owners of an interest in the real property within the subdivision have consented to reversion.

and

WHEREAS, the Planning Commission, by Resolution No. 91-76, recommended to the City Council that the reversion to acreage of Orangeburg Terrace Subdivision, as shown on the tentative map thereof which was accepted for filing in the Office of the Secretary of the Planning Commission on October 31, 1991, be approved subject to the following conditions:

1. The existing dedication along East Orangeburg Avenue shall remain.
2. The existing public utility easement along Sandy Court and East Orangeburg Avenue shall remain.
3. Prior to the recordation of the final map, five-foot MID easements centered on any unprotected MID underground facilities shall be provided as approved by MID.
4. Water and sewer lines in Sandy Court shall become private lines and shall be maintained by the property owner.
5. Prior to the recordation of the final map, a new water meter and backflow preventer shall be provided in the East Orangeburg Avenue right-of-way as approved by the Director of Public Works and Transportation.
6. Prior to the recordation of the final map, any relocation or reengineering of any existing utilities shall be at the expense of the property owner.
7. Prior to the recordation of the final map, utilities which are abandoned and removed such as fire hydrants and street lights shall be delivered to the City of Modesto corporation yard.

8. Prior to the recordation of the final map, Sandy Court shall have a street sign indicating that it is a private street.

and

WHEREAS, said matter was duly noticed and set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on January 7, 1992, at 7:30 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council finds and determines that the reversion to acreage of Orangeburg Terrace Subdivision, should be approved as recommended by the Planning Commission in its Resolution No. 91-76, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a reversion to acreage of the Orangeburg Terrace Subdivision is hereby approved, subject to the conditions set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-6

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE INSTALLATION OF PUMP STATION NO. 52

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

SECTION 1. The plans and specifications for the installation of
Pump Station No. 52

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 30, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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. 92-7

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE NEW SEWER RODDING TRUCK

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

SECTION 1. The plans and specifications for furnishing one new
sewer rodding truck

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 10, 1992, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 7th day of January, 1992,
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. 92-8

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE KANSAS AVENUE SEWERLINE FROM 8TH STREET TO 99 FREEWAY

WHEREAS, Resolution No. 91-717 , adopted by the Council of the City of Modesto on November 26, 1991 , approved the plans and specifications for the Kansas Avenue sewerline from 8th Street to 99 Freeway

and authorized the calling for bids; and

WHEREAS, the bids received for the Kansas Avenue sewerline from 8th Street to 99 Freeway

were opened at 11:00 a.m. on December 19, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Joe Martin Pipeline, Inc. in the amount of \$81,990

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$81,990 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 7th day of January , 1992, 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. 92-9

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$36,978 TO HELP FUND THE KANSAS AVENUE SEWERLINE FROM 8TH STREET TO 99 FREEWAY

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

FROM:	Annual Sewer Rehab Design (621 480 P369 6000)	\$ 4,587
	Annual Sewer Rehab (621 480 B058 6000)	32,391
TO:	Replace Kansas Sewer (621 480 B069 6000)	\$36,978

The unit prices used for the original budget estimate for this project did not accurately reflect total project cost. Items contributing to the higher costs are traffic control, pavement requirements, restriping traffic markings, new manholes and abandoning existing manholes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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. 92-10

A RESOLUTION ACCEPTING THE BOOSTER PUMP STATION FOR WATER TANK NO. 3
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the booster pump station for water tank No. 3

has been completed by Conco West, Inc.

in accordance with the contract agreement dated February 12, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the booster pump station for
water tank No. 3

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 \$292,243.53 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 January,
1992, 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

12
MODESTO CITY COUNCIL
RESOLUTION NO. 92-11

A RESOLUTION ACCEPTING THE 1991 COLD-IN-PLACE RECYCLING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the 1991 cold-in-place recycling

has been completed by George Reed, Inc.

in accordance with the contract agreement dated May 14, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the 1991 cold-in-place
recycling

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 \$164,162.80 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of January,
19⁹², 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

13
MODESTO CITY COUNCIL
RESOLUTION NO. 92-12

A RESOLUTION ACCEPTING THE REMOVAL OF FIVE FUEL TANKS AT THE MODESTO CITY-COUNTY AIRPORT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the removal of five fuel tanks at the Modesto City-County Airport has been completed by Don Lambert & Sons, Inc. in accordance with the contract agreement dated April 2, 1991.

NOW, THEREFORE, BE IT RESOLVED that the removal of five fuel tanks at the Modesto City-County Airport

be accepted from said contractor, Don Lambert & Sons, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$39,578.00 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 7th day of January, 19⁹², 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. 92-13

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF OFFICE SUPPLIES UNDER A COOPERATIVE AGREEMENT WITH THE COUNTY OF SAN JOAQUIN'S AGREEMENT WITH EASTMAN, INC.

WHEREAS, the County of San Joaquin has entered into an agreement with Eastman, Inc. for furnishing office supplies as a direct result of a bid to the major suppliers; and

WHEREAS, several Valley cities and counties have been enjoying the financial benefits of the systems contract for office supplies for the past several years; and

WHEREAS, the City of Modesto can save money by entering into a cooperative arrangement with the County of San Joaquin's agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for purchase of office supplies are hereby waived.

BE IT FURTHER RESOLVED that authorization for the Purchasing Officer to enter into a cooperative agreement with the County of San Joaquin for the purchase of office supplies for a period not to exceed December 31, 1992, 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 January, 1992, 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

Tusk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-14

RESOLUTION REQUESTING THAT THE CALIFORNIA TRANSPORTATION
COMMISSION PUT THE ROUTE 132 WEST STAGE 1 PROJECT FROM SR 99
TO DAKOTA AVENUE ON THE LONG LEAD TIME PROJECT LIST

WHEREAS the City was willing to put up 60% of the cost of the new
Route 132 West Stage 1 project when it was estimated to cost \$40 million, and

WHEREAS the City still believes that the project is important to the
City and region, and

WHEREAS the City is still committed to funding at least \$24 million
of the project, and

WHEREAS the cost estimates for this project have climbed from the
original \$40 million to \$78 million and then to \$121.9 million in the Project
Study Report (November, 1991) which came out after the 1992 Transportation
Improvement Program was adopted, and

WHEREAS the City, Caltrans and SAAG do not know the current estimated
costs of the other two stages of this project will be.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City continues to commit \$24 million toward Stage 1 of the Route 132
project if it is programmed during this or the next STIP cycle,

BE IT FURTHER RESOLVED that the City requests that if Stage 1 of the
project cannot be programmed during this STIP cycle, that the California
Transportation Commission be requested to add the Route 132 West Stage 1
project to the Long Lead Time list so that the alternatives and feasibility of
Stages 1 through 3 of the project can be evaluated by Caltrans.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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

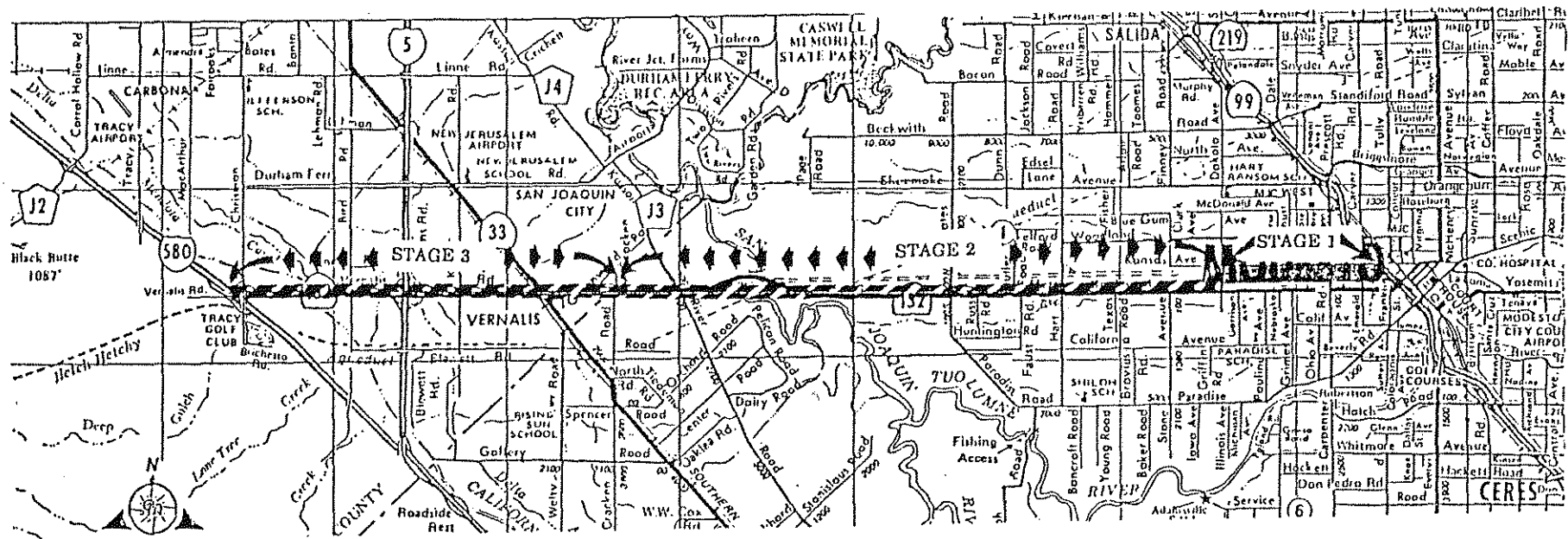
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-15

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CONSTINTINE 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 Constintine 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 7th day of January , 1992, 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. 92-16

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PETER AND MARCY COWLES FOR THE LEASE OF THE McCLURE MANSION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Peter and Marcy Cowles for the lease of the McClure Mansion

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January 1992, 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. 92-17

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:

Storm Water Inspector

The specifications for the classification of Storm Water Inspector
(Range 117), 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 January 7, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

STORM WATER INSPECTOR

DEFINITION

To inspect, sample, and monitor the City's urban runoff for compliance with federal and state standards; to inspect, sample, monitor, and regulate the runoff from commercial and industrial facilities for compliance with City standards; to calculate user charges for storm drainage service, and to act as liaison between City and dischargers of urban runoff. May be required to work nights and weekends; may be required to be on-call.

SUPERVISION RECEIVED AND EXERCISED

Receives immediate supervision from the Senior Civil Engineer.

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

Inspect, sample, and monitor quantity and quality of storm drain and stream runoff; gather data from sampling sites throughout the City to ensure compliance with Federal, State, and local discharge regulations.

Perform biological surveys; inventory species and populations present in a natural community; maintain sampling equipment.

Monitor discharge to City's storm drains from businesses and industry.

Investigate illicit connections and illegal dumping; enforce storm drainage discharge regulations and ordinances.

Prepare reports and correspondence; maintain files.

Investigate and document land use, impervious area, and non-point pollutant sources; maintain related records.

Act as liaison between the City and commercial and industrial dischargers.

Perform other related duties, as assigned.

QUALIFICATIONS

Knowledge of:

Hydrologic cycle.

Computer operations and standard software applications.

Storm drain hydraulics.

Pertinent Federal, State, and City laws, codes, and regulations.

010792

291/WPJD

Exhibit "A"

UK

010792

291/WPJD

QUALIFICATIONS (continued)

Operation and maintenance of equipment used for the monitoring and control of commercial and industrial waste.

Laboratory testing procedures and sampling techniques.

Biology, chemistry, and community ecology.

Ability to:

Evaluate safety hazards.

Interpret, apply, and enforce Federal, State, and City policies, procedures, laws, and regulations.

Conduct inspections.

Gather, interpret, and present data.

Establish effective relations with industry personnel.

Conduct field laboratory tests and collect samples, with a minimum of close supervision.

Communicate clearly and concisely, both orally and in writing.

Open and close a 130-pound manhole cover; body agility and equilibrium for climbing; back and leg coordination for stooping and kneeling; arm, hand, finger dexterity and strength for handling, grasping, and dragging; good hearing and speaking ability; good eyesight (equivalent to requirement for California driver's license).

Swim.

Perform mathematical calculations.

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 as laboratory technician, sewer maintenance worker or water lineworker; or two years field experience including interpretation and enforcement of codes and ordinances.

Training:

Equivalent to AA degree in chemistry, biology, environmental science, life sciences, or other applicable science curriculum.

OR

EXPERIENCE AND TRAINING GUIDELINES (continued)

Training

Two years experience in the water pollution field, including sampling and field analysis, wastewater treatment, and regulatory controls.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license (must have by date of hire).

Possession of, or the ability to obtain, an appropriate and valid swimming certificate within six months of date of hire.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-18

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 91-724
TO APPROVE A REVISED CLASS RANGE TABLE FOR GENERAL
NON-SWORN CLASSES.

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

SECTION 1. 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 January 7, 1992," which
is attached hereto and made a part hereof as though set forth in full. Said
amended Exhibit "A" adds Storm Water Inspector to the Class Range Table at
Salary Range 117.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after January 7, 1992.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of January,
1991, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney
010292

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EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective January 7, 1992

RANGE	TITLE
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 Fire Supply Specialist Equipment Service Worker II

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL, NON-SWORN CLASSES

Effective January 7, 1992

RANGE	TITLE
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator
116	Code Enforcement Officer II Equipment Operator Fire Prevention Technician I Meter Reader/Repair Worker Motor Sweeper Operator Parking Meter Worker Traffic Painter Traffic Sign Worker Water Line Worker
117	Electrical Technician II 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
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective January 7, 1992

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator 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
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	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective January 7, 1992

RANGE	TITLE
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 92-19

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW-GARCIA-DAVIS FOR THE STORM DRAINAGE SYSTEM MAP, AND ESTABLISHING A CONTINGENCY FOR MINOR EXTRA WORK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Lew-Garcia-Davis for the Storm Drainage System Map, and establishing a contingency for minor extra work
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 January 1992, 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. 92-20

A RESOLUTION ACCEPTING IMPROVEMENTS IN RIVER TERRACE SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Nineveh Incorporated, subdividers of River Terrace Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$1,990,200 and \$995,100 respectively to guarantee improvements in River Terrace Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated December 31, 1991, 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 River Terrace Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$1,990,200 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 \$995,100 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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. 92-21

A RESOLUTION ACCEPTING IMPROVEMENTS IN RIVER TERRACE NO. 2 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman and Broad, subdividers of River Terrace No. 2 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 224,400.00 and \$ 112,200.00 respectively to guarantee improvements in River Terrace No. 2 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated December 31, 1991 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 River Terrace No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 224,400.00 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 \$ 112,200.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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. 92-22

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ST. PAUL'S PARISH FOR OFF-SITE IMPROVEMENTS AT OAKDALE ROAD AND BRIGGSMORE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and St. Paul's Parish for off-site improvements at Oakdale Road and Briggsmore Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January 1992, 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. 92-23

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$111,314 FROM
CONTINGENCY RESERVE TO FUND TWO NEW CIP PROJECTS**

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

FROM:	Streets Fund Contingency Reserve (141 800 8000 8003)	\$111,314
TO:	Briggsmore/Oakdale Traffic Signal (141 160 B513 6000)	80,140
	Briggsmore Widening and Medians (31,174)	31,174

Some of the mitigation improvements and traffic signal modifications conditioned on the St. Paul's Parish project were identified as projects in Capital Facilities Fees and therefore, are reimburseable. These projects need to be funded now in order to reimburse the owner who is installing the City's required improvements in conjunction with work he is doing at Briggsmore and Oakdale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 19 92, 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. 92-24

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR PROJECT NO. 19 - REPLACEMENT OF CURB, DRIVE
APRONS AND SIDEWALKS AT VARIOUS LOCATIONS

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

SECTION 1. The plans and specifications for Project No. 19 - replacement of curb, drive aprons and sidewalks at various locations 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 4, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-25

A RESOLUTION ACCEPTING THE PROJECT 18 - REPLACEMENT OF CURB, GUTTER,
DRIVE APRONS AND SIDEWALKS AT VARIOUS LOCATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Project 18 - replacement of curb, gutter, drive aprons and sidewalks
at various locations
has been completed by Leroy Griffith Concrete
in accordance with the contract agreement dated February 5, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Project 18 - replacement
of curb, gutter, drive aprons and sidewalks at various locations

be accepted from said contractor, Leroy Griffith Concrete ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$108,492.82 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 14th day of January,
1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-26

A RESOLUTION APPOINTING COUNCILMEMBER MURATORE AS THE CITY OF MODESTO REPRESENTATIVE AT THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT HEARING

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

SECTION 1. The following person is hereby appointed as City of Modesto representative on the San Joaquin Valley Unified Air Pollution Control District hearing to be held in Fresno on January 30, 1992:

Frank Muratore

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the San Joaquin Valley Unified Air Pollution Control District and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-27

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ARKHON CORPORATION FOR THIRD PART CLAIMS ASSESSMENT SERVICES ON THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT, UNIT 2 & 3

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Arkhon Corporation for third part claims assessment services on the Wastewater Treatment Plant Expansion Project, Unit 2 & 3 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 January 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-28

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$231,567 FOR CONSULTANT SERVICES TO ASSIST THE CITY IN RESOLVING A \$3.2 MILLION CONSTRUCTION CLAIM REGARDING THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT

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

FROM:	Sewer Fund Exigency Reserve (621 800 8000 8004)	\$231,569
TO:	WQCP Unit 2 & 3 Construction (625 480 G761 6000)	231,569

Funds were set aside in the Sewer Fund Exigency Reserve for consultant services to assist the City in resolving a \$3.2 million construction claim. The Consultant contract has been negotiated and it is appropriate to transfer the funds to the project for expenditure. A reimbursement on all or a portion of this amount is a possibility and depends on the State's interpretation of grant regulations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92 -29

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND MITIGATION MONITORING PLAN FOR THE CLAUS ROAD BRIDGE WIDENING PROJECT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO SAID PROJECT.

WHEREAS, the City Council certifies that at the January 14, 1992, Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee and Par Environmental Services, Inc., which resulted in a negative declaration and Mitigation Monitoring Plan in regard to the environmental impact of the Claus Road Bridge Widening project, and

WHEREAS, the mitigation measures have been incorporated into the project plans and specifications, so that there is no substantial evidence that the project as revised may have a significant effect on the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a mitigated Notice of Determination in regard to the environmental impact of the subject Claus Road Bridge Widening project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1992, 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, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-30

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$21,760 FROM THE LAB WATER DISTILLATION CAPITAL IMPROVEMENT PROJECT TO THE NEW VALVE ACTUATOR CAPITAL IMPROVEMENT PROJECT

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

FROM:	Lab Water Distillation System (621 480 P367 6000.50)	\$21,760
TO:	Quality Circle Automatic Valve Actuator Project (621 480 B512 6000)	21,760

The savings in laboratory water distillation system was achieved by switching to a deionization system at a greatly reduced cost. This money is being transferred to an account for the first phase of quality circle project, which installs actuators on large valves in the plant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 19 92, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-31

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY A. AND PATRICIA L. ASKEW, AND DAVID AND SANDRA MESENHIMER, dba MODESTO FLIGHT CENTER FOR LEASE OF OFFICE BUILDING NO. 1, HANGAR NO. 5, AND AIRCRAFT TIE DOWNS AT THE AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry A. and Patricia L. Askew, and David and Sandra Mesenhimer, dba Modesto Flight Center for lease of Office Building No. 1, Handar No. 5 and tie downs at / ^{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 14th day of January 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-32

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND U.S. DEPARTMENT OF COMMERCE-NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR USE OF AIRPORT PROPERTY TO LOCATE AUTOMATED SURFACE OBSERVING SYSTEM EQUIPMENT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and U.S. Department of Commerce-National Oceanic and Atmospheric Administration for use of Airport property to locate Automated Surface Observing 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 14th day of January 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-33

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PRO
SPORTS MARKETING FOR A YOUTH SUMMER FOOTBALL CAMP

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Pro Sports Marketing for a
youth summer football camp

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 January 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-34

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HBW ASSOCIATES, INC., LIBRARY PLANNERS AND CONSULTANTS, TO PREPARE LIBRARY SERVICES AND MASTER PLAN IN CONJUNCTION WITH STANISLAUS COUNTY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and HBW Associates, Inc., Library Planners and Consultants, to prepare Library Services and Master Plan in conjunction with Stanislaus County be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-35

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$24,484 FOR CITY'S SHARE OF THE COST OF THE LIBRARY SERVICES AND MASTER PLAN IN CONJUNCTION WITH STANISLAUS COUNTY

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

FROM:	General Fund Reserve	\$24,484
TO:	Library Services and Master Plan	\$24,484

The City and County have each agreed to share in the cost of the preparation of a Library Services and Master Plan, the cost of which is \$48,968.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 19 92, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-36

A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION TO ANNEX
INHABITED TERRITORY TO THE CITY OF MODESTO DESIGNATED AS
THE VILLAGE ONE REORGANIZATION.

WHEREAS, the Stanislaus County Local Formation Commission (LAFCO) by
Resolution No. 91-22A dated October 23, 1991, approved the proposed Village
One Reorganization to the City of Modesto (CITY) 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
Village One Reorganization, and

WHEREAS, said Reorganization consists of approximately 1,700 acres
of land bounded by Sylvan Avenue, Oakdale Road and Roselle Avenue (south of
Floyd), Floyd Avenue (west of Roselle) and Briggsmore Avenue/Parker Road and
the A.T. and S.F. Railroad, and

WHEREAS, LAFCO by said resolution approved the proposal subject to
the terms and conditions that (a) it be processed as a reorganization
consisting of the annexation of the territory to the City of Modesto and the
Modesto Municipal Sewer District No. 1, the detachment of the subject
territory from the Riverbank and Empire Fire Protection Districts, and the
dissolution of the McHenry-Dry Creek Fire Protection District; (b) that prior
to recording the Certificate of Completion, an agreement be entered into
between the City of Modesto and the McHenry-Dry Creek Fire Protection
District relinquishing all assets, and

WHEREAS, LAFCO 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 7th day of January, 1992, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California was set as the date, time and place for hearing protests against said reorganization, and the City Clerk duly caused notice of said public hearing to be published in the Modesto Bee, the official newspaper of the City of Modesto, and the City's Planning and Community Development Department gave notice to all persons legally entitled thereto, and

WHEREAS written protests were filed and not withdrawn by twenty-five (25%) percent, but less than fifty (50%) percent, of the registered voters residing in the affected territory prior to the close of said hearing, and

WHEREAS, after said public hearing held on January 7, 1992, the Council adopted Resolution No. 92-1 entitled, "A Resolution Ordering the Village One Reorganization to the City of Modesto Subject to Confirmation by Election", a copy of said Resolution No. 92-1 is marked Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein, and

WHEREAS, the 21st day of January, 1992, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California was set as the date, time and place for the Council to consider calling an election pertaining to the Village One Reorganization to the City of Modesto, and

WHEREAS, said matter was considered at the date, time and place mentioned above, and

WHEREAS, all requirements of the Cortese/Knox Local Government Reorganization Act of 1985 have been complied with,

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

SECTION 1. ANNEXATION ORDERED. The territory hereinafter described is ordered annexed to the City of Modesto for the purpose of submitting to the qualified electors residing in said territory the question whether or not they confirm that said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and in order that the property in said territory shall, after such annexation, be subjected to taxation after annexation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election.

That the area or territory designated as the Village One Reorganization is more particularly described on Exhibit "B" to Resolution No. 92-1 attached hereto and made a part hereof by reference as though set forth in full herein.

SECTION 2. ELECTION CALLED. A special election is hereby called to be held on the 21st day of April, 1992, within said territory. The poll at said election shall be open at 7:00 a.m. of said election day and shall be kept open continuously until 8:00 p.m. of said election day, when the poll shall be closed and the election officers shall thereupon proceed to deliver the ballots to the County Elections Office.

SECTION 3. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the statement:

"Shall the order adopted on January 7th, 1992, by the Modesto City Council ordering the annexation to the City of Modesto of the territory described in said order and designated in the order as the Village One Reorganization to the City of Modesto be confirmed, subject to the terms and conditions specified in the order?"

Where ballots are used, opposite the above-mentioned statement there shall be printed the words, "YES" and "NO", and to the right of each of these last two (2) words, there shall be a voting square.

SECTION 4. VOTING. If an elector shall punch a hole in the blank space opposite the printed word "Yes", the vote of such elector shall be counted in favor of the annexation of said territory to the City of Modesto; and if an elector shall punch a hole after the printed word "NO", the vote of such elector shall be counted against such annexation.

Voting machines and the preparation of the same shall comply in all respects with the provisions of the law.

In all particulars not herein recited, said election shall be held in conformity, as near as may be, with the laws of the State of California concerning general elections, and said Cortese/Knox Local Government Reorganization Act of 1985.

SECTION 5. PRECINCT AND PRECINCT OFFICERS. For the purpose of said election, there is hereby established in said territory described herein one voting precinct to be known as Coffee 2.

Said special election precinct has been established by utilizing all or a portion of the county election precincts within said territory as established by the orders or resolutions of the Board of Supervisors of Stanislaus County, California, now in force for county election purposes, which said orders or resolutions now on file are hereby referred to and by such reference made a part hereof for greater certainty and a more particular description of the boundaries thereof in the following manner (said precinct so established by said Board of Supervisors being herein referred to as "county election precincts", except as hereinafter amended.)

That portion of the county election precinct designated by said Board of Supervisors as Coffee 2 Precinct, lying within the hereinafter described territory, is hereby established as Special Election Precinct No. Coffee 2.

The Sylvan Clubhouse located at 2545 Sylvan Road, Modesto, California, is the polling place of said Special Election Precinct No. Coffee 2. There shall be one Inspector and three Judges and they shall constitute the board of election for such precinct. Said Inspector and Judges shall be paid for their services in connection with said election.

SECTION 6. CANVASS OF BALLOTS. Immediately after the close of the election on April 21, 1992, the returns of the election shall be made out and signed by the election officers and shall be by them delivered to the County

Elections Office located at 912 11th Street, together with the ballots cast at the election. The Elections Officer shall canvass the votes at 9:00 a.m. on April 23, 1992, in said County Elections Office. Upon completion of the canvass, the City Clerk shall certify the results of the election to the Council and the Council shall meet at its usual meeting place and confirm said canvass by the City Clerk and declare the results of the election. A majority of the votes cast at the Special Election shall be required to confirm the annexation of said territory to the City of Modesto.

SECTION 7. SCHOOL DISTRICT BOUNDARIES. No change in school district boundaries shall be effected by reason of the annexation of the hereinabove described area to the City of Modesto.

SECTION 8. NOTICE OF SAID SPECIAL ELECTION. The City Clerk shall cause a notice of said special election to be published as required by said Cortese/Knox Local Government Reorganization Act of 1985, one time in The Modesto Bee, a newspaper of general circulation, printed and published in the City of Modesto and in the County of Stanislaus, State of California, and being the official newspaper of the City of Modesto.

BE IT FURTHER RESOLVED that, pursuant to the provisions of Government Code Section 51243, the CITY hereby states its intention not to succeed to the California Land Conservation Act Contracts as more specifically referred to in Council Resolution No. 92-1, subject to approval by election of said Village One Reorganization to the City of Modesto a copy of said Resolution No. 92-1 is marked Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein. Said contracts

pertaining to property in the Village One Reorganization to the City of Modesto are more specifically identified on Exhibit "A" to Resolution No. 92-1 attached hereto and made a part hereof by reference as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to transmit a certified copy of this resolution to the Elections Officer of the County of Stanislaus.

BE IT FURTHER RESOLVED that the City Clerk shall within five (5) days hereof transmit a certified copy of this resolution by registered mail to the Executive Officer of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-1

A RESOLUTION ORDERING THE VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO SUBJECT TO CONFIRMATION BY ELECTION (INHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 91-22A dated October 23, 1991, approved the proposed Village One Reorganization to the City of Modesto (CITY) 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 Village One Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 91-35A dated December 4, 1991, denied a request for reconsideration of the Village One Reorganization, and

WHEREAS, said Reorganization consists of approximately 1,700 acres of land bounded by Sylvan Avenue, Oakdale Road and Roselle Avenue (south of Floyd), Floyd Avenue (west of Roselle) and Briggsmore Avenue/Parker Road and the A.T. and S.F. Railroad, and

WHEREAS, LAFCO by said resolution approved the proposal subject to the terms and conditions that (a) it be processed as a reorganization consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, the detachment of the subject territory from the Riverbank and Empire Fire Protection Districts, and the dissolution of the McHenry-Dry Creek Fire Protection District; (b) that prior to recording the Certificate of Completion, an agreement be entered into between the City of Modesto and the McHenry-Dry Creek Fire Protection District relinquishing all assets, and

Exhibit "A"

WHEREAS, LAFCO 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 the implementation and development of Village One, and

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

WHEREAS, the 7th day of January, 1992, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California was set as the date, time and place for hearing protests against said reorganization, and the City Clerk has given notice to all persons legally entitled thereto, and

WHEREAS, said public hearing was held on January 7, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and

WHEREAS written protests were filed and not withdrawn by less than twenty-five (25%) percent of property owners with less than twenty-five (25%) percent of assessed value of land within the affected territory and at least twenty-five (25%) percent, but less than fifty (50%) percent, of the registered voters residing in the affected territory prior to the close of said hearing, and

WHEREAS, thirty (30) parcels within said territory are subject to California Land Conservation Act Contracts (Williamson Act Contracts), twenty-seven (27) of which were protested to by resolutions adopted by the City Council and which protests were upheld by resolutions adopted by LAFCO. Said Williamson Act Contracts within Village One and said resolutions adopted by the City Council and LAFCO are more specifically identified on Exhibit "A"

Attached hereto and incorporated herein by reference. Three (3) contracts were not protested to by the City, therefore, the City intends to not succeed to the remaining twenty-seven (27) protested contracts. Upon approval of the reorganization, all contracts that were protested to and upheld by LAFCO, as identified on Exhibit "A" attached hereto, would be null and void, and

WHEREAS, the McHenry-Dry Creek Fire Protection District by resolution dated December 9, 1991, approved the dissolution of said Fire District and approved the relinquishing of assets of said Fire District to the City of Modesto, a copy of said resolution is attached hereto as Exhibit "C",

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

SECTION 1. ANNEXATION ORDERED. The territory hereinafter described is ordered annexed to the City of Modesto for the purpose of submitting to the qualified electors residing in said territory the question whether or not they confirm that said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and in order that the property in said territory shall, after such annexation, be subjected to taxation after annexation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election.

That the area or territory designated as the Village One Reorganization is more particularly described on Exhibit "B" attached hereto and made a part hereof by reference as though set forth in full herein.

BE IT FURTHER RESOLVED that, pursuant to the provisions of Government Code Section 51243, the CITY hereby states its intention not to

succeed to the California Land Conservation Act Contracts referred to above, subject to approval by election of said Village One Reorganization to the City of Modesto. Said contracts pertaining to property in the Village One Reorganization to the City of Modesto are more specifically identified on Exhibit "A" attached hereto and incorporated herein by reference, .

BE IT FURTHER RESOLVED that the City Clerk shall within five (5) days hereof transmit a certified copy of this resolution by registered mail to the Executive Officer of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1992, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Chastain
Public Works and Transportation
Department - Engineering

City of Modesto
MEMORANDUM

December 30, 1991

A summary of Williamson Act Contract agreements located within Village One is provided below.

Contract Number	Name under Contract	Assessor's Parcel Number	City Council Resolution & Date		City Council Action	LAFCO Upheld
74-1681	Bruce Vincent	52-23-06	74-102	2/4/74	Protested	11/22/77
74-1682	Bruce Vincent	52-23-16	74-103	2/4/74	Protested	11/22/77
74-1685	Robert Beck	52-20-02	N/A	1/1/74	Unprotested	N/A
74-1695	J.D. Colby	52-20-05	N/A	1/1/74	Unprotested	N/A
74-1796	Ralph Gaarde	52-79-18	74-149	2/4/74	Protested	11/22/77
74-1802	Stewart Bradley	52-24-67, 68	74-108	2/4/74	Protested	11/22/77
75-1814	Robert Beck	52-20-03	N/A	1/1/74	Unprotested	N/A
75-1817	Sandra Ostler	52-23-12	74-270	4/8/74	Protested	03/29/78
75-1819	Warren S. Lawson	52-23-02	74-272	4/8/74	Protested	03/29/78
75-1820	Smith/Lawson Ent.	53-23-11	74-273	4/8/74	Protested	03/29/78
75-1842	Ruth M.P. Smith	52-79-01	74-866A	10/7/74	Protested	03/29/78
75-1858	E.E. Kappler	14-25-14, 15	74-996	11/25/74	Protested	03/29/78
75-1909	Alvin Ohlson	77-09-02	75-34	1/13/75	Protested	03/29/78

Exhibit "A"

Contract Number	Name under Contract	Assessor's Parcel Number	City Council Resolution & Date	City Council Action	LAFCO Upheld
75-1948	George Nufer	52-77-01	75-244 2/3/75	Protested	03/29/78
75-1949	Carl Harms	52-79-17	75-289 2/18/75	Protested	03/29/79
75-1965	Wesley Brendler	52-24-58	75-288 2/18/75	Protested	03/29/78
75-1985	Ruby J. Holloman	52-23-10	75-292 2/18/75	Protested	03/29/78
75-2007	Roy Nevins	52-20-63, 64	75-245 2/3/75	Protested	03/29/78
76-2043	Gus Papatone	77-09-40	75-926 9/15/75	Protested	04/19/78
76-2091	Alfred C. Nadalet	52-20-51	76-283 2/9/76	Protested	04/19/78
76-2160	John Kamstra	52-23-42, 43, 44	76-281 2/9/76	Protested	04/19/78
76-2228	Robert Cleveland	52-23-13	76-282 2/9/76	Protested	04/19/78
76-2283	Hubert Mattoon	52-20-06	76-284 2/9/76	Protested	04/19/78
76-2396	Samuel Courtney	77-33-07, 10	76-279 2/9/76	Protested	04/19/78
77-2464	Norton Ent.	52-77-08	76-1020 9/7/76	Protested	04/19/78
77-2525	Duane Corwin	52-77-06	76-1304 12/6/76	Protested	04/19/78
78-2703	Paul LaVine	77-09-13	77-67 1/17/77	Protested	04/19/78
78-3079	H. Naraghi	77-08-20	77-985 9/19/77	Protested	10/25/77
78-3092	Bart Arotca	14-25-02	77-1146 11/7/77	Protested	12/15/77
79-3624	H. Naraghi	77-08-26	79-50 1/16/79	Protested	01/24/79

30 Total

Village One Reorganization
To the City Of Modesto

All that certain property situate in Sections 11, 12, 13, and 14, Township 3 South, Range 9 East; and in Sections 7 and 18, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 11, said point being the centerline intersection of original 40 foot Sylvan Ave. with original 40 foot Oakdale Rd.; thence South $0^{\circ}30'54''$ East 2,645.75 feet to the southwest corner of said section 11; thence South $0^{\circ}05'00''$ West 1,355.44 feet to the southwest corner of the northwest quarter of the northwest quarter of said section 14, being also the centerline intersection of original 40 foot Oakdale Rd. with original 40 foot Floyd Ave.; thence North $89^{\circ}50'19''$ East, along the centerline of Floyd Ave., 5,264.63 feet to the southeast corner of the northeast quarter of the northeast quarter of said section 14; thence South $00^{\circ}25'53''$ East 2,853.11 feet to a point on the west line of said section 14; thence North $89^{\circ}42'25''$ East 5.67 feet; thence South $00^{\circ}24'13''$ West 1,036.98 feet; thence South $89^{\circ}59'49''$ West 5.67 feet; thence South $00^{\circ}14'29''$ West 82.17 feet, to the southeast corner of said section 14; thence South $89^{\circ}55'05''$ East 5,244.8 feet along the south line of said section 13, to the southeast corner of said section 13; thence South $89^{\circ}55'05''$ East 2,813.37 feet, to a point on the centerline of original 40 foot Parker Rd., being the intersection of said centerline and the southerly extension of the west property line of the A.T. & S.F. R.R. property right-of-way; thence South $17^{\circ}41'55''$ East 79.01 feet to the southerly right-of-way line of 100 foot Parker Rd.; thence South $88^{\circ}55'26''$ East 105.38 feet to the east line of the A.T. & S.F. R.R. property right-of-way; thence North $17^{\circ}45'12''$ West along said east property line of A.T. & S.F. R.R., and the southerly and northerly extensions of said line 5,699.01 feet, to a point on the northern line of 66 foot Milnes Rd.; thence South $89^{\circ}53'24''$ East 45.75 feet, to the point of intersection of said northern line of Milnes Rd. and the westerly right-of-way line of 80 foot wide Santa Fe Ave.; thence North $8^{\circ}54'21''$ West 201.24 feet, along said west right-of-way line to the beginning of a tangent curve concave to the southwest, having a radius of 1,782.84 feet and a central angle of $7^{\circ}50'24''$; thence continuing northwesterly along said right-of-way and the arc of said curve 243.92 feet; thence North $18^{\circ}33'43''$ West along said right-of-way 1,434.43 feet to a tangent curve concave to the

Approved as to description

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

southwest having a radius of 1,768.33 feet and a central angle of 11°09'00"; thence along said right-of-way and arc of said curve 344.22 feet; thence North 30°59'30" West along said right-of-way 141.29 feet, to the beginning of a tangent curve concave to the northeast, having a radius of 1,830.96 feet and a central angle of 10°19'48"; thence along said right-of-way and arc of said curve 330.05 feet; thence North 18°43'33" West along said right-of-way 1,342.66 feet, to a point on the west line of 100 foot wide Claus Rd.; thence South 0°18'19" East 1,130.01 feet along the western right-of-way line of said Claus Rd. to the beginning of a curve concave to the northwest having a radius of 15 feet and a central angle of 89°57'00"; thence along said curve 23.55 feet; thence along the northerly right-of-way line of Sylvan Ave. the following 31 courses:

- 1) South 0°20'25" East 15.0 feet;
- 2) South 89°39'35" West 300.01 feet;
- 3) North 0°18'19" West 30.0 feet;
- 4) South 89°39'35" West 949.64 feet;
- 5) South 0°29'57" East 30.0 feet;
- 6) South 89°46'26" West 2,640.73 feet;
- 7) North 0°29'57" West 30.0 feet;
- 8) South 89°44'09" West 1,258.9 feet;
- 9) South 89°59'53" West 130.27 feet;
- 10) North 89°44'38" West 214.15 feet;
- 11) South 0°41'53" East 30.0 feet;
- 12) North 89°44'38" West 385.05 feet;
- 13) North 0°41'53" West 30.0 feet;
- 14) North 89°44'38" West 326.05 feet;
- 15) South 0°22'26" East 6.8 feet;
- 16) North 89°44'38" West 30.0 feet;
- 17) North 0°41'53" West 6.8 feet;
- 18) North 89°44'38" West 326.05 feet;
- 19) South 0°41'53" East 30.0 feet;
- 20) North 89°44'38" West 1,303.21 feet;
- 21) North 0°15'22" East 10.0 feet;
- 22) North 89°44'38" West 970.35 feet;
- 23) South 0°17'53" East 15.0 feet;
- 24) North 89°44'38" West 164.16 feet;
- 25) North 0°17'53" West 15.0 feet;
- 26) North 89°44'38" West 172.3 feet;
- 27) South 0°35'44" East 10.0 feet;
- 28) North 89°44'38" West 637.69 feet;
- 29) North 0°35'44" West 10.0 feet;
- 30) North 89°44'38" West 396.34 feet;
- 31) North 0°35'44" West 10.0 feet;

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

thence North $89^{\circ}44'38''$ West 264.57 feet; to a point on the centerline of Oakdale Rd.; thence South $0^{\circ}28'12''$ East 40.01 feet to the point of beginning of this description.

CONTAINING: 1758 Acres

Approved description

10-22-81

MCHENRY-DRY CREEK FIRE PROTECTION DISTRICT
RESOLUTION

A RESOLUTION APPROVING THE DISSOLUTION of the MCHENRY-DRY CREEK FIRE PROTECTION DISTRICT AND THE RELINQUISHMENT OF ALL ASSETS OF THE MCHENRY-DRY CREEK FIRE PROTECTION DISTRICT TO THE CITY OF MODESTO.

WHEREAS, Corporate powers of this District have not been used, as specified in Government Code §56759, and that there is a reasonable probability that those powers will not be used in the future; and

WHEREAS, the District is a registered-voter District and is inhabited; and

WHEREAS, the Board of Directors of the District has, by unanimous resolution, consented to the dissolution of the District, subject to a Certificate of Completion being filed by the Stanislaus Local Agency Formation Commission Executive Director.

BE IT HEREBY RESOLVED by the Directors of the McHenry-Dry Creek Fire Protection District, that pursuant to Government Code Section 57075 et seq, this District is to be dissolved for reason that the land contained within the exterior boundaries of said District is to be annexed to the City of Modesto and the regular County Assessment role will be utilized; that the affected territory will not be taxed existing general bonded indebtedness.

BE IT FURTHER RESOLVED, that the effective date of this resolution shall be after the filing of a Certificate of Completion by the Stanislaus Local Agency Formation Commission Executive Director.

BE IT FURTHER RESOLVED, that execution of any necessary documents or agreements which will effectuate this dissolution is hereby authorized to be signed by the President of the Board of Directors of this District.

BE IT FURTHER RESOLVED, that all assets of the District be relinquished upon dissolution to the City of Modesto;

The foregoing resolution was introduced at a regular meeting of the Board of Directors of the McHenry-Dry Creek Fire Protection District held on the 9th day of December 1991, by Director Ralph E. Gaarde, who moved its adoption, which motion being duly seconded by Director Stewart Bradley, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Directors:	Ralph E. Gaarde, Stewart Bradley, Robert Neugebauer
N 3:	Directors:	None
ABSENT:	Directors:	None

ATTEST: 

Exhibit "C" RALPH E. GAARDE, Secretary

MODESTO CITY COUNCIL
RESOLUTION NO. 92-37

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,000 FROM CONTINGENCY RESERVE TO FUND A SPECIAL MUNICIPAL ELECTION TO BE HELD ON APRIL 21, 1992

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

FROM: Contingency Reserve \$1,000
TO: Special Municipal Election \$1,000

Funds are needed to pay for a special municipal election to be held on April 21, 1992, for the Village One Reorganization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, 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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-38

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(363), AS AN ADDITION TO P-D(363) (TERRY CARSON).

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Terry Carson on October 14, 1991, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, as an addition to P-D(363), to allow a 33-unit, one- and three-story elderly housing development, property located on the west side of Nelson Avenue south of East Orangeburg Avenue, described as follows:

R-1 to P-D(363)

All that certain real property situated in a portion 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; being a portion of Lot 3 of Mensinger Colony Tract No. 1 as recorded in Volume 11 of Maps, at Page 2, Stanislaus County Records, more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 3; thence South 89 degrees 52' 00" West, along the South line of said Lot 3, a distance of 330.58 to the Southwest corner of said Lot 3; thence North 1 degree 18' 00" West, along the West line of said Lot 3, a distance of 90.00 feet; thence North 89 degrees 52' 00" East, a distance of 330.66 feet; thence South 1 degree 16' 00" East, along the East line of said Lot 3, a distance of 90.00 feet to the Southeast corner of said Lot 3 and the Point of Beginning of this description.

and

WHEREAS, after a public hearing held on December 16, 1991, 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. 91-81, 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(363) zone addition is consistent with the stated objectives of the General Plan of encouraging attractive, safe, residential areas that provide for the diverse housing needs by adding to the variety of the housing types in the East McHenry Neighborhood.
2. The site design, together with the conditions of approval including screen landscaping will serve neighborhood compatibility.

and

WHEREAS, after a public hearing held on January 21, 1992, in the City Council Chamber, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Terry Carson for an addition to 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. 91-81 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2799-C.S. on the 21st day of January, 1992, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(363), as an addition to P-D(363),

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(363), as an addition to P-D(363), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Low Income Senior Housing" as amended in red, stamped approved by the Planning Commission on December 16, 1991.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south and west property lines. Landscaping and the irrigation

system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Seven-foot (7') high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall shall be constructed along the south and west. A six-foot height shall suffice adjoining the aisleway portion of the south line.
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. The alley frontage of the project shall be improved to City of Modesto alley standards.
6. 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.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
8. 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.
9. All utilities shall be underground and cable television service shall be stubbed into all units.
10. Prior to issuance of a building permit, the developer shall satisfy the Fire Chief as to on-site emergency access and shall demonstrate adequate emergency water supply and 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 at predetermined flow specifications prior to construction of any structures. All dwelling units including one-story units shall be served by fire sprinklers.

11. All signs shall comply with the sign requirements of the R-3 Zone.
12. All conditions of City Council Resolution No. 86-223 not in conflict with this action shall remain in full force and effect.
13. 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.
14. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, actions, 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 P-D Zone 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 developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
15. Prior to issuance of a building permit, the developer shall enter into an agreement with the City of Modesto pursuant to construction and maintenance of certain dwelling units for low-income households and/or very-low-income households and other incentives as required by Chapter 3 of Title X of the Modesto Municipal Code.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(363), as an addition to P-D(363):

The entire construction program be accomplished in one phase, construction to begin on or before December 16, 1993, and completion to be not later than December 16, 1994.

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 Zone 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(363), as an addition to P-D(363), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Smith
Department of Planning and
Community Development

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-39

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(363), AS AN ADDITION TO P-D(363). (TERRY CARSON)

WHEREAS, on January 21, 1992, the City Council introduced Ordinance No. 2799-C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(363), as an addition to P-D(363), property located on the west side of Nelson Avenue south of East Orangeburg Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(363), as an addition to P-D(363), property located on the west side of Nelson Avenue south of East Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-40

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTIONS 10-2.301, 10-2.302, 10-2.402, 10-2.404, 10-2.414, 10-2.415, 10-2.502, 10-2.603, 10-2.703, 10-2.902, 10-2.1009, 10-2.2107, 10-2.2108, 10-2.2606, AND 10-2.2701 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING.

WHEREAS, on January 21, 1992 the City Council introduced Ordinance No. ~~2001~~ & ~~2002~~ C.S. giving approval to a project relating to an amendment to Sections 10-2.301, 10-2.302, 10-2.402, 10-2.404, 10-2.414, 10-2.415, 10-2.502, 10-2.603, 10-2.703, 10-2.902, 10-2.1009, 10-2.2107, 10-2.2108, 10-2.2606, and 10-2.2701 of Chapter 2 of Title X of the Modesto Municipal Code relating to zoning, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Sections 10-2.301, 10-2.302, 10-2.402, 10-2.404, 10-2.414, 10-2.415, 10-2.502, 10-2.603, 10-2.703, 10-2.902, 10-2.1009, 10-2.2107, 10-2.2108, 10-2.2606, and 10-2.2701 of Chapter 2 of Title X of the Modesto Municipal Code relating to zoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-41

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION CO. FOR THE FRANZIA COURT AND RENO AVENUE; KANSAS AVENUE AND EMERALD AVENUE; AND DALE ROAD WATERLINES

WHEREAS, Resolution No. 91-762 , adopted by the Council of the City of Modesto on December 10, 19 91, approved the plans and specifications for the Franzia Court and Reno Avenue; Kansas Avenue and Emerald Avenue; and Dale Road waterlines and authorized the calling for bids; and

WHEREAS, the bids received for the Franzia Court and Reno Avenue; Kansas Avenue and Emerald Avenue; and Dale Road waterlines were opened at 11:00 a.m. on January 7, 19 92, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Rolfe Construction Co. in the amount of \$114,978.50

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction Co. in the amount of \$114,978.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 19 92 by Councilmember Muratore , 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: Marion Coyle
MARRIENE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-42

A RESOLUTION STATING THE POLICY OF THE CITY OF MODESTO
TO PROVIDE ACCESS TO ALL CITY FACILITIES, FUNCTIONS AND
SERVICES TO RECIPIENTS/PEOPLE WITH DISABILITIES

WHEREAS, individuals with disabilities who are otherwise capable of being equal participants in the Nation's communities may in the past have found barriers that prohibited such participation, and

WHEREAS, these barriers range from physical access to problems in employment, communication, transportation and attitudinal barriers, and

WHEREAS, the Americans With Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination against qualified individuals with disabilities from participation in programs open to the general public, regardless of the availability of services or activities designed especially for individuals with disabilities, and

WHEREAS, an individual with a disability is hereby defined as any person who: 1) has a physical or mental impairment that substantially limits one or more major life activities; or 2) has a record or history of such impairment; or 3) is regarded as having such impairment.

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

BE IT FURTHER RESOLVED that it is the policy of the City of Modesto 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.

BE IT FURTHER RESOLVED that it is the policy of the City of Modesto 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992; 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: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOTES: None

ABSENT: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

BY *Stan T. Yamamoto*
STAN T. YAMAMOTO, CITY ATTORNEY

MODESTO CITY COUNCIL
RESOLUTION NO. 92-43

A RESOLUTION APPROVING THE FINAL MAP OF THE LAUREL HEIGHTS
PHASE I 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 0.168
acres, known as the Laurel Heights Phase I Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 19th day of 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 I Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved; that the streets, alleys and easements as
shown thereon within the boundaries of said tract be accepted on behalf of the
public for public use; and that the City Clerk be authorized to certify the
map of said tract on behalf of the City of Modesto after the fees and deposits
required by the Modesto Municipal Code in amounts determined by the City
Engineer have been paid, and subdividers have furnished securities, as set
forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of January, 1992, by Councilmember Muratore, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-44

A RESOLUTION APPOINTING TIM FISHER TO THE BOARD OF ZONING ADJUSTMENT AS
PLANNING COMMISSION REPRESENTATIVE

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

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

SECTION 1. The following person is hereby appointed to the
Board of Zoning Adjustment as the Planning Commission representative:

Timothy Fisher

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 21st day of January,
1992, by Councilmember Muratore, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-45

A RESOLUTION ADOPTING A WATER SHORTAGE CONTINGENCY PLAN,
ESTABLISHING LIMITATIONS ON THE USE OF WATER FROM
MODESTO'S MUNICIPAL WATER SYSTEM, AND RESCINDING
RESOLUTION NO. 91-290.

WHEREAS, the City of Modesto obtains its entire supply of domestic water from deep well pumping stations, and

WHEREAS, the conservation of groundwater is a prudent and desirable goal and is necessary for the public health and safety, and

WHEREAS, it is timely for the City of Modesto to take those steps necessary to help insure an adequate local supply of water, and

WHEREAS, the State of California has directed all local water purveyors to prepare water shortage contingency plans, and

WHEREAS, the Council approved the City of Modesto Water Shortage Contingency Plan on May 14, 1991, which plan provides for the staged responses to conditions of projected shortfall in the City water supply system, and

WHEREAS, the Water Shortage Contingency Plan of the City of Modesto provides that when the City determines that a minor shortage potential exists that a Stage One Water Shortage Condition can and shall be declared, and

WHEREAS, Section 11-1.14, of the Modesto Municipal Code authorizes this Council to establish rules and regulations by resolution concerning the City's municipal water system, the use of water, and water conservation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there does now exist within the City of Modesto a Stage One Water Shortage Condition as follows:

1. The City does hereby declare the need for a staged response to conditions of projected shortfall in the City water supply and adopts the Water Shortage Contingency Plan as attached in Exhibit "A".
2. This Plan will be implemented by the City Council from time to time by resolution.

BE IT FURTHER RESOLVED that the Public Works and Transportation Department shall implement the strategies and enforcement procedures applicable during a Stage One Water Shortage Condition as provided in the City's Water Shortage Contingency Plan.

BE IT FURTHER RESOLVED THAT in accordance with the Water Shortage Contingency Plan, the following rules and regulations are established for use during a Stage One Water Shortage Condition. Violations of these regulations will be considered water waste.

1. City residents shall not water lawns or gardens or allow others to water on their behalf so that excess water leaves property being watered.
2. City residents shall not wash cars without the use of a quick-acting positive shut-off nozzle or permit others to do so on their behalf. In addition, car washing must be done in compliance with the schedule for outdoor water use. There shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters, or other exterior surfaces unless a permit is issued by the Public Works and Transportation Director or his designee and the washing is done with the use of a quick-acting positive shut-off nozzle on the hose.
3. City residents shall not have leaky faucets or plumbing fixtures or premises for a reasonable period of time after which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such a condition or to make arrangements for the correction.

4. Eating establishments are encouraged to serve water only at the customer's request.
5. New landscaping installations must comply with all landscape ordinances.
6. Outdoor water use may occur only when permitted by the following schedule:
 - a. There shall be no outdoor water use between the hours of 12:00 p.m and 7:00 p.m. on any day. However, whenever Standard Time is in effect, said time restriction shall not be in force, and outdoor water use shall be limited only as hereinafter provided. In addition, outdoor water use will not be permitted at any hour on Mondays.
 - b. Dwellings or establishments with odd-numbered street addresses shall water on Wednesdays, Fridays, and Sundays subject to the time restrictions set forth above.
 - c. Dwellings or establishments with even-numbered street addresses shall water on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.
7. Exceptions to the regulations set forth herein may be given by the Public Works and Transportation Director or his designee upon a showing of good cause and necessity.
8. The following penalties may be added to the utility service customer's account upon violation of the above regulations:
 - a. A penalty in the sum of \$50 upon the second violation within one year after having received a Notice of Violation.
 - b. A penalty of \$200 upon the third violation within said one year period.
 - c. A penalty of \$250 for each additional violation within a one year period.

The customer shall be advised of these charges through a Notice of Intention to Impose a Penalty.

BE IT FURTHER RESOLVED that Resolution No. 91-290 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, 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: Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

City of Modesto - Water Shortage Contingency Plan

EXHIBIT "A"

Water Shortage Stage I - Minor Shortage Potential	Water Shortage Stage II - Moderate Shortage Potential	Water Shortage Stage III - Critical Shortage Potential
<p>Any combination of the following, subject to recommendation by Director of Public Works and Transportation:</p> <ul style="list-style-type: none"> Below average rainfall in the previous 12-24 months. 10% or more of municipal wells out of service due to noncompliance with drinking water standards. Irrigation allotments by local irrigation districts reduced by 10%. Warm weather patterns typical of summer months. 	<p style="text-align: center;">Phasing Criteria</p> <p>Any combination of the following, subject to recommendation by Director of Public Works and Transportation:</p> <ul style="list-style-type: none"> Below average rainfall in the previous 24-36 months. Prolonged periods of low water pressure. 10% or more of municipal wells out of service. Irrigation allotments by local irrigation districts reduced by 25%. Warm weather patterns typical of summer months. 	<p>Any combination of the following, subject to recommendation by Director of Public Works and Transportation:</p> <ul style="list-style-type: none"> Below average rainfall in the previous 24-48 months. Prolonged periods of low water pressure. 10% or more of municipal wells out of service due to noncompliance with drinking water standards. Irrigation allotments by local irrigation districts reduced by 50%. Warm weather patterns typical of summer months.
<p>10%-20% reduction in total water production from baseline.</p>	<p style="text-align: center;">Reduction Objectives</p> <p>20%-35% reduction in total water production from baseline.</p>	<p>35%-50% reduction in total water production from baseline.</p>
<p style="text-align: center;">Requested Consumer Actions</p> <ul style="list-style-type: none"> Outdoor water use prohibited daily from noon - 7 p.m.* <ul style="list-style-type: none"> Odd-numbered addresses water W, F, Su Even-numbered addresses water T, Th, Sa No outdoor water use on Mondays Car washing subject to above-cited limitations with use of a positive shutoff nozzle. Hosing concrete areas, building exteriors, etc., may only be done with a City-issued permit and only with use of a positive shutoff nozzle. Water leaks, once identified, must be repaired within 24 hours. Restaurants encouraged to serve water only on request. New landscaping to comply with existing & future landscape ordinances. Water meter installation on all new single-family homes. <p>*Hours of restricted outdoor use will not be enforced during months when Standard Time is in effect.</p>	<p style="text-align: center;">Requested Consumer Actions</p> <ul style="list-style-type: none"> Outdoor water use prohibited daily from 9 a.m. - 7 p.m. <ul style="list-style-type: none"> Odd-numbered addresses water W, F, Su Even-numbered addresses water T, Th, Sa No outdoor water use on Mondays No watering of front yards except for trees and shrubs by hand, and vegetation maintained through drip irrigation. Backyard watering subject to above-cited limitations. Car washing subject to above-cited limitations with use of a positive shutoff nozzle. Hosing concrete areas, building exteriors, etc., is prohibited except for health/safety concerns. Water leaks, once identified, must be repaired within 24 hours. Restaurants prohibited from serving water except upon request. New landscaping to comply with existing & future landscape ordinances. Mandatory retrofit of low flow showerheads in homes when building remodeling occurs. No use of outdoor fountains except for maintenance purposes. Water meter installation on all new single-family homes. Creation of a community-based task force to deal with possible implementation of Stage III restrictions. 	<p style="text-align: center;">Requested Consumer Actions</p> <ul style="list-style-type: none"> No outdoor water use except for trees and shrubs by hand, and vegetation maintained through drip irrigation. Car washing permitted at car wash facilities only. Hosing concrete areas, building exteriors, etc., is prohibited except for health/safety concerns. Water leaks, once identified, must be repaired within 24 hours. Restaurants prohibited from serving water except upon request. Mandatory retrofit of low flow showerheads and toilets in homes when building remodeling occurs. No use of outdoor fountains except for maintenance purposes. Moratorium on all new landscaping. Building moratorium on all new water connections, including new swimming pools.
<p style="text-align: center;">Penalties* for Excessive Use</p> <ul style="list-style-type: none"> \$ 50 Administrative fee assessed upon 2nd violation. \$200 Admin. fee assessed upon 3rd violation (includes meter installation). \$250 Administrative fee assessed for each subsequent violation. 	<p style="text-align: center;">Penalties* for Excessive Use</p> <ul style="list-style-type: none"> \$150 Administrative fee assessed upon 2nd violation. \$250 Admin. fee assessed upon 3rd violation (includes meter installation). \$300 Administrative fee assessed for each subsequent violation. <p>*Penalties assessed for violations occurring within 12 months of first violation.</p>	<p style="text-align: center;">Penalties* for Excessive Use</p> <ul style="list-style-type: none"> \$200 Administrative fee assessed upon 2nd violation. \$300 Admin. fee assessed upon 3rd violation (includes meter installation). \$400 Administrative fee assessed for each subsequent violation.

7

MODESTO CITY COUNCIL

RESOLUTION NO. 92-46

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE MUNICIPAL GOLF COURSE PARKING LOT EXPANSION

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

SECTION 1. The plans and specifications for the Municipal Golf Course parking lot expansion , 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 20 , 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

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

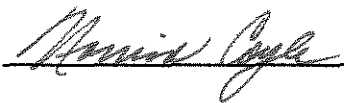
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, 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: Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-47

A RESOLUTION ACCEPTING THE SENIOR CITIZENS CENTER IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Senior Citizens Center improvements

has been completed by Ira Matheny, Inc.
in accordance with the contract agreement dated July 16, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Senior Citizens Center
Improvements

be accepted from said contractor, Ira Matheny, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$52,819 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 January ,
1992, 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, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-48

A RESOLUTION ADOPTING REVISED RELOCATION GUIDELINES.

WHEREAS, the City of Modesto is required under State law to provide relocation services to persons displaced by a public project, and

WHEREAS, to assure a uniform policy for the fair and equitable treatment of persons displaced by programs of the City of Modesto, the City of Modesto has previously adopted guidelines; however, Congress and the State of California have recently developed revisions intended to increase the payments to property owners and to liberalize this law for public agencies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and adopts revised relocation guidelines entitled "City of Modesto Regulations and Procedures Implementing the Relocation Assistance Law Government Code Sections 7620 et. seq.", a copy of said relocation guidelines is attached hereto and incorporated herein by reference 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 28th day of January, 1992, 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, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

(SEAL)

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

CITY OF MODESTO

REGULATIONS & PROCEDURES IMPLEMENTING THE RELOCATION ASSISTANCE LAW
GOVERNMENT CODE SECTIONS 7260 et. seq.

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CITY OF MODESTO

REGULATIONS & PROCEDURES IMPLEMENTING THE RELOCATION ASSISTANCE LAW
GOVERNMENT CODE SECTIONS 7260 et. seq.

1 - GENERAL

1.1 Purpose and coverage.

a. These regulations and procedures implementing Section 7260 et. seq. of the Government Code, Relocation Assistance, hereinafter referred to as the Act, are to assure a uniform policy for the fair and equitable treatment of persons displaced by programs of the City of Modesto.

b. In the event of any conflict between these regulations and procedures and the provisions of the Act, or any other applicable law, the statutory provisions are controlling.

c. It is the intent of these regulations and procedures to establish minimum requirements for relocation assistance payments by the City of Modesto. These regulations and procedures shall not be construed to limit any other authority which the City of Modesto may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these regulations and procedures.

d. The requirement to provide relocation assistance benefits shall not apply to a purchase of property which is offered for sale by the owner, property being sold at execution or foreclosure sale, or property being sold under a court order.

e. The City of Modesto, may, also, make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these regulations and procedures, if the making of such payment, or the payment in such amount, is required under federal law to secure federal funds.

1.2 General considerations.

a. In interpreting these regulations and procedures, in addition to the Act, the following shall be considered:

(1) House Report No. 91-1656 of December 2, 1970, a report to accompany S.1, Committee on Public Works, House of Representatives, 91st Congress, 2nd Session.

(2) Provisions of other applicable law, including Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968.

(3) State of California Relocation Guidelines issued by the Department of Housing and Community Development.

(4) Applicable State laws and good faith and reasonableness.

b. The City Manager shall instruct city officials responsible for programs under the Act that:

(1) Programs undertaken by the City shall, in an early stage, shall include a plan which (1) recognizes the problems associated with the displacement of individuals, families, businesses and farm operations; and (2) provides for the resolution of these problems in order to minimize adverse impacts and to expedite program advancement and completion. This plan shall include those measures, facilities and services necessary to accomplish the goals set forth in Government Code 7261(c).

(2) No person shall be required to move from his or her dwelling because of its acquisition by a public entity, unless comparable replacement housing is available to the person.

(3) A written notice of displacement must be given by the City of Modesto to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by certified first-class mail.

(4) In order to qualify for benefits under the Act as a displaced person, either of two conditions must be fulfilled:

(aa) The person must have moved (or moved personal property) as a result of a written notice of intent to acquire for a program or project undertaken by a public entity or a person having an agreement with or acting on behalf of a public entity; or

(ab) The person must have moved as a direct result of the rehabilitation, demolition, or other displacing activity prescribed by a public entity when the public entity determines that the displacement is permanent.

(5) In addition, certain of the benefits provided by the Act are available as follows:

(aa) Whenever a written notice of intent to acquire or a public program for rehabilitation, demolition, or other displacing activity to real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, such person shall receive the benefits provided by Section 7262 (a) and (b) and 7261 of the Act.

(ab) If the City Manager determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under Section 7261 of the Act.

(6) For real property acquisitions, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items in the Act. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by the Act. In the event of condemnation with a

declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under the Act.

(7) Applications for benefits under the Act must be made within eighteen (18) months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the City of Modesto makes final payment of all costs of that real property, whichever is the later date. The City Manager may extend this period upon a proper showing of good cause.

(8) The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects or programs undertaken by the City of Modesto regardless of the source of funds.

1.3 Review of activities for compliance with the Act. The City Manager shall provide for periodic review of all programs to insure compliance with the provisions of the Act.

1.4 Public information. Full information concerning the City of Modesto's relocation programs shall be made available to the public and persons to be displaced shall be fully informed, at the earliest possible time, of such matters as available relocation payments and assistance; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review by the City Manager.

2 - ASSURANCE OF COMPARABLE REPLACEMENT HOUSING PRIOR TO DISPLACEMENT

2.1 Assurance of availability.

a. Availability. The City of Modesto shall not proceed with any phase of a project which will cause the displacement of any person until the City Manager has determined that within a reasonable period of time prior to displacement, comparable replacement housing will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (P.L. 90-284), as defined herein.

b. Support. The determination should be based on a current survey and analysis of available replacement housing. Such survey and analysis must take into account the competing demands on available housing.

c. Waiver. Pursuant to Section 7261 (c) (3) of the Act, the City Manager may prescribe situations where the determination described in paragraph a. of Section 2.1 hereof may be waived. These should be limited only to emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver.

d. Standards for decent, safe, and sanitary dwellings.

(1) A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements. Adjustments may be made only in the cases of unusual circumstances or in unique geographic areas.

(aa) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.

(ab) Has a continuing and adequate supply of potable safe water.

(ac) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances or custom. When these facilities are not so required by local codes, ordinances, or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

(ad) Has an adequate heating system in good working order which will maintain a minimum temperature of seventy degrees (70°) in the living area, excluding bedrooms, under local outdoor design temperature conditions.

(ae) Has a bathroom, well-lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water and a flush closet, all in good working order and properly connected to a sewage disposal system.

(af) Has an adequate and safe wiring system for lighting and other electrical services.

(ag) Is structurally sound, weather tight, in good repair and adequately maintained.

(ah) Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multi-dwelling buildings of three (3) stories or more, the common corridor on each story must have at least two (2) means of egress.

(ai) Has one hundred fifty (150) square feet of habitable floor space for the first occupant in a standard living unit and at least one hundred (100) square feet of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath

or toilet rooms, service rooms, connecting corridors, laundries, and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

(2) A decent, safe, and sanitary sleeping room is one which includes the minimum requirements contained in paragraph d. (1), subparagraphs (aa), (ad), (ae), (af), (ag), and (ah) of this Section and the following:

(aa) At least one hundred (100) square feet of habitable floor space for the first occupant and fifty (50) square feet of habitable floor space for each additional occupant.

(ab) Lavatory, bath and toilet facilities that provide privacy, including a door than can be locked if such facilities are separate from the room.

(3) A decent, safe, and sanitary mobile home is one which includes the minimum requirements contained in paragraph d. (1), subparagraphs (ab), (ac), (ad), (ae), (af), (ag), (ah), and (ai) of this Section, except that it may have seventy (70) square feet of habitable floor space for each additional occupant, and the following:

(aa) Bears the insignia of approval issued by the State of California, Department of Housing and Community Development, pursuant to the California Health and Safety Code, except those manufactured prior to September 1, 1958.

2.2 Housing provided as a last resort. When it is determined that adequate replacement housing is not available and cannot otherwise be made available, the City Manager may take action to develop replacement housing. Such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in accordance with the provision concerning Section 206 (a) of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (P.L. 91-646).

3 - MOVING AND RELATED EXPENSES

3.1 Eligibility. Any displaced person (including one who conducts a business or farm operation), is eligible to receive a payment for moving expenses. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payments with respect to displacement from a business or farm operation.

3.2 Moving Expenses.

a. Allowable moving expenses.

(1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of fifty (50) miles, except where the City of Modesto determines that relocation beyond this fifty (50) mile area is justified.

(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the City of Modesto determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed six (6) months when the City of Modesto determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, re-establishment, including such modification as deemed necessary by the City of Modesto of, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that the City of Modesto is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

b. Additional business moving expenses.

(1) The costs of physical changes associated with disconnection and reinstallation of equipment.

(2) The cost of modifying equipment to fit the new location.

(3) The cost of licenses, permits and other entitlements to operate the business at the new location.

c. Limitations.

(1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the City Manager determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated costs of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the City Manager, reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of

replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

3.3 Nonallowable moving expenses and losses.

- a. Additional expenses incurred because of living in a new location.
- b. Cost of moving structures or other improvements in which the displaced person reserved ownership except as otherwise provided by law.
- c. Improvements to the replacement site, except when required by law.
- d. Interest on loans to cover moving expenses.
- e. Loss of good will (covered already by CCP 1265.510 et seq.).
- f. Loss of profits.
- g. Loss of trained employees.
- h. Personal injury.
- i. Cost of preparing the application for moving and related expenses.
- j. Payment for search cost in connection with locating a replacement dwelling.

3.4 Expenses in searching for replacement business or farm.

- a. Allowable.
 - (1) Actual travel costs.
 - (2) Extra costs for meals and lodging.
 - (3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed Ten and no/100ths Dollars (\$10.00) per hour.
 - (4) In the discretion of the City of Modesto, necessary broker, real estate or other professional fees to locate a replacement business or farm operation.
- b. Limitation. The total amount a displaced person may be paid for searching expenses may not exceed One Thousand and no/100ths Dollars (\$1,000.00) unless the City Manager determines that a greater amount is justified based on the circumstances involved.

3.5 Actual direct losses by business or farm operation. When the displaced person does not move personal property, he should be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

a. When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving fifty (50) miles whichever is less.

b. When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated costs of moving fifty (50) miles whichever is less.

c. The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

d. The actual and reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed Ten Thousand Dollars (\$10,000.00).

4 - PAYMENTS IN LIEU OF MOVING AND RELATED EXPENSES

4.1 Dwellings - schedules.

a. Section 7262 (b) of the Act provides that at the option of the displaced person he may receive a moving expense allowance not to exceed Three Hundred and no/100ths Dollars (\$300.00) based on a schedule established by the City of Modesto. The moving allowance schedule maintained by the State Highway Department shall be used as the City of Modesto's schedule. In addition, a displaced person shall receive a dislocation allowance of Two Hundred and no/100ths Dollars (\$200.00).

b. A displaced person, who elects to receive a payment based on the schedule, shall be paid under the City of Modesto's schedule regardless of where he relocates.

4.2 Businesses - eligibility.

a. A person displaced from his business, as defined in Section 7260 (d) of the Act is eligible under Section 7262 (c) of the Act to receive a fixed payment in lieu of moving and related expenses. Care must be exercised, in each instance, however, to assure that such payments are made only in connection with a bona fide business. The City Manager shall prescribe appropriate criteria for a determination that a given activity does, in fact, constitute a bona fide business.

b. Those businesses described in Section 7260 (4) of the Act are not eligible under Section 7262 (c) of the Act for a payment in lieu of moving and related expenses.

c. Where a displaced person is displaced from his place of business, no payment shall be made under Section 7262 (c) of the Act until after the City Manager determines (1) that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and (2) that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the City Manager only after consideration of all pertinent circumstances, including but not limited to, the following factors:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

d. Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by Section 7262 (c) of the Act shall be made only if the City Manager determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

e. Where a nonprofit organization is displaced, no payment shall be made under Section 7262 (c) of the Act until after the City Manager determines:

(1) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community or clientele served or affected by the activities of the nonprofit organization.

(2) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

f. The term "average annual net earnings" as used in Section 7262 (c) of the Act means one-half (1/2) of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the City Manager determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings" it may nevertheless receive the Two Thousand Five Hundred and no/100ths Dollars (\$2,500.00) minimum payment authorized by such section.

g. The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm

operation, except that such payment shall not be less than Two Thousand Five Hundred and no/100ths Dollars (\$2,500.00), or more than Twenty Thousand and no/100ths Dollars (\$20,000.00).

5 - REPLACEMENT HOUSING PAYMENT FOR HOMEOWNERS

5.1 Eligibility.

a. A displaced owner-occupant is eligible for a replacement housing payment, authorized by Section 7263 of the Act, not to exceed Twenty-two Thousand Five Hundred and no/100ths Dollars (\$22,500.00) if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than one hundred eighty (180) days prior to the initiation of negotiations for the property. The term "initiation of negotiations" means the day on which the City of Modesto makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

(2) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the one year period beginning on the date on which he receives from the City of Modesto the final payment of all costs of the acquired dwelling (or in the case of condemnation, the date the full amount of estimated just compensation is deposited in court), or on the date on which the City makes one comparable replacement dwelling available, whichever is the later date.

b. A displaced owner-occupant of a dwelling who is determined to be ineligible under this section may be eligible for a replacement housing payment under Section 6.

5.2 Computation of replacement housing payment. The replacement housing payment of not more than Twenty-two Thousand Five Hundred and no/100ths Dollars (\$22,500.00) comprises the following:

a. Differential payments for replacement housing. The City Manager may determine the amount which, if any, when added to the acquisition cost of the dwelling acquired by the City of Modesto, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) Schedule method. The City Manager may establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. The City Manager shall coordinate the establishment of the schedule for replacement housing payments with other public agencies causing displacement in the Modesto urban area.

(2) Comparative method. The City Manager may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most

representative of the dwelling unit acquired, available to the displaced person, and which meets the definition of comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

(3) Alternate method. The City Manager may develop criteria for computing replacement housing payments when neither the schedule method nor the comparative method is feasible.

(4) Limitations. The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(aa) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ab) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

b. Interest payment. The City Manager shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be considered.

(1) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations.

c. Incidental expenses.

(1) The City Manager shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses) such as:

(aa) Legal, closing and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

- (ab) Lenders', FHA or VA, appraisal fees.
- (ac) FHA application fee.
- (ad) Certification of structural soundness when required by lender, FHA or VA.
- (ae) Credit report.
- (af) Title policies or abstracts of title.
- (ag) Escrow agent's fee.
- (ah) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System. Loan service fee (not to exceed 1%) and origination or discount points are an eligible expense if such fees are normal to real estate transactions in the area.

5.3 Acquisition of mobile homes. The City of Modesto may purchase mobile homes where:

- a. The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost; or
- b. The mobile home is not considered to be a decent, safe, and sanitary dwelling unit as defined in subsection d. of Section 2.1.

5.4 Partial acquisition of mobile home park. Where the public agency determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business, the owners and occupants of the mobile home dwellings not within the actual taking but who are forced to move shall be eligible to receive the same payments as though their dwellings were within the actual taking.

5.5 Mobile homes as replacement dwellings. A mobile home may be considered a replacement dwelling provided:

- a. The mobile home meets standards of decent, safe, and sanitary housing;
- b. The mobile home is placed in a fixed location:
 - (1) In a mobile home park which is licensed and operating under State law; or
 - (2) In a mobile home subdivision wherein the displaced person owns the lot on which the mobile home is placed; or

(3) On real property owned or leased by the displaced person in other than a mobile home subdivision, provided such placement is in accordance with State and local laws or ordinances and provided such placement was made under permit from the State or local agency.

5.6 Computation on next highest type. When a comparable mobile home is not available it will be necessary to calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

a. "Not available" as used in this section includes, but is not limited to, those cases where mobile homes cannot be relocated in mobile home parks within a reasonable distance from the place of dislocation because of lack of available spaces or because of the standards and rules of the mobile home parks where spaces are available.

5.7 General provisions. The general provisions for moving expenses and replacement housing payments of Section 5 are also applicable to owners and tenants of mobile homes.

5.8 Moving expenses for mobile homes.

a. General. The eligibility requirements of Section 3 and the provisions of Section 5 and 6 are applicable to owners and occupants displaced from a mobile home.

6 - REPLACEMENT HOUSING PAYMENTS FOR TENANTS AND CERTAIN OTHERS

6.1 Eligibility.

a. A displaced tenant or owner-occupant of a dwelling for less than one hundred eighty (180) days is eligible for a replacement housing payment not to exceed Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00), as authorized by Section 7264 of the Act, if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than ninety (90) days prior to the initiation of negotiations for acquisition of the property. The term "initiation of negotiations" means the day on which the City of Modesto makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property. Tenants and other persons occupying property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under Section 7263 of the Act.

b. An owner-occupant of a dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by Section 7264 of the Act, when he rents a decent, safe, and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe, and

sanitary, not later than the end of the one-year period beginning on the date on which he receives from the City of Modesto final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

6.2 Computation of replacement housing payments for displaced tenants. A displaced tenant is eligible for a rental replacement housing payment, not to exceed Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00), in an amount which is necessary to enable the person to lease or rent a comparable replacement dwelling for a period of forty-eight (48) months; or if he purchases replacement housing within one year from displacement, the tenant may elect to apply the rental replacement housing payment to the down payment including expenses incidental to closing.

a. Rental replacement housing payment. The City Manager may determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) Schedule method. The City Manager may establish a rental schedule for renting comparable replacement dwellings as described in Section 5.2 and which are available in the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for four (4) years (the average monthly cost from the schedule) and subtracting from such amount forty-eight (48) times the average month's rent paid by the displaced tenant in the last three (3) months prior to initiation of negotiation if such rent was reasonable. The City Manager may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. Publicly funded transportation projects shall make payments based on forty-two (42) months.

For purposes of these regulations and procedures, economic rent is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule should be based on current analysis of the market to determine the amount of each type of dwelling required. When other public agencies are causing displacement in the greater Modesto area, the City Manager shall cooperate in choosing the method of computing the replacement housing payment and shall, if possible, use a uniform schedule of average rental housing in the area.

(2) Comparative method. The City Manager may determine that average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in Section 5.2. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for four (4) years and subtracting from such amount forty-eight (48) times the average month's rent paid by the displaced tenant in the last three (3) months prior to initiation of negotiations, if such rent was reasonable. The City Manager may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) Exceptions. The City Manager may establish the average month's rent paid by the displaced person by using more than three (3) months, if he deems it advisable. If rent is being paid to the City of Modesto, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) Alternate to (1) and (2) above. When neither method is feasible, the City Manager shall develop criteria for computing the payment.

(5) Disbursement of rental replacement housing payment. The City Manager shall develop procedures to implement Section 7264 of the Act to provide, within the Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00) and four (4) year limitations of such section, a rental replacement housing payment that will enable the displacee to rent comparable decent, safe, and sanitary housing. Payments will be made in a lump sum unless a sum in excess of the maximum must be paid.

6.3 Computation of replacement housing payments for certain others.

a. A displaced owner-occupant who does not qualify for a replacement housing payment under Section 5 because of the one hundred eighty (180) day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00). The payment will be computed in the same manner as shown in paragraph a. of Section 6.2, except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

b. A displaced owner-occupant who does not qualify for a replacement housing payment under Section 5 because of the one hundred eighty (180) day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing down payment and closing costs not to exceed Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00).

7 - RELOCATION ASSISTANCE ADVISORY SERVICES

7.1 Relocation assistance advisory program. In accordance with Section 7261 of the Act, a relocation assistance advisory program shall be provided for persons displaced as a result of programs or projects. The relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in Section 7261 (c) of the Act.

7.2 Coordination of planned relocation activities. When other public agencies contemplate displacement activities in the Modesto urban area, the City Manager shall establish appropriate channels of communication with such other agencies for the purpose of planning relocation activities and coordinating available housing resources.

The City Manager shall designate at least one representative who will meet periodically with the representatives of other Federal, State and local agencies to review the impact of their respective programs on the Modesto urban area.

7.3 Contracting for relocation services.

a. Contracting with central relocation agency. The City Manager shall consider contracting with the central relocation agency in the Modesto urban area for the purpose of carrying out the City of Modesto's relocation activities.

b. Contracting with others. If a centralized relocation agency is not available in the Modesto urban area or if in the judgment of the City Manager the centralized agency does not have the capacity to provide the necessary services within the time required by the City of Modesto's program, the City Manager may consider contracting with another public agency or a private contractor who can provide the necessary relocation services.

8 - GRIEVANCE PROCEDURE

8.1 Federal participation exemption. If the City of Modesto has an approved and adopted grievance procedure policy mandated by a federal agency in order to receive federal financial participation, then, that policy may be used in lieu of this section.

8.2 Right of review. Any person aggrieved by a determination as to eligibility for, or the amount of, a payment under these regulations and procedures, may have his claim reviewed and reconsidered by the City Council in accordance with the procedures set forth in this section as supplemented by such procedures as the City Council shall have established for such review and reconsideration. Any person or class of persons may seek review and revision of any schedule with respect to payments under these regulations and procedures.

8.3 Notification to claimant. If the City Manager denies the eligibility of a claimant for a payment or disapproves the full amount claimed or refuses to consider the claim on its merits because of untimely filing or any other ground, the City Manager's notification to the claimant of his determination shall inform the claimant of his reasons therefor and shall also inform the claimant of the applicable procedures for obtaining review of this determination.

8.4 Request for review.

a. General. Any person who has a right to seek review may request the City Manager to provide him with a full written explanation of his determination and the basis therefor if he feels that the explanation accompanying the payment of his claim or notice of determination was incorrect or inadequate. The City Manager shall provide such an explanation to the claimant within fifteen (15) days of his receipt of claimant's request.

b. Time limits for filing written request for review. A claimant desiring review and reconsideration of the City Manager's determination shall file a written request for review with the City Council either (a) within six (6) months of the City Manager's notification to the claimant of his determination or (b) prior to final closeout of the project which caused the displacement, whichever is earlier, but in no event less than thirty (30) days following the City Manager's notification to the claimant of his determination.

c. The written request for review. The claimant may include in his request for review any statement of fact within his knowledge or belief, or other material which he feels has a bearing on his appeal. If the claimant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, he may be granted thirty (30) days from the date of his request for review. If the claimant feels he is unable to prepare the written claim, the City Manager shall offer to provide assistance to the claimant and further notify the claimant of other available sources of assistance.

d. Oral presentation. Upon request of the claimant, the City Council shall afford him an opportunity to make an oral presentation. The claimant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the claimant to discuss his claim with the City Council. A summary of the matters discussed in the oral presentation shall be made and included as part of the claimant's file.

8.5 City Council review.

a. General. The City Council shall consider the request for review and shall make a determination as to whether a modification is necessary. The City Council shall consider every complaint regardless of form.

b. Scope of review. The City Council shall review and reconsider the initial determination of the claimant's case in light of:

(1) All material upon which the City Manager based his original determination including all applicable rules and regulations;

(2) The reasons given by the claimant for requesting review and reconsideration of his claim;

(3) Whatever additional written material has been submitted by the claimant; and

(4) Any further information which the City Council may, in its discretion, obtain by request, investigation, or research, to insure fair and full review of the claim.

c. Determination on review by the City Council. The final determination on review by the City Council shall include, but is not limited to:

(1) The City Council's decision on reconsideration of the claim;

(2) The factual and legal basis upon which its decision is based, including any pertinent explanation or rationale.

d. Time limits.

(1) The City Council shall issue its determination of review within thirty (30) days from receipt of the last material submitted for consideration by the claimant.

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the City Council shall issue a statement as to why the complaint was dismissed to the claimant.

8.6 Recommendations by third party. Upon agreement between the claimant and the City Council, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the City Council for its final determination. In reviewing the claim and making recommendations to the City Council, the third party or parties should be guided by the provisions of the requirements of these regulations and procedures.

8.7 Review of files by claimant. Except for confidential material, and except to the extent specifically prohibited by law, a claimant shall have the right to inspect all files and records bearing upon his claim or the prosecution of his grievance. However, reasonable conditions may be imposed on the claimant's right to inspect.

8.8 Effect of determination on other persons. The principles established in all determinations shall be applied to all similar cases regardless of whether or not a person has filed a written request for review.

8.9 Construction of regulations and procedures. These regulations and procedures shall be liberally construed so as to fulfill the statutory purpose as declared in the Act of "fair and equitable treatment" in order that displaced persons "not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

8.10 Right to counsel. Any aggrieved party has a right to representation by legal or other counsel at his own expense at any and all stages of the proceedings set forth in Section 8.

8.11 Judicial review. Nothing in Section 8 shall in any way preclude or limit a claimant from seeking judicial review or receiving a fair and impartial consideration of his claim on its merits upon exhaustion of such administrative remedies as are available to him under Section 8.

9 - UNIFORM REAL PROPERTY ACQUISITION POLICY

9.1 Acquisition procedures.

a. Just compensation. Section 7267.2 of the Act establishes the policy that, before initiation of negotiations for the acquisition of real property, the City of Modesto shall establish an amount which it believes to be just compensation therefor. In no event shall such amount be less than the City of Modesto's approved appraisal of the fair market value of the property.

b. Incidental expenses incurred by displaced owner selling to acquiring public agency. Compensation for real property shall include recording fees, transfer taxes and prepayment penalties on existing liens and other similar expenses incidental to conveying such real property to the City of Modesto.

c. Initiation of negotiations.

(1) Statement to be furnished owner. When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition. This statement shall include, as a minimum, the following:

(aa) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be a part of the real property; and

(ab) The amount of the estimated just compensation for the property to be acquired, as determined by the City of Modesto, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(2) Offer to purchase. The City of Modesto shall make a prompt offer to purchase the property for the amount contained in the statement.

9.2 Appraisal standards. For the purpose of promoting uniformity under Section 7267.2 of the Act, the City Manager shall establish, for all programs under his jurisdiction, standards for appraisals used in such programs, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers.

9.3 Notice to move. Section 7267.3 of the Act provides that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety (90) days written notice from the City of Modesto of the date by which such move is required.

10 - DEFINITIONS

10.1 Affected property. Affected property means any real property which actually declines in fair market value because of acquisition by the City of Modesto for public use of other real property and a change in the use of the real property acquired by the City of Modesto.

10.2 Average annual net earnings. The net earnings of the business or farm operation before Federal, State, and local income tax, during the two (2) taxable years immediately preceding displacement (or if the business or farm was not operated that long, such other period as may be approved by the City of Modesto), and includes salaries, wages or other compensation paid by the business or farm operation to the owner, his spouse or his dependents. If the City of Modesto determines that such two (2) year period is not equitable for establishing earnings, the period used for determining average net earnings shall be a substitute period determined by the City of Modesto. In the case of a corporate owner, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

10.3 Business. Any lawful activity, except a farm operation conducted:

a. Primarily for the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities or any other personal property;

b. Primarily for the sale of services to the public;

c. Primarily by a nonprofit organization; or

d. Solely for the purpose of Section 7262 of the Act for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

10.4 Closing (Replacement housing payments). Those payments to owner-occupants relating to the closing costs on the purchase of a replacement dwelling including costs of evidence of title, recording fees, etc., but not including prepaid expenses.

10.5 Comparable replacement dwelling. For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

a. Functionally equivalent and substantially comparable to the acquired dwelling in the number of rooms, habitable space and type and quality of construction, but not excluding newly constructed housing.

b. Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

c. Open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.

d. Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors;

(2) Public utilities; and

(3) Public and commercial facilities.

e. Reasonably accessible to the displaced person's place of employment or potential place of employment.

f. Within the financial means of the displaced family or individual.

g. Available on the market to the displaced person.

h. If housing meeting the requirements of Section 5.2 is not available on the market, the City Manager may, upon a proper finding of the need therefore, consider available housing exceeding these basic criteria.

10.6 Condominium. "Condominium" means a combination of co-ownership and ownership in severalty. It is an arrangement under which a family or individual in a housing development holds full title to a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

10.7 Conventional loan. "Conventional loan" means a mortgage commonly given by banks and savings and loan associations to secure advances on, or the unpaid purchase price of real property, payment of which is not insured by any agency of the State or Federal governments.

10.8 Counted room. "Counted room" means that space in a dwelling unit containing the usual quantity of household furniture, equipment and personal library, study, dining room, kitchen, laundry room, basement, bedroom and garage. Rooms or storage areas which contain substantial amounts of personal property equivalent to one or more rooms may be counted as additional rooms.

10.9 Date of initiation of negotiations for parcel. This phrase means the day on which the City of Modesto makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

10.10 Date of initiation of negotiations for the project. This phrase means the date the City of Modesto makes the first personal contact with the owner of any property on the project or his representative where price is discussed except where such contact is made solely for protective buying or because of hardship.

10.11 Date of intent to acquire. "Intent to acquire" means the public acknowledgment by the City of Modesto of its intention and/or plan to obtain specified parcels for a specific purpose (project).

"Date of intent to acquire" means the date on which the City of Modesto sends through certified mail to or makes personal contact with the owner of each parcel or advertises in a local paper of general circulation that a specific project is intended to be developed and specified parcels therein are intended to be acquired. After the date of intent to acquire, parcels may be acquired through hardship.

10.12 Displaced person.

(a) The person must have moved (or moved personal property) as a result of a written notice of intent to acquire for a program or project undertaken by a public entity or a person having an agreement with or acting on behalf of a public entity; or

(b) The person must have moved as a direct result of the rehabilitation, demolition, or other displacing activity prescribed by a public entity when the public entity determines that the displacement is permanent.

(c) Displaced person shall not include:

(1) Any person who has been determined to be in unlawful occupancy of the displacement dwellings.

(2) Any person whose right of possession at the time of moving arose after the date of the public entity's acquisition of the real property.

(3) Any person who has occupied the real property for the purpose of obtaining assistance under this chapter.

(4) In any case in which the public entity acquires property for a program or project (other than a person who was an occupant of the property at the time it was acquired), any person who occupies the property for a period subject to termination when the property is needed for the program or project.

10.13 Dwelling. A single-family building, a single-family unit (including a nonhousekeeping unit) in a two-family or multi-family building, a unit of a condominium or cooperative housing project, a mobilehome, or other residential unit.

10.14 Economic rent. The amount of gross rent the displaced tenant would have had to pay for a similar unit in an area not generally less desirable than the dwelling unit to be acquired. (Gross rent is contract rent, plus cost of utilities to tenant, over and above contract rent.)

10.15 Effective rate of interest. "Effective rate of interest" means the annual percentage rate paid on the debt of a mortgage as a result of including debt service charges in the total interest to be paid on the mortgage debt, as an incident to the extension of credit, when such debt service charges are normal to the market.

10.16 Eligible person. "Eligible person" means any displaced person who is, or becomes, lawfully entitled to any relocation payment under these regulations and procedures.

10.17 Family. The term "family" means two (2) or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two (2) or more individuals occupy the same dwelling with no identifiable head of household, they shall be treated as one family for replacement housing payment purposes.

10.18 Farm operation. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

10.19 Federal project. "Federal project" means any direct Federal project or any project receiving Federal financial assistance.

10.20 Hardship. "Hardship" means the acquisition of real property by the City of Modesto for a public use prior to the date of initiation of negotiations for the project.

10.21 Incidental expenses. Reasonable expenses incurred for evidence of title, recording, fees, and other closing costs on the purchase of a replacement dwelling.

10.22 Gross income. Projected annual income from all sources of each member of the family residing in the household who is at least eighteen (18) years of age.

a. Adjusted gross income.

(1) A deduction of five percent (5%) of gross income, except that the deduction shall be ten percent (10%) in the case of a family whose head or spouse is elderly;

(2) A deduction for extraordinary medical expenses where not compensated for or covered by insurance, defined for this purpose to mean medical expense in excess of three percent (3%) of gross income;

(3) A deduction of amounts for unusual occupational expenses not compensated for by the employer, such as special tools and equipment, but only to the extent by which such expenses exceed normal and usual expenses incidental to employment;

(4) A deduction of amounts paid by the family for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head or spouse, provided the amount deducted does not exceed the amount of income received by the family member thus released;

(5) An exemption of Three Hundred and no/100ths Dollars (\$300.00) for each dependent, i.e., each minor (other than the head or spouse) and for each adult (other than the head or spouse) dependent upon the family for support; and

(6) Any nonrecurring income, or income of full-time students.

10.23 Mobile home. "Mobile home" means a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

10.24 Monthly gross income. "Monthly gross income" means the total monthly income of a family or individual irrespective of expenses and voluntary or involuntary deductions and includes, but is not limited to salaries, wages, tips, commissions, rents, royalties, dividends, interest, profits, pensions, and annuities.

10.25 Mortgage. "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

10.26 Moving Expense. "Moving expense" means the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading and reinstalling of personal property, including service charges in connection with effecting such reinstallations, and necessary temporary lodging and transportation of eligible persons. Moving expense shall not include:

a. Any addition, improvement, alteration or other physical change in or to any structure in connection with effecting removal of personal property from, or reinstallation in such structure;

b. The cost of construction or improvement at the new location to replace property for which compensation was paid in the acquisition;

c. Any loss of, or damage to, personal property caused by the fault or negligence of the displaced person, his agent, or employee in the process of moving where insurance to cover such loss or damage is or was available;

d. Any payment for moving personal property where such property is purchased as part of the acquisition;

e. Additional expenses incurred because of living in a new location;

f. Cost of moving structures, improvements or other real property in which the displaced person reserved ownership;

g. Improvements to the replacement site;

h. Interest on loans to cover moving expenses;

i. Loss of goodwill;

j. Loss of business or profits;

k. Loss of trained employees;

l. Personal injury;

m. Cost of preparing the application for moving and related expenses;
and

n. Modification of personal property to adapt it to replacement site.

10.27 Nonprofit organization. "Nonprofit organization" means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock-in-trade, or other tangible property for the carrying on of the business, profession or institutional activity on the premises.

10.28 Owner. A person "owns a dwelling" if he:

a. Holds a fee title, a life estate, a ninety-nine (99) year lease, or a lease with not less than fifty (50) years to run from date of acquisition of the property for the project;

b. Holds an interest in a cooperative housing project which includes the rights of occupancy of a dwelling unit therein;

c. Is the contract purchaser of any of the foregoing estates or interests;

d. Has a leasehold interest with an option to purchase; or

e. Owns a mobile unit which under State law is determined to be real property, not personal property.

Also the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

10.29 Person. Person means any individual, partnership, corporation, or association.

10.30 Personal property. (Tangible personal property.) Tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is noncompensable (other than for moving expenses) under the State law of eminent domain; and

In the case of a tenant, fixtures and equipment, and other property which may be characterized as real property under State or local law, but which the tenant may lawfully, and at his election determines to, move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions, provided that no item of property which is compensable under State and local law to the owner of real property in the real property acquisition may be treated as tangible personal property in computing actual direct losses of tangible personal property.

10.31 Prepaid expenses. "Prepaid expenses" means items paid in advance by the seller of real property and prorated between such seller and the buyer of such real property at the close of escrow including, but not limited to, real property taxes, for insurance, homeowners' association dues and assessment payments.

10.32 Protective buying. "Protective buying" means the acquisition of real property by the City of Modesto for a public use prior to the date of initiation of negotiations for the project.

10.33 Public agencies. "Public agencies" includes the State, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public

corporation in the State when acquiring real property, or any interest therein, in any city or county for public use.

10.34 Public use. "Public use" means a use for which real property may be acquired by eminent domain.

10.35 Purchases (re: replacement housing).

a. The acquisition, construction or rehabilitation of a dwelling, the purchase and rehabilitation of a substandard dwelling, the relocation or relocation and rehabilitation of an existing dwelling, or the entering into a contract to purchase, or for the construction of, a dwelling to be constructed on a site to be provided by a builder or developer or on a site which the displaced person owns or acquires for such purpose. Where completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed, for reasons beyond control of the displaced person, beyond the date by which occupancy is required, the City of Modesto may determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase upon completion, of a dwelling to be constructed or rehabilitated if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

b. Mobile homes must be registered with the California Department of Motor Vehicles in the name of the claimant.

10.36 Relocatee. "Relocatee" means any person who meets the definition of a displaced person.

10.37 Stated mortgage interest rate. "Stated mortgage interest rate" means the annual percentage rate to be paid or the debt of a mortgage as set forth in the mortgage or other credit instrument.

Section 11 A. CONVERSION - STATE AND MODESTO TO FEDERAL

Government Code Sections 7260 et. seq.	<u>LAW</u>		<u>GUIDELINES</u>	
	Public Law 91-646	H/CD (State)	Modesto	OMB A-103 (Federal)
7260	101	10.1	10.1	11.1 - 11.3
7261	205	7.1 - 7.2	7.1 - 7.2	7.1 - 7.3
7261.5	212	7.3	7.3	8.3
7261.6	-	-	-	-
7262	202	3.1 - 4.6	3.1 - 4.6	3.1 - 4.6
7263	203	5.1 - 5.8	5.1 - 5.9	5.1 - 5.4
7263.5	-	-	-	-
7264	204	6.1 - 6.3	6.1 - 6.3	6.1 - 6.3
7264.5	206	2.2	2.2	2.1 - 2.2
7265	-	-	-	-
7265.3	217	-	-	-
7265.4	303	-	-	-
7266	213	8.0 - 8.10	8.1 - 8.11	-
7267	301	-	-	-
7267.1	301 (1) (2)	9.1	9.1	10.1 - 10.5
7267.2	301 (3)	9.1	9.1	10.1 - 10.5
7267.3	301 (5)	9.3	9.3	10.1 - 10.5
7267.4	301 (6)	-	-	-
7267.5	301 (7)	-	-	-
7267.6	301 (8)	-	-	-
7267.7	301 (9)	9.1	9.1	10.1 - 10.5
7267.8	213	1.1	1.1	1.1 - 1.5
7268	213	-	-	-
7269	216	-	-	-
7270	102 (b)	-	-	-
7271	-	-	-	-
7272	-	-	-	-
7272.3	201	1.1	1.1	1.1 - 1.5
7272.5	102 (b)	-	-	-
7273	-	-	-	-
7274	102 (a)	-	-	-

Section 11 B. CONVERSION - FEDERAL TO STATE AND MODESTO

LAW

GUIDELINES

PL-91-646 FEDERAL	Government Code Sections 7260 et. seq.	OMB A-103 (Federal)	H/CD (State)	Modesto
Title I				
Section 101	7260	11.1 - 11.3	10.1	10.1
Section 102	7272.5 - 7274	-	-	-
Title II				
201	7272.3	1.1 - 1.5	1.1 - 1.5	1.1 - 1.4
202	7262	3.1 - 4.6	3.1 - 4.6	3.1 - 4.6
203	7263	5.1 - 5.4	5.1 - 5.8	5.1 - 5.9
204	7264	6.1 - 6.3	6.1 - 6.3	6.1 - 6.3
205	7261	7.1 - 7.3	7.1 - 7.2	7.1 - 7.2
206	7264.5	2.1 - 2.2	2.2	2.2
207	-	-	-	-
208	-	-	-	-
209	-	-	-	-
210	-	8.1 - 8.2	-	-
211	-	-	-	-
212	7261.5	8.3	7.3	7.3
213	7268	-	8.1 - 8.10	8.0 - 8.11
214	-	9.1 - 9.4	-	-
215	-	-	-	-
216	7269	-	-	-
217	7265.3	-	-	-
218	-	-	-	-
219	-	-	-	-
220	-	-	-	-
221	-	-	-	-
Title III				
301	7267 - 7267.8	10.1 - 10.5	9.1 - 9.3	9.1 - 9.3
302	-	-	-	-
303	7265.4	-	-	-
304	-	-	-	-
305	-	-	-	-
306	-	-	-	-

MODESTO CITY COUNCIL
RESOLUTION NO. 92-49

A RESOLUTION GIVING THE CITY MANAGER BLANKET AUTHORITY TO EXECUTE AGREEMENTS WITH COMMUNITY TEMPORARY SHELTER SERVICES TO PROVIDE HOMELESS TRANSITIONAL HOUSING COUNSELING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute agreements with Community Temporary Shelter Services to provide homeless transitional housing counseling.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-50

A RESOLUTION GIVING THE CITY MANAGER BLANKET AUTHORITY TO EXECUTE ALL AGREEMENTS WITH HUD TO LEASE WITH OPTION TO PURCHASE HOMES FOR HOMELESS TRANSITIONAL HOUSING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute all agreements with HUD to lease with option to purchase homes for Homeless Transitional Housing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-51

A RESOLUTION ACCEPTING A GRANT FROM THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR URBAN FORESTRY ACTIVITIES AND RELATED PUBLIC EDUCATION AND AUTHORIZING THE CITY MANAGER TO SIGN A PROJECT AGREEMENT FOR SAID GRANT.

WHEREAS, the State Department of Forestry and Fire Protection has awarded the City of Modesto a \$40,000 Urban Forestry Grant for urban forestry activities and related public education, and

WHEREAS, this grant award will provide financing for the purchase of 1,350 trees, and for several educational activities to increase public awareness of the value of street trees, as well as to provide information necessary to properly care for their trees, and

WHEREAS, it will be necessary for the City Manager to sign a project agreement in order to obtain funding of the grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the State Department of Forestry and Fire Protection in the amount of \$40,000 for urban forestry activities and related public education and authorizes the City Manager to execute the project agreement on behalf of the City of Modesto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-52

A RESOLUTION APPROVING THE REQUEST OF GASCO OIL COMPANY FOR REFUND OF \$3,212.50 FOR OVERPAYMENT OF BUSINESS LICENSE TAX AND BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Gasco Oil Company for refund of \$3,212.50 for overpayment of Business License Tax and Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-53

A RESOLUTION ACCEPTING RIGHTS OF ENTRY FROM EVERETT R. AND CONNI ANN HOLLEY, AND FROM GERALD L., EDWARD L., AND GERALDINE JOHNSON FOR WORK ON THEIR PROPERTY TO BE DONE AS PART OF THE CLAUS ROAD OVERCROSSING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the rights of entry between the City of Modesto and Everett R. and Conni Ann Holley, and from Gerald L., Edward L., and Geraldine Johnson for work on their property to be done as part of the Claus Road overcrossing be, and are hereby approved.

BE IT FURTHER RESOLVED that the execution of said rights of entry 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 January, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-54

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE COMMONS SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, REDEV INC. , subdividers of The Commons Subdivision , have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$39,800 and \$ 19,900 respectively to guarantee improvements in The Commons Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated January 16, 1992, 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 Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in The Commons Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for faithful performance in the amount of \$ 39,800 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of \$ 19,900 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January , 1992 , 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-55

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATERLINES IN VALERIE LANE ALLEY, DOUGLAS STREET AND 9TH STREET

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

SECTION 1. The plans and specifications for installation of waterlines in Valerie Lane Alley, Douglas and 9th / 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 February 27, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-56

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY, INC. FOR CONSTRUCTION OF A TRAFFIC SIGNAL AT CLAUS ROAD AND ORANGEBURG AVENUE

WHEREAS, Resolution No. 91-785 , adopted by the Council of the City of Modesto on December 24, 1991 , approved the plans and specifications for construction of a traffic signal at Claus Road and Orangeburg Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of a traffic signal at Claus Road and Orangeburg Avenue were opened at 11:00 a.m. on January 14, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Collins Electrical Company, Inc. in the amount of \$105,895

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company, Inc. in the amount of \$105,895 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 4th day of February , 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-57

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 FROM CONTINGENCY RESERVE TO COVER COSTS OF THE TRAFFIC SIGNAL AT CLAUS ROAD AND ORANGEBURG AVENUE PROJECT

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

FROM:	Contingency Reserve (141 800 8000 8003)	\$10,000
TO:	Claus/Orangeburg Traffic Signal (141 160 P929 6000)	\$10,000

Staff inadvertently did not include funds for striping modification work necessary for the signal construction project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 19 92, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-58

CORRECTED

A RESOLUTION ACCEPTING THE BID OF IBM CORPORATION FOR FURNISHING CITY HALL WORD PROCESSING SYSTEM

WHEREAS, Resolution No. 91-643 , adopted by the Council of the City of Modesto on October 22, 19 91, approved the plans and specifications for replacing the City Hall word processing system

and authorized the calling for bids; and

WHEREAS, the bids received for replacing the City Hall word processing system

were opened at 10:00 a.m. on November 19, 1991 , 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 IBM Corporation for an estimated cost of \$144,744 per year through 1996-1997 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of IBM Corporation 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 4th day of February , 1992, 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: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-58

A RESOLUTION ACCEPTING THE BID OF IBM CORPORATION FOR FURNISHING CITY HALL
WORD PROCESSING SYSTEM

WHEREAS, Resolution No. 91-643 , adopted by the Council of the City of Modesto on October 22 , 1991 , approved the plans and specifications for replacing the City Hall word processing system

and authorized the calling for bids; and

WHEREAS, the bids received for replacing the City Hall word processing system

were opened at 10:00 a.m. on November 19, 1991, 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 IBM Corporation for an estimated cost of \$172,062 per year through 1994-1995

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of IBM Corporation 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 4th day of February , 1992, 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: 

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-59

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE CITY OF MODESTO TO FINANCE THE WORD PROCESSING SYSTEM REPLACEMENT AT CITY HALL IN THE TOTAL AMOUNT OF SIX HUNDRED TWENTY NINE THOUSAND TWO HUNDRED THIRTY THREE DOLLARS (\$629,233)

WHEREAS, the need to provide a word processing and communication system at City Hall has become critical, and

WHEREAS, the total cost to provide this system is Six Hundred Twenty Nine Thousand Two Hundred Thirty Three Dollars (\$629,233), and

WHEREAS, there is One Hundred Forty Four Thousand Seven Hundred Forty Four Dollars (\$144,744) available in the Data Processing Expansion account P910, the Contingency Reserve accounts in the Water Fund (610), Sewer Fund (621), and Other City Capital Facilities Fund (138), and

WHEREAS, the remaining amount of Four Hundred Eighty Four Thousand Four Hundred Eighty Nine Dollars (\$484,489) is to be financed over a period of six years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget be amended to provide the first years financing in FY1991-92 as follows:

Expenditures:

130-020-B520-6000	IBM Minicomputer	\$629,233
130-190-P910-6000	Data Processing Expansion	(110,530)
138-800-8000-8003	Reserve-Other City CFF Fund	(20,000)
610-800-8000-8003	Reserve-Water Fund	(7,107)
621-800-8000-8003	Reserve-Sewer Fund	(7,107)
138-700-7000-7130	Transfer Out To Fund 130	20,000
610-700-7000-7130	Transfer Out To Fund 130	7,107
621-700-7000-7130	Transfer Out To Fund 130	7,107
130-190-P910-6000	Data Processing Expansion	(34,767)
130-800-8000-8003	Reserve-Capital Outlay Fund	34,767

Revenue:

130-510-9510-8301	Other Financing Sources	\$484,489
130-700-7000-9138	Transfer In From Fund 138	20,000
130-700-7000-9610	Transfer In From Fund 610	7,107
130-700-7000-9621	Transfer In From Fund 621	7,107

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 4th day of February, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-60

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL LEASING ASSOCIATES FOR WORD PROCESSING SYSTEM AT CITY HALL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease purchase agreement between the City of Modesto and Municipal Leasing Associates for a word processing system at City Hall 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 4th day of February, 1992, 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: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-61

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:

Systems Analyst

The specifications for the classification of Systems Analyst, 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. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Word Processing System Supervisor

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after February 4, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

SYSTEMS ANALYST

DEFINITION

To perform technical work in the administration installation, testing and maintenance of mini- and micro-computer hardware and software; to provide training and technical assistance for users; to diagnose and repair hardware problems; to assist in the selection of new systems and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from management staff.

EXAMPLES OF DUTIES

Researches and evaluates advances in personal computer hardware and software; develops and recommends Citywide standards for product evaluation and selection.

Participates in planning, policy development and budgeting for short- and long-range office systems needs.

Reviews all capital budget requests for personal computer equipment; insures connectivity of systems; coordinates between user departments, purchasing unit and vendors in hardware and software acquisition and staff training.

Develops, selects and monitors City-wide training programs for personal computer hardware, software and user-oriented languages.

Serves as technical resource for developing office systems and solving wide area networking problems; assists in programming and systems analysis.

Installs personal computer hardware and peripherals at workstations; cables and installs emulation boards; hooks up modems; installs boards and cards as necessary.

Installs system, emulation and application software packages.

Responds to requests for assistance with hardware and software problems; diagnoses problems; repairs or arranges for the repair or replacement of faulty hardware, disks, drives, peripherals and software packages.

Trains users on the use of computer equipment and peripherals, and software packages including word processing, data base management, graphics, and spreadsheet programs; assists users in developing applications.

EXAMPLES OF DUTIES (continued)

Maintains inventory records of existing and newly acquired computer hardware and software.

Assists with installation and maintenance of centralized computer systems, telecommunications and data communications equipment.

Maintains records; prepares oral and written reports.

Serves as system administrator for the City's word processing mini-computer system and may serve as administrator for future local area network configurations.

Performs related duties as required.

QUALIFICATIONSKnowledge of:

Principles and techniques of training.

Principles and techniques of budgeting.

Personal computer hardware and software principles of office automation systems.

Principles of customer oriented languages.

Principles of multiple complex personal computer operating systems and network systems.

Principles and techniques of computer systems analysis and programming.

Ability to:

Develop and maintain effective working relationships.

Communicate effectively both verbally and in writing.

Work independently with minimal supervision.

Research and evaluate office automation hardware and software.

Gather, analyze and organize information.

Develop and evaluate training programs.

Coordinate information and programs, write clear instructions, and train others.

Experience and training guidelines:

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

Experience:

Three years of experience in the analysis and design of office automation systems, including word processing and personal computing.

Education:

Graduation from an accredited four-year college with a major in computer science, mathematics, accounting, public or business administration.

License:

Possession of, or ability to obtain a valid California driver's license.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-62

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".

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 February 4, 1992," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" changes the title of Word Processing System Supervisor, at salary range 423, to Systems Analyst on the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 4, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective February 4, 1992

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Representative Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective February 4, 1992

RANGE	TITLE
421	
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Budget Analyst

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective February 4, 1992

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

CITY OF MODESTO
 CLASS RANGE TABLE
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective February 4, 1992

RANGE	TITLE
440	Principal Accountant Purchasing Officer
441	Community Development Program Manager Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Maintenance Supt. Parking & Traffic Supt. Parks Maintenance Supt. Risk Manager Assistant Personnel Director Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
+52	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-63

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF \$351,000 TO COMPLETE THE AIRPORT'S FISCAL YEAR 1991-92 CAPITAL IMPROVEMENTS

WHEREAS, on September 27, 1991, the Council approved the submittal of a preapplication for federal funds to complete the projects consisting of replacing a runway electrical regulator, retrofitting the airport's primary crash vehicle, installation of a new water main to the general aviation area, and conducting a soil investigation of the abandoned City landfill located on the airport; and

WHEREAS, the preapplication has been approved by the Federal Aviation Administration and approximately \$351,000 in federal funds has been tentatively allocated to the City of Modesto.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of \$351,000 for the above-mentioned projects be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-64

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL TO CONDUCT A PRIMARY CLARIFIER SLUDGE REMOVAL STUDY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Brown and Caldwell to conduct a primary clarifier sludge removal study

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-65

A RESOLUTION ADOPTING A SCHEDULE OF RATES AND CHARGES FOR TOWING SERVICES IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 87-632.

WHEREAS, Chapter 10 entitled "Towing Services" of Title III of the Modesto Municipal Code (§§3-10.01, et seq.) prescribes regulations for the operation of towing services in the City of Modesto, and

WHEREAS, Modesto Municipal Code §3-10.24 provides that charges made by towing service operators for services rendered pursuant to said regulations shall be established by the City Council by resolution after a review of the rates and charges used in comparable communities and operating data supplied by the towing service operators, and

WHEREAS, the Police Chief has recommended to the City Council a revised schedule of rates and charges for towing services based upon a review of rates and charges used in comparable communities, and operating data supplied by the towing service operators,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the following schedule of rates and charges for towing services to be charged by all towing service operators providing services pursuant to Chapter 10 of Title III of the Modesto Municipal Code upon adoption of this resolution until revised by the City Council:

RATE SCHEDULE
FOR CITY OF MODESTO ROTATION TOW SERVICE

- | | |
|--|---------|
| 1. Day time Towing (8 a.m. - 5 p.m.) | \$60.00 |
| 2. Night (5 p.m. - 8 a.m., and all hours on weekends and holidays) | \$70.00 |

3. Use of "dolly" (Dolly is a multi-wheeled device to tow a vehicle when it cannot be towed in the normal manner) \$35.00
4. Labor per 15 minute increments after first 15 minutes. \$13.50
Includes crane charges, winching and recovery from areas not accessible to tow truck.
5. Storage for a 24-hour period or less. Begins at time of hookup. \$15.00
6. After hours release or access to vehicle. \$40.00
7. Large vehicle:
Factory rating in excess of 1.5 tons GVWR (includes motorhomes).
Day - per hour \$85.00
Night - per hour \$95.00
8. Emergency Roadside Service.
Day \$30.00
Night and holiday \$40.00
9. Reasonable Extra Charges. For services outside the major geographical area of the City of Modesto. Unusual job situations that may require more than one truck or retrieving vehicles from waterways. Costs of absorbent materials used in a tow may be recovered. All extra charges are subject to review and approval by the Police Chief or a designated agent of the Police Chief.
10. Per-Mile Charge. No per-mile charge is authorized for tows or customer transport performed within 2 miles of the city limits of the City of Modesto. Charges of up to \$4.50 per mile are authorized from a point of 2 miles beyond the limits of the City of Modesto, one way, to the destination.
11. Standby Charge. Customers will not be charged for "standby" time. When the tow scene commander for the Police Department requires a tow truck to standby past 15 minutes after arrival at the tow scene, a standby fee consistent with the labor rate (Item 4) may be charged. The invoice will be sent to the Police Department.

BE IT FURTHER RESOLVED that Resolution No. 87-632 adopted on
July 21, 1987, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-66

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE EAST LA LOMA PARK LIGHTS

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

SECTION 1. The plans and specifications for the East La Loma Park
lights , 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 March 5, , 1992, at 11:05 a .m. and the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 11th day of February, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-67

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INTERIOR COATING OF DIGESTER NO. 3 AT THE WATER QUALITY CONTROL PLANT

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

SECTION 1. The plans and specifications for the interior coating of digester No.3 at the Water Quality Control Plant, 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 March 5, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-68

A RESOLUTION ACCEPTING THE BID OF NIXON-EGLI EQUIPMENT COMPANY FOR FURNISHING TWO VACUUM SEWER CLEANING TRUCKS

WHEREAS, Resolution No. 91-641 , adopted by the Council of the City of Modesto on October 22 , 1991 , approved the plans and specifications for the purchase of two vacuum sewer cleaning trucks

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two vacuum sewer cleaning trucks

were opened at 11:00 a.m. on November 18, 1991, 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 Nixon-Elgi Equipment Company in the amount of \$313,421

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Nixon-Elgi Equipment Company in the amount of \$313,421 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 11th day of February , 1992, 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 COVLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-69

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF ONE VACUUM SEWER CLEANING TRUCK FROM NIXON-EGLI EQUIPMENT COMPANY

WHEREAS, bids were opened on November 18, 1991, for the purchase of two vacuum sewer cleaning trucks, and it was recommended that the two trucks be purchased from Nixon-Egli Equipment Company, who was the lowest responsible bidder; and

WHEREAS, a request has been made to purchase an additional third truck with a larger capacity to be used primarily for cleaning out rockwells; and

WHEREAS, a significant discount has been offered on this third unit due to our purchase of the first two units, and furthermore, the vendor has this unit in stock and can have it delivered within 30 days after receipt of our order.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one vacuum sewer cleaning truck is hereby waived.

BE IT FURTHER RESOLVED that the purchase of one vacuum sewer cleaning truck from Nixon-Egli Equipment Company for a cost of \$165,132, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-70

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL LEASING ASSOCIATES TO ASSIST IN THE PURCHASE OF A VACUUM SEWER CLEANING TRUCK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease purchase agreement between the City of Modesto and Municipal Leasing Associates to assist in the purchase of a vacuum sewer cleaning truck 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 11th day of February, 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-71

A RESOLUTION ACCEPTING THE BID OF SCRIMSHER AND MINENI FOR UPDATING SUBMERSIBLE SEWAGE PUMP STATIONS

WHEREAS, Resolution No. 91-784 , adopted by the Council of the City of Modesto on December 24, 19 91, approved the plans and specifications for updating submersible sewage pump stations

and authorized the calling for bids; and

WHEREAS, the bids received for updating submersible sewage pump stations were opened at 11:00 a.m. on January 23, 1992 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Scrimsher and Mineni in the amount of \$208,273 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 in the amount of \$208,273 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 11th day of February , 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-72

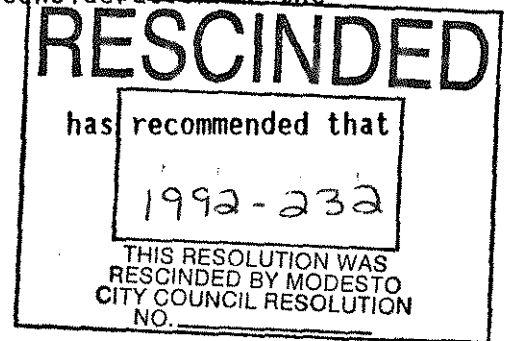
A RESOLUTION ACCEPTING THE BID OF CENTRAL PUMP FOR CONSTRUCTION OF PUMP STATION NO. 52

WHEREAS, Resolution No. 92-6 , adopted by the Council of the City of Modesto on January 7th, 19 92, approved the plans and specifications for construction of Pump Station No. 52

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Pump Station No. 52 were opened at 11:00 a.m. on January 30, 19 92, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works the bid of Central Pump in the amount of \$133,755 be accepted as the lowest responsible bid.



NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Pump in the amount of \$133,755 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 11th day of February , 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-73

A RESOLUTION ACCEPTING THE BID OF MISSION UNIFORM SERVICE FOR INDUSTRIAL AND UNIFORM SERVICE FOR THREE YEARS, FROM MARCH 1, 1992, THROUGH FEBRUARY 28, 1995

WHEREAS, Resolution No. 91-660 , adopted by the Council of the City of Modesto on November 5 , 19 91, approved the plans and specifications for furnishing industrial laundry and uniform service for up to three years and authorized the calling for bids; and

WHEREAS, the bids received for furnishing industrial laundry and uniform service for up to three years were opened at 11:00 a.m. on December 2, 19 91, 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 Mission Uniform Service for a cost of \$180,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mission Uniform Service for a cost of \$180,000 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 11th day of February , 1992 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-74

A RESOLUTION ACCEPTING THE JEFFERSON STREET SEWER LIFT STATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Jefferson Street sewer lift station

has been completed by Western Stone Products, Inc.
in accordance with the contract agreement dated February 26, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Jefferson Street sewer
lift station

be accepted from said contractor, Western Stone Products, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$205,297.14 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 11th day of February ,
1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-75

A RESOLUTION APPROVING AN AMENDMENT TO THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE REDEVELOPMENT AGENCY TO AMEND INTEREST RATES CHARGED TO THE AGENCY FOR MONEY LOANED BY THE CITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the cooperative agreement between the City of Modesto and the Redevelopment Agency to amend interest rates charged to the Agency for money loaned by the City be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-76

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT D. AND CATHERINE L. BANGHART, dba KAY'S COLLECTIBLES FOR LEASE OF CITY-OWNED PROPERTY AT 1904 H STREET

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Robert D. and Catherine L. Banghart, dba Kay's Collectibles for lease of City-owned property at 1904 H Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February 1992, 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
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-77

A RESOLUTION APPROVING A SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE JUNIOR COLLEGE DISTRICT FOR LEASE OF THE FIRE TRAINING SITE LOCATED AT BLUE GUM AND CARPENTER ROADS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment to an agreement between the City of Modesto and Yosemite Junior College District for lease of the fire training site located at Blue Gum and Carpenter Roads be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-78

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND INSTITUTIONAL FINANCIAL ENTERPRISE FOR THE SALE OF 12.6 ACRES NEEDED FOR THE MERLE NEIGHBORHOOD PARK SITE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Institutional Financial Enterprise the the sale of 12.6 acres needed for the Merle Neighborhood Park site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February 1992, 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, Friedman, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-79

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$36,535 TO PURCHASE
12/6 ACRES NEEDED FOR THE MERLE NEIGHBORHOOD PARK SITE

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

FROM:	Yosemite Neighborhood Park	\$6,243
	(135 310 P167 6000.50)	
	Brett Hart Acquisition	30,292
	(135 310 G943 6000.50)	
TO:	Merle Neighborhood Park	\$36,535
	(135 310 P041 6000.50)	

The exact amount of purchase for the Merle Neighborhood Park
was not known when the project was budgeted. The Yosemite Neigh-
borhood Park project is complete and the Brett Harte acquisition
will not take place this fiscal year. Therefore, these are
surplus funds.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 11th day of
February, 1992, 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, Friedman, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-80

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR THE FISCAL YEAR
1991-92.

WHEREAS, it has been determined that certain interim
adjustments are required to the Annual Budget of the City of
Modesto for the Fiscal Year 1991-92,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in the attached Exhibit A
be made to the Annual Budget of the City of Modesto for the
Fiscal Year 1991-92.

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 11th
day of February, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
FY 91-92

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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
Fund:010			
<u>ORGANIZATION:0101 CITY COUNCIL</u>			
0208 BUSINESS EXPENSES	24,640	24,105	-535
0301 OFFICE SUPPLIES	700	1,200	500
0302 BOOKS AND PERIODICALS	25	60	35
			0
<u>ORGANIZATION:0201 CITY MANAGER</u>			
0207 CONFERENCE EXPENSES	10,866	6,002	-4,864
0208 BUSINESS EXPENSES	7,150	6,150	-1,000
0218 EQUIPMENT POOL RENTAL	3,095	4,895	1,800
0301 OFFICE SUPPLIES	6,250	4,050	-2,200
0302 BOOKS AND PERIODICALS	1,060	839	-221
0401 MEMBERSHIPS AND DUES	3,510	3,270	-240
			-6,725
<u>ORGANIZATION:0202 PUBLIC INFORMATION</u>			
0205 PRINTING AND BINDING	48,300	44,300	-4,000
0207 CONFERENCE EXPENSES	700	581	-119
0223 REPAIR & MAINT-OUTSIDE FORCES	665	118	-547
0230 ADVERTISING	17,350	14,350	-3,000
0235 SERVICES, PROFESSIONAL & OTHER	2,500	2,200	-300
0302 BOOKS AND PERIODICALS	207	135	-72
			-8,038
<u>ORGANIZATION:0212 CITIZENS INFORMATION SERVICE</u>			
0209 TRAINING EXPENSES	805	205	-600
0218 EQUIPMENT POOL RENTAL	3,119	2,719	-400
0235 SERVICES, PROFESSIONAL & OTHER	350	150	-200
0301 OFFICE SUPPLIES	2,200	1,800	-400
0302 BOOKS AND PERIODICALS	150	100	-50
			-1,650
<u>ORGANIZATION:0232 WORD PROCESSING CENTER</u>			
0209 TRAINING EXPENSES	500	443	-57
0218 EQUIPMENT POOL RENTAL	11	0	-11
0223 REPAIR & MAINT-OUTSIDE FORCES	5,157	3,515	-1,642
0235 SERVICES, PROFESSIONAL & OTHER	500	0	-500
0301 OFFICE SUPPLIES	2,900	1,200	-1,700
0401 MEMBERSHIPS AND DUES	90	0	-90
			-4,000
<u>ORGANIZATION:0301 PERSONNEL</u>			
0230 ADVERTISING	16,000	14,500	-1,500
0235 SERVICES, PROFESSIONAL & OTHER	83,800	77,800	-6,000
			-7,500

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
FY 91-92

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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
<u>ORGANIZATION:0303 TRAINING</u>			
0207 CONFERENCE EXPENSES	100	0	-100
0401 MEMBERSHIPS AND DUES	160	150	-10
			-110
<u>ORGANIZATION:0401 CITY ATTORNEY</u>			
0301 OFFICE SUPPLIES	3,794	4,794	1,000
0302 BOOKS AND PERIODICALS	11,082	12,382	1,300
9990 SERVICE CREDITS	-110,000	-160,000	-50,000
			-47,700
<u>ORGANIZATION:0501 CITY CLERK & AUDITOR</u>			
0209 TRAINING EXPENSES	1,100	124	-976
			-976
<u>ORGANIZATION:0801 ECONOMIC DEVELOPMENT</u>			
0207 CONFERENCE EXPENSES	3,378	2,378	-1,000
0208 BUSINESS EXPENSES	10,396	4,586	-5,810
0235 SERVICES, PROFESSIONAL & OTHER	21,300	19,300	-2,000
			-8,810
<u>ORGANIZATION:1201 FINANCE DEPARTMENT ADMINISTRATION</u>			
0207 CONFERENCE EXPENSES	4,065	6,065	2,000
0208 BUSINESS EXPENSES	650	550	-100
0223 REPAIR & MAINT-OUTSIDE FORCES	875	675	-200
0306 PC SOFTWARE	1,550	0	-1,550
			150
<u>ORGANIZATION:1212 TREASURY</u>			
0301 OFFICE SUPPLIES	100	50	-50
			-50
<u>ORGANIZATION:1221 REVENUE & CUSTOMER SERVICE</u>			
0208 BUSINESS EXPENSES	400	350	-50
0302 BOOKS AND PERIODICALS	434	234	-200
0306 PC SOFTWARE	3,845	0	-3,845
			-4,095
<u>ORGANIZATION:1222 ACCOUNTING & BUDGET</u>			
0230 ADVERTISING	120	0	-120
0317 MICROFILM SUPPLIES AND SERVICE	325	0	-325
			-445
<u>ORGANIZATION:1232 PURCHASING</u>			
0302 BOOKS AND PERIODICALS	395	295	-100
0306 PC SOFTWARE	5,840	63	-5,777

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
FY 91-92

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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
			-5,877
<u>ORGANIZATION:1233 MICROFILM & RECORDS</u>			
0218 EQUIPMENT POOL RENTAL	125	0	-125
0301 OFFICE SUPPLIES	2,035	1,035	-1,000
			-1,125
<u>ORGANIZATION:1242 DATA PROCESSING</u>			
0207 CONFERENCE EXPENSES	3,424	2,424	-1,000
0208 BUSINESS EXPENSES	500	200	-300
0209 TRAINING EXPENSES	9,255	5,255	-4,000
0218 EQUIPMENT POOL RENTAL	300	100	-200
0235 SERVICES, PROFESSIONAL & OTHER	19,000	17,000	-2,000
0306 PC SOFTWARE	1,566	0	-1,566
			-9,066
<u>ORGANIZATION:1252 OFFICE SERVICES</u>			
0216 EQUIPMENT RENTAL	3,673	0	-3,673
0218 EQUIPMENT POOL RENTAL	2,995	1,995	-1,000
0301 OFFICE SUPPLIES	5,179	4,679	-500
			-5,173
<u>ORGANIZATION:1401 PLANNING & COMMUNITY DEVELOPM</u>			
0110 SALARIES AND WAGES, REGULAR	856,103	830,353	-25,750
0401 MEMBERSHIPS AND DUES	745	595	-150
0205 PRINTING AND BINDING	4,971	30,721	25,750
			-150
<u>ORGANIZATION:1802 FIRE EMERGENCY PREPAREDNESS</u>			
0235 SERVICES, PROFESSIONAL & OTHER	0	21,892	21,892
			21,892
<u>ORGANIZATION:1822 FIRE PREVENTION BUREAU</u>			
0235 SERVICES, PROFESSIONAL & OTHER	3,790	2,790	-1,000
			-1,000
<u>ORGANIZATION:1832 FIRE SUPPRESSION</u>			
0110 SALARIES AND WAGES, REGULAR	7,727,652	7,705,760	-21,892
0207 CONFERENCE EXPENSES	900	800	-100
0209 TRAINING EXPENSES	1,000	700	-300
			-22,292
<u>ORGANIZATION:1901 POLICE ADMINISTRATION</u>			
0210 UTILITIES	1,730,959	1,610,959	-120,000
0235 SERVICES, PROFESSIONAL & OTHER	843,983	693,983	-150,000
			-270,000

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
FY 91-92

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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
<u>ORGANIZATION:1911 POLICE SPECIAL SERVICES DIVIS</u>			
0218 EQUIPMENT POOL RENTAL	58,982	62,982	4,000
0301 OFFICE SUPPLIES	27,250	22,250	-5,000
			-1,000
<u>ORGANIZATION:1921 POLICE RECORDS & SUPPORT DIVI</u>			
0304 CUSTODIAL&INSTITUTIONAL SUPPLY	15,007	13,007	-2,000
0308 TOOLS,SHOP AND FIELD SUPPLIES	91,937	82,937	-9,000
			-11,000
<u>ORGANIZATION:1924 POLICE DRUG ENFORCEMENT UNIT</u>			
9990 SERVICE CREDITS	-73,589	-76,052	-2,463
			-2,463
<u>ORGANIZATION:1941 POLICE INVESTIGATIVE SERVICES</u>			
0208 BUSINESS EXPENSES	16,154	18,154	2,000
0429 OTHER SPECIAL CHARGES	15,000	11,000	-4,000
			-2,000
<u>ORGANIZATION:1961 POLICE FIELD OPERATIONS</u>			
0120 SALARIES AND WAGES, PART-TIME	286,895	326,895	40,000
0218 EQUIPMENT POOL RENTAL	1,169,813	1,149,813	-20,000
0255 SERVICES CITY FORCES	28,922	18,922	-10,000
0308 TOOLS,SHOP AND FIELD SUPPLIES	67,861	52,861	-15,000
9990 SERVICE CREDITS	-51,450	-91,450	-40,000
			-45,000
<u>ORGANIZATION:1964 POLICE ANIMAL CONTROL</u>			
0218 EQUIPMENT POOL RENTAL	31,884	29,884	-2,000
0235 SERVICES, PROFESSIONAL & OTHER	10,240	13,740	3,500
0240 INTERGOVERNMENTAL SERVICES	162,000	187,000	25,000
			26,500
<u>ORGANIZATION:3001 PARKS & RECREATION DEPT ADMIN</u>			
0201 POSTAGE	500	0	-500
0205 PRINTING AND BINDING	1,200	99	-1,101
0207 CONFERENCE EXPENSES	6,365	5,865	-500
0210 UTILITIES	163	0	-163
0235 SERVICES, PROFESSIONAL & OTHER	25,735	12,915	-12,820
5016 AUTOCAD UPGRADE (3001)	540	537	-3
5185 4 MEG MEMORY (3001)	1,020	999	-21
			-15,108
<u>ORGANIZATION:3112 PARKS - SERVICE DIVISION</u>			
0255 SERVICES CITY FORCES	149	74	-75
5017 MOBILE RADIO (3112)	667	650	-17
5168 PLAY EQUIPMENT (R) (3112)	3,200	2,861	-339
5169 TOILETS & URINALS (4R) (3112)	2,500	2,014	-486

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
FY 91-92

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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
9990 SERVICE CREDITS	-18,695	-23,696	-5,001
			----- -5,918
<u>ORGANIZATION:3113 PARKS - GROUNDS MAINTENANCE</u>			
0231	30,269	15,269	-15,000
0255 SERVICES CITY FORCES	2,549	1,200	-1,349
0360 REAL PROPERTY M&R SUPPLIES	27,352	21,352	-6,000
0430 TAXES	3,251	2,324	-927
5173 POWER HEDGE SHEARS (3R) (3113)	1,410	1,030	-380
5174 HI-PRESSURE WASHER (1R) (3113)	500	0	-500
5175 BACK PACK BLOWER (2R) (3113)	860	845	-15
5176 REDMAX WEED EATER (2R) (3113)	970	692	-278
9990 SERVICE CREDITS	-11,650	-16,650	-5,000
			----- -29,449
<u>ORGANIZATION:3212 TREES - MAINTENANCE</u>			
0235 SERVICES, PROFESSIONAL & OTHER	8,550	2,550	-6,000
0255 SERVICES CITY FORCES	287	187	-100
5178 BACK PACK BLOWER (R) (3212)	430	322	-108
			----- -6,208
<u>ORGANIZATION:3213 PLANTING & PRESERVATION</u>			
0210 UTILITIES	475	375	-100
0310 GARDENING/HORTICULTURAL SUPPLY	58,592	43,592	-15,000
			----- -15,100
<u>ORGANIZATION:3612 CULTURAL - MUSEUM</u>			
0214 PEST CONTROL	738	638	-100
0413 PROPERTY INSURANCE	5,861	5,674	-187
			----- -287
<u>ORGANIZATION:3712 RECREATION DIVISION</u>			
0216 EQUIPMENT RENTAL	1,100	577	-523
0218 EQUIPMENT POOL RENTAL	333	183	-150
0226 LAUNDRY AND CLEANING	1,079	692	-387
0235 SERVICES, PROFESSIONAL & OTHER	44,673	22,922	-21,751
0315 VOCATION AND RECREATION SUPPLY	54,646	49,646	-5,000
0337 SUPPLIES FOR RESALE	3,925	1,000	-2,925
0401 MEMBERSHIPS AND DUES	4,396	3,916	-480
			----- -31,216
<u>ORGANIZATION:3812 FACILITIES - KING KENNEDY</u>			
0207 CONFERENCE EXPENSES	1,160	660	-500
0210 UTILITIES	10,498	9,498	-1,000
0226 LAUNDRY AND CLEANING	50	25	-25
0308 TOOLS,SHOP AND FIELD SUPPLIES	4,320	3,920	-400
			----- -1,925

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
FY 91-92

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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
<u>ORGANIZATION:3813 FACILITIES - SENIOR CITIZENS</u>			
0226 LAUNDRY AND CLEANING	60	30	-30
0235 SERVICES, PROFESSIONAL & OTHER	335	329	-6
0310 GARDENING/HORTICULTURAL SUPPLY	370	270	-100
			-136
<u>ORGANIZATION:3814 COMMUNITY SERVICE CENTER</u>			
0210 UTILITIES	11,553	10,553	-1,000
0226 LAUNDRY AND CLEANING	50	25	-25
			-1,025
<u>ORGANIZATION:4112 ENGINEERING DIVISION</u>			
0235 SERVICES, PROFESSIONAL & OTHER	15,803	5,803	-10,000
9990 SERVICE CREDITS	-518,782	-558,782	-40,000
			-50,000
<u>ORGANIZATION:4212 CONSTRUCTION ADMINISTRATION</u>			
0235 SERVICES, PROFESSIONAL & OTHER	62,000	37,000	-25,000
			-25,000
<u>ORGANIZATION:4301 ENGINEERING DEPARTMENT ADMINI</u>			
0301 OFFICE SUPPLIES	2,673	1,673	-1,000
9990 SERVICE CREDITS	-9,696	-14,696	-5,000
			-6,000
<u>ORGANIZATION:4412 BUILDING INSPECTION</u>			
0235 SERVICES, PROFESSIONAL & OTHER	19,000	9,000	-10,000
			-10,000
<u>ORGANIZATION:4512 ELECTRICAL DIVISION</u>			
0308 TOOLS, SHOP AND FIELD SUPPLIES	1,800	3,600	1,800
9990 SERVICE CREDITS	-42,815	-62,815	-20,000
			-18,200
<u>ORGANIZATION:4612 STREETS DIVISION</u>			
0209 TRAINING EXPENSES	1,090	590	-500
			-500
<u>ORGANIZATION:4801 PUBLIC WORKS DEPARTMENT ADMIN</u>			
0207 CONFERENCE EXPENSES	3,886	5,886	2,000
0208 BUSINESS EXPENSES	4,500	5,700	1,200
0209 TRAINING EXPENSES	1,300	1,100	-200
0401 MEMBERSHIPS AND DUES	1,080	1,380	300
			3,300

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
<u>ORGANIZATION:4802 WASTE-TO-ENERGY PROJECT</u>			
0207 CONFERENCE EXPENSES	700	600	-100
0230 ADVERTISING	15,000	10,000	-5,000
0235 SERVICES, PROFESSIONAL & OTHER	15,000	40,000	25,000
			19,900
<u>ORGANIZATION:4803 RECYCLING PROGRAM</u>			
0201 POSTAGE	15,000	1,000	-14,000
0218 EQUIPMENT POOL RENTAL	1,539	139	-1,400
0230 ADVERTISING	8,000	4,000	-4,000
0235 SERVICES, PROFESSIONAL & OTHER	8,000	4,000	-4,000
			-23,400
<u>ORGANIZATION:4804 TRANSPORTATION ADMINISTRATION</u>			
9990 SERVICE CREDITS	-18,000	-23,500	-5,500
			-5,500
<u>ORGANIZATION:6302 MUSIC AND PROMOTION</u>			
1000 MISC PROMOTIONS	5,016	2,016	-3,000
1010 MODESTO BABE RUTH BASEBALL	1,926	1,746	-180
			-3,180
		Fund:010	-642,655
 Fund:610			
<u>ORGANIZATION:5012 WATER PRODUCTION</u>			
0208 BUSINESS EXPENSES	2,110	2,050	-60
0218 EQUIPMENT POOL RENTAL	135,584	129,142	-6,442
0223 REPAIR & MAINT-OUTSIDE FORCES	317,442	277,442	-40,000
0235 SERVICES, PROFESSIONAL & OTHER	212,568	192,179	-20,389
0302 BOOKS AND PERIODICALS	1,117	917	-200
0330 FUEL OIL AND LUBRICANTS	857	757	-100
0401 MEMBERSHIPS AND DUES	3,510	3,434	-76
0430 TAXES	366	289	-77
5368 CAD SYSTEM (5012)	12,000	11,983	-17
			-67,361
		Fund:610	-67,361
 Fund:621			
<u>ORGANIZATION:5201 SEWER-ADMINISTRATION</u>			
0207 CONFERENCE EXPENSES	1,760	552	-1,208
0208 BUSINESS EXPENSES	176	78	-98
0235 SERVICES, PROFESSIONAL & OTHER	1,560	780	-780
0302 BOOKS AND PERIODICALS	685	485	-200
0461 TRUSTEE FEES	11,000	15,000	4,000

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
5390 FILE CABINET (5201)	487	447	-40
			1,674
<u>ORGANIZATION:5212 SEWER-WATER COLLECTIONS</u>			
0208 BUSINESS EXPENSES	720	360	-360
0209 TRAINING EXPENSES	4,963	4,363	-600
0210 UTILITIES	123,163	110,863	-12,300
0216 EQUIPMENT RENTAL	2,860	5,780	2,920
0226 LAUNDRY AND CLEANING	4,807	5,625	818
0255 SERVICES CITY FORCES	350,885	389,485	38,600
0308 TOOLS,SHOP AND FIELD SUPPLIES	7,742	8,542	800
0312 CHEMICAL AND LAB SUPPLIES	9,534	10,484	950
5397 ELECTRIC AIR VENTILATOR(5212)	1,056	1,010	-46
9990 SERVICE CREDITS	-61,338	-61,435	-97
			30,685
<u>ORGANIZATION:5213 SEWER-TREATMENT PRIMARY</u>			
0255 SERVICES CITY FORCES	44,152	19,862	-24,290
0310 GARDENING/HORTICULTURAL SUPPLY	5,069	2,669	-2,400
5378 BREATHING APPARATUS(5213)	4,233	1,813	-2,420
5379 PTB CHLORINE CALIBRATOR(5213)	2,025	1,958	-67
5381 CHLORINE BLDG SEC FENCE (5213)	2,153	2,140	-13
5399 ELECTRICAL MEGGER (5213)	800	585	-215
			-29,405
<u>ORGANIZATION:5214 SEWER-TREATMENT SECONDARY</u>			
0210 UTILITIES	1,412,050	1,237,050	-175,000
0223 REPAIR & MAINT-OUTSIDE FORCES	283,673	241,958	-41,715
0312 CHEMICAL AND LAB SUPPLIES	111,924	91,924	-20,000
0401 MEMBERSHIPS AND DUES	30	0	-30
0430 TAXES	85,022	95,575	10,553
5015 TV, VCR, CAMERA & PROJ (5214)	1,352	1,309	-43
5394 SAND BLASTERS (5214)	2,838	2,677	-161
5398 RADIO (PLANT MECH) (5214)	940	610	-330
			-226,726
<u>ORGANIZATION:5215 SEWER-MONITORING & CONTROL</u>			
0207 CONFERENCE EXPENSES	3,040	2,540	-500
0401 MEMBERSHIPS AND DUES	1,875	735	-1,140
5392 MEDIA DISPENSER PUMP(5215)	1,700	1,497	-203
			-1,843
<u>ORGANIZATION:5216 SEWER-TREATMENT PLANT IMPROVE</u>			
0218 EQUIPMENT POOL RENTAL	9,733	6,233	-3,500
			-3,500
<u>ORGANIZATION:5217 INDUSTRIAL WASTE PLANNING & M</u>			
0223 REPAIR & MAINT-OUTSIDE FORCES	2,260	2,110	-150
5382 HACH LAB KIT (5382)	4,000	3,977	-23
5388 SDWR LAT FILE (2) (5217)	1,450	1,009	-441

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
5395 LASERJET IIP PRINTER (5217)	1,200	1,130	-70
			-684
<u>ORGANIZATION:5312 STORM DRAINAGE OPERATIONS</u>			
0201 POSTAGE	36,443	24,442	-12,001
0208 BUSINESS EXPENSES	4,000	1,000	-3,000
0209 TRAINING EXPENSES	3,500	500	-3,000
0212 WEED ABATEMENT	10,600	7,200	-3,400
0218 EQUIPMENT POOL RENTAL	423,350	409,721	-13,629
0223 REPAIR & MAINT-OUTSIDE FORCES	28,206	26,009	-2,197
0235 SERVICES, PROFESSIONAL & OTHER	371,110	185,666	-185,444
0240 INTERGOVERNMENTAL SERVICES	17,000	3,500	-13,500
0255 SERVICES CITY FORCES	252,344	244,588	-7,756
0301 OFFICE SUPPLIES	27,153	20,000	-7,153
0302 BOOKS AND PERIODICALS	900	500	-400
0360 REAL PROPERTY M&R SUPPLIES	22,916	21,356	-1,560
5301 STORM HYDRAULICS S/W (5312)	1,500	350	-1,150
5305 COMPUTER WORKSTATION (5312)	22,000	0	-22,000
5306 SOFTWARE (5312)	1,000	0	-1,000
5307 FURNITURE (5312)	800	0	-800
5308 PLOTTER W/SPOOLER (5312)	9,000	0	-9,000
5309 RADIO EQUIPMENT (5312)	940	0	-940
5461 MONITORING EQUIPMENT (5312)	9,300	0	-9,300
5462 AUTOCAD/DET BASIN (5312)	3,200	0	-3,200
			-300,430
		Fund:621	-530,229
 Fund:651			
<u>ORGANIZATION:1672 BUS SERVICE</u>			
0215 RENTAL OF REAL PROPERTY	1,740	0	-1,740
0232 TRANSPORTATION OPERATING CONTR	1,839,490	1,739,490	-100,000
			-101,740
 <u>ORGANIZATION:5612 BUS MAINTENANCE</u>			
0208 BUSINESS EXPENSES	200	149	-51
0302 BOOKS AND PERIODICALS	220	150	-70
0312 CHEMICAL AND LAB SUPPLIES	3,600	2,600	-1,000
0330 FUEL OIL AND LUBRICANTS	321,651	291,651	-30,000
5400 1 TON FLOOR TRANS JACK (5612)	1,800	1,041	-759
9990 SERVICE CREDITS	-44,727	-38,727	6,000
			-25,880
		Fund:651	-127,620
 Fund:660			
<u>ORGANIZATION:3311 GOLF - GENERAL</u>			
0208 BUSINESS EXPENSES	288	238	-50



CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
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Object	Modified Budget	New Modified Budget	Appropriation Adjustment
0209 TRAINING EXPENSES	500	900	400
0223 REPAIR & MAINT-OUTSIDE FORCES	228	78	-150
0235 SERVICES, PROFESSIONAL & OTHER	900	700	-200
			0
<u>ORGANIZATION:3312 MUNICIPLE GOLF COURSE</u>			
0216 EQUIPMENT RENTAL	1,515	1,315	-200
0223 REPAIR & MAINT-OUTSIDE FORCES	1,950	1,650	-300
0308 TOOLS,SHOP AND FIELD SUPPLIES	3,575	3,275	-300
0310 GARDENING/HORTICULTURAL SUPPLY	8,561	8,061	-500
0360 REAL PROPERTY M&R SUPPLIES	9,502	8,502	-1,000
			-2,300
<u>ORGANIZATION:3313 DRYDEN GOLF COURSE</u>			
0308 TOOLS,SHOP AND FIELD SUPPLIES	5,725	5,225	-500
0310 GARDENING/HORTICULTURAL SUPPLY	22,324	19,824	-2,500
0360 REAL PROPERTY M&R SUPPLIES	15,650	14,150	-1,500
			-4,500
<u>ORGANIZATION:3314 DRY CREEK GOLF COURSE</u>			
0216 EQUIPMENT RENTAL	350	1,350	1,000
0223 REPAIR & MAINT-OUTSIDE FORCES	2,900	2,400	-500
0226 LAUNDRY AND CLEANING	1,370	1,170	-200
0310 GARDENING/HORTICULTURAL SUPPLY	22,824	20,824	-2,000
0360 REAL PROPERTY M&R SUPPLIES	9,150	7,150	-2,000
			-3,700
		Fund:660	-10,500
<u>Fund:670</u>			
<u>ORGANIZATION:3412 MODESTO CENTRE PLAZA</u>			
0201 POSTAGE	150	125	-25
0206 MARKETING SERVICES	15,410	10,410	-5,000
0208 BUSINESS EXPENSES	1,930	1,730	-200
0223 REPAIR & MAINT-OUTSIDE FORCES	143,285	100,285	-43,000
0230 ADVERTISING	10,500	8,000	-2,500
0302 BOOKS AND PERIODICALS	525	425	-100
0304 CUSTODIAL&INSTITUTIONAL SUPPLY	22,268	15,768	-6,500
0360 REAL PROPERTY M&R SUPPLIES	23,131	20,131	-3,000
			-60,325
<u>ORGANIZATION:3413 CENTRE PLAZA PARKING FACILITY</u>			
0210 UTILITIES	37,819	23,519	-14,300
0223 REPAIR & MAINT-OUTSIDE FORCES	59,572	37,372	-22,200
0308 TOOLS,SHOP AND FIELD SUPPLIES	2,650	1,650	-1,000
0360 REAL PROPERTY M&R SUPPLIES	4,500	3,300	-1,200
			-38,700

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
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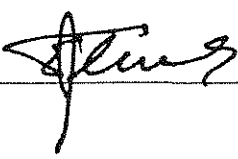
Object	Modified Budget	New Modified Budget	Appropriation Adjustment
		Fund:670	-99,025
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Fund:710			
<u>ORGANIZATION:1272 CENTRAL STORES</u>			
0210 UTILITIES	720	620	-100
0223 REPAIR & MAINT-OUTSIDE FORCES	1,310	810	-500
0235 SERVICES, PROFESSIONAL & OTHER	300	450	150
0304 CUSTODIAL&INSTITUTIONAL SUPPLY	856	1,056	200
0306 PC SOFTWARE	1,490	65	-1,425
			-1,675
		Fund:710	-1,675
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Fund:720			
<u>ORGANIZATION:5812 SERVICE - MAIN SHOP</u>			
0235 SERVICES, PROFESSIONAL & OTHER	85,690	110,690	25,000
0312 CHEMICAL AND LAB SUPPLIES	3,224	1,714	-1,510
0330 FUEL OIL AND LUBRICANTS	359,000	300,000	-59,000
5325 BACKPACK BLOWERS (15)(3113)	6,584	4,670	-1,914
5326 72" MOWER (3112)	13,900	10,444	-3,456
5327 POWER SCYTHES (15)(3113)	10,874	7,249	-3,625
5328 7-GANG MOWER (3912)	53,127	48,923	-4,204
5352 TRACTOR/LOADER (5213)	27,000	15,843	-11,157
5444 COPY MACHINE (5812)	6,700	5,144	-1,556
5446 COMPUTER/PRINTER (5812)	2,768	2,766	-2
5448 1 TON TRANS JACK(5812)	2,500	1,020	-1,480
5454 ELECT GATE (5812)	11,300	5,300	-6,000
5455 ELECT GATE SYSTEM (5812)	15,000	6,000	-9,000
			-77,904
<u>ORGANIZATION:5813 SERVICE - POLICE SHOP</u>			
0330 FUEL OIL AND LUBRICANTS	231,620	206,620	-25,000
0365 EQUIPMENT M&R SUPPLIES	165,000	179,000	14,000
5320 4 DOOR SEDAN (1252)	12,500	11,325	-1,175
5343 4 DOOR SEDAN (5012)	12,500	11,325	-1,175
5344 4 DOOR SEDAN (5012)	12,500	11,429	-1,071
5354 4 DOOR SEDAN (5213)	12,500	12,076	-424
5436 CAR (1672)	14,175	11,350	-2,825
5443 SECURITY ALARM (5813)	2,000	1,265	-735
5445 RADIOS (2) (5813)	1,880	1,367	-513
5447 DRILL PRESS (5813)	500	430	-70
5451 SHEET METAL BRAKE (5813)	850	796	-54
5463 4 DR SEDAN (5312)	14,175	12,102	-2,073
9990 SERVICE CREDITS	39,422	33,422	6,000
			-15,115
		Fund:720	-93,019

CITY OF MODESTO
MIDYEAR BUDGET APPROPRIATION TRANSFERS
FY 91-92

Object	Modified Budget	New Modified Budget	Appropriation Adjustment
Fund:740			
<u>ORGANIZATION:5820 METHANE GAS GENERATION</u>			
0210 UTILITIES	30,575	23,075	-7,500
			<u>-7,500</u>
		Fund:740	<u>-7,500</u>
Fund:890			
<u>ORGANIZATION:3912 TUOLUMNE RIVER REGIONAL PARK</u>			
0216 EQUIPMENT RENTAL	2,586	1,386	-1,200
0255 SERVICES CITY FORCES	25,450	35,450	10,000
0304 CUSTODIAL&INSTITUTIONAL SUPPLY	3,924	2,424	-1,500
0308 TOOLS,SHOP AND FIELD SUPPLIES	8,972	5,472	-3,500
0310 GARDENING/HORTICULTURAL SUPPLY	8,302	3,802	-4,500
5029 LEGION HALL KITCHEN REP(3912)	30,000	16,625	-13,375
			<u>-14,075</u>
		Fund:890	<u>-14,075</u>

Authorization for Appropriation Transfer:

Pete Kolf, Director of Finance 

Ed Tewes, City Manager 

MODESTO CITY COUNCIL
RESOLUTION NO. 92-81

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE HOUSING PROGRAM OFFICE OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1991-92.

WHEREAS, it has been determined that certain interim
adjustments are required to the Annual Budget of the Housing
Program Office of the City of Modesto for the Fiscal Year
1991-92,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in the attached Schedule
2 be made to the Annual Budget of the City of Modesto for the
Fiscal Year 1991-92.

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 11th
day of February, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

CDBG PROGRAM RECOVERY
BUDGET ADJUSTMENTS

SCHEDULE 2

02/05/92

91-92

	BUDGET	REDUCED PROG ADJUSTMENT	REVISED ESTIMATE	RESUME PROG (SECTION 108)	REVISED ESTIMATE	EXPENSED THRU 1/92	BALANCE AVAILABLE	
ORG. 1452 CDBG-ADMINISTRATION								
EMPLOYEE SERVICES	627,219	(81,000)	546,219		546,219	294,939	251,280	46.0%
PROFESSIONAL & CONTR. SERVICES	112,667	(43,347)	69,320		69,320	61,688	7,632	11.0%
MATERIALS & SUPPLIES	8,950	(4,000)	4,950		4,950	2,648	2,302	46.5%
OTHER	360	(150)	210		210	200	10	4.8%
CAPITAL	23,600	(10,853)	12,747		12,747	8,510	4,237	33.2%
	772,796	(139,350)	633,446		633,446	367,985	265,461	41.9%
SERVICE CREDITS	(400,000)		(400,000)		(400,000)	(194,639)	(205,361)	51.3%
	372,796	(139,350)	233,446		233,446	173,346	60,100	25.7%
ORG. 7000 INDIRECT COSTS	132,000		132,000		132,000	0	132,000	100.0%
ORG. 1454 CDBG - PROGRAM								
PROFESSIONAL & CONTR. SERVICES	627,620	(87,500)	540,120		540,120	328,577	211,543	39.2%
MATERIALS & SUPPLIES	25,000	(5,000)	20,000		20,000	11,225	8,775	43.9%
OTHER	365,897	(257,000)	108,897		108,897	74,719	34,178	31.4%
	1,018,517	(349,500)	669,017		669,017	414,521	254,496	38.0%
ORG. 1453 & 1455 INTEREST SUBSIDY/RENTAL R EHAB								
OTHER	11,200	(11,200)	0		0	0	0	
LOANS								
ORG. 1456 HOUSING REHAB LOANS	0	385,753	385,753	300,000	685,753	385,753	300,000	43.7%
ORG. 1457 ECONOMIC DEVELOPMENT LOANS	0	195,000	195,000	100,000	295,000	195,000	100,000	33.9%
	0	580,753	580,753	400,000	980,753	580,753	400,000	40.8%
CAPITAL								
G158 RESTROOM REMODEL	240,873	(230,117)	10,756	55,000	65,756	2,873	62,883	95.6%
G799 HANDICAP BARRIER REMOVAL	115,939	(25,000)	90,939	0	90,939	87,748	3,191	3.5%
G943 BRET HARTE PARK LAND ACQ.	500,000	(500,000)	0	0	0	0	0	
Gxxx ROBERTSON ROAD PARK	n/a	0	0	100,000	100,000	0	100,000	100.0%
Gyyy PARADISE ROAD IMPROVEMENTS	n/a	0	0	0	0	0	0	
	856,812	(755,117)	101,695	155,000	256,695	90,621	166,074	64.7%
SECTION 108 LOAN DEBT SERVICE (est. 8%, 10yr)								
TOTAL	2,391,325	(674,414)	1,716,911	555,000	2,271,911	1,259,241	1,012,670	44.6%

CDBG PROGRAM RECOVERY
BUDGET ADJUSTMENTS

SCHEDULE 2, p2 02/05/92

	92-93	
	RESUME PROG	REVISED
	ESTIMATE (SECTION 108)	ESTIMATE
ORG. 1452 CDBG-ADMINISTRATION		
EMPLOYEE SERVICES	548,711	548,711
PROFESSIONAL & CONTR. SERVICES	69,872	69,872
MATERIALS & SUPPLIES	6,750	6,750
OTHER	210	210
CAPITAL	12,000	12,000
	<u>637,543</u>	<u>637,543</u>
SERVICE CREDITS	(400,000)	(400,000)
	<u>237,543</u>	<u>237,543</u>
ORG. 7000 INDIRECT COSTS	<u>132,000</u>	<u>132,000</u>
ORG. 1454 CDBG - PROGRAM		
PROFESSIONAL & CONTR. SERVICES	432,916	432,916
MATERIALS & SUPPLIES	10,000	10,000
OTHER	40,000	40,000
	<u>482,916</u>	<u>482,916</u>
ORG. 1453 & 1455 INTEREST SUBSIDY/RENTAL REHAB		
OTHER	<u>0</u>	<u>0</u>
LOANS		
ORG. 1456 HOUSING REHAB LOANS	750,000	750,000
ORG. 1457 ECONOMIC DEVELOPMENT LOANS	0	200,000
	<u>750,000</u>	<u>950,000</u>
CAPITAL		
G158 RESTROOM REMODEL	0	0
G799 HANDICAP BARRIER REMOVAL	100,000	100,000
G943 BRET HARTE PARK LAND ACQ.	0	0
Gxxx ROBERTSON ROAD PARK	0	0
Gyyy PARADISE ROAD IMPROVEMENTS	0	300,000
	<u>100,000</u>	<u>400,000</u>
SECTION 108 LOAN DEBT SERVICE (est. 8%, 10yr)	0	160,000
TOTAL	<u>1,702,459</u>	<u>2,362,459</u>

CDBG PROGRAM RECOVERY
1991-92 BUDGET ADJUSTMENTS

02/05/92

<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>ADJUSTMENT</u> (includes §108)	<u>ESTIMATE</u>	<u>EXPENDED/ ENCUMBERED THRU 1/92</u>	<u>REVISED BALANCE</u>
<u>111 140 1452 CDBG - ADMINISTRATION</u>						
0110	SALARIES AND WAGES, REGULAR	469,320	(61,000)	408,320	224,066	184,254
0120	SALARIES AND WAGES, PART-TIME	1,106		1,106	0	1,106
0130	SALARIES AND WAGES, OVERTIME	1,649		1,649	503	1,146
0188	FRINGE BENEFITS	155,144	(20,000)	135,144	70,370	64,774
0201	POSTAGE	1,900		1,900	640	1,260
0207	CONFERENCE EXPENSES	6,200		6,200	4,230	1,970
0208	BUSINESS EXPENSES	6,800	(4,700)	2,100	1,378	722
0209	TRAINING EXPENSES	0		0	0	0
0210	UTILITIES	8,400		8,400	6,286	2,114
0215	RENTAL OF REAL PROPERTY	20,472		20,472	21,814	(1,342)
0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	9,500	(8,847)	653	459	194
0218	EQUIPMENT POOL RENTAL	2,016		2,016	10	2,007
0223	REPAIR & MAINT-OUTSIDE FORCES	5,040	(2,300)	2,740	2,263	477
0230	ADVERTISING	13,000	(7,500)	5,500	2,923	2,577
0235	SERVICES, PROFESSIONAL & OTHER	36,000	(20,000)	16,000	11,423	4,577
0255	SERVICES CITY FORCES	3,339		3,339	10,261	(6,922)
0301	OFFICE SUPPLIES	6,300	(3,000)	3,300	1,718	1,582
0302	BOOKS AND PERIODICALS	1,400	(750)	650	548	102
0304	CUSTODIAL&INSTITUTIONAL SUPPLY	250	(250)	0	72	(72)
0308	TOOLS,SHOP AND FIELD SUPPLIES	1,000		1,000	310	690
0401	MEMBERSHIPS AND DUES	350	(150)	200	200	0
0415	OTHER LIABILITY INSURANCE	10		10	0	10
5245	COMPUTER EQUIPMENT (1452)	5,000		5,000	763	4,237
5357	VIDEO CAMERA & EQUIP (1452)	3,000	(3,000)	0	0	0
5358	COMPUTER NETWORK (1452)	15,000	(15,000)	0	0	0
5359	INSTANT CAMERAS (1452)	600	(600)	0	0	0
5xxx	COPIER	0	7,747	7,747	7,747	0
9990	SERVICE CREDITS	(400,000)		(400,000)	(194,639)	(205,361)
		<u>372,796</u>	<u>(139,350)</u>	<u>233,446</u>	<u>173,346</u>	<u>60,100</u>
<u>111 700 7000 INDIRECT COSTS</u>						
7010	TRANSFER OUT TO FUND 010	132,000		132,000	0	132,000
		<u>132,000</u>	<u>0</u>	<u>132,000</u>	<u>0</u>	<u>132,000</u>

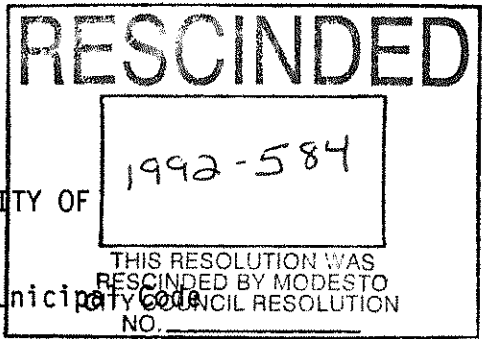
CDBG PROGRAM RECOVERY
1991-92 BUDGET ADJUSTMENTS

Page 2
02/05/92

<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>ADJUSTMENT</u> (includes §108)	<u>ESTIMATE</u>	<u>EXPENDED/ ENCUMBERED THRU 1/92</u>	<u>REVISED BALANCE</u>
<u>113 140 1454 CDBG - PROGRAM</u>						
0210	UTILITIES	200		200	0	200
0218	EQUIPMENT POOL RENTAL	7,716		7,716	4,512	3,204
0235	SERVICES, PROFESSIONAL & OTHER	168,504	(57,500)	111,004	95,411	15,593
0255	SERVICES CITY FORCES	451,200	(30,000)	421,200	228,654	192,546
0309	TOOL BANK SUPPLIES	25,000	(5,000)	20,000	11,225	8,775
0452	INTEREST EXPENSE	0		0	0	0
0491	CDBG-TEMPORARY RELOCATIONS	44,000	(15,000)	29,000	7,545	21,455
0492	CDBG-PERMANENT RELOCATIONS	12,000	(12,000)	0	0	0
0496	CDBG-DIRECT GRANTS	309,897	(230,000)	79,897	67,175	12,722
		<u>1,018,517</u>	<u>(349,500)</u>	<u>669,017</u>	<u>414,521</u>	<u>254,496</u>
<u>112 140 1453 INTEREST SUBSIDY PROGRAM</u>						
0255	SERVICES CITY FORCES	0		0	0	0
0453	CDBG-INTEREST SUBSIDY	1,200	(1,200)	0	0	0
		<u>1,200</u>	<u>(1,200)</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>114 140 1455 RENTAL REHAB PROGRAM</u>						
0255	SERVICES CITY FORCES	10,000	(10,000)	0	0	0
		<u>10,000</u>	<u>(10,000)</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>115 140 1456 HOUSING REHAB LOANS</u>						
		0	685,753	685,753	385,753	300,000
<u>116 140 1457 SMALL BUSINESS LOANS</u>						
		0	295,000	295,000	195,000	100,000
		<u>0</u>	<u>980,753</u>	<u>980,753</u>	<u>580,753</u>	<u>400,000</u>
<u>CAPITAL</u>						
G158	RESTROOM REMODEL	240,873	(175,117)	65,756	2,873	62,883
G799	HANDICAP BARRIER REMOVAL	115,939	(25,000)	90,939	87,748	3,191
G943	BRET HARTE PARK LAND ACQ.	500,000	(500,000)	0	0	0
	ROBERTSON ROAD PARK	0	100,000	100,000	0	100,000
		<u>856,812</u>	<u>(600,117)</u>	<u>256,695</u>	<u>90,621</u>	<u>166,074</u>
		<u>2,391,325</u>	<u>(119,414)</u>	<u>2,271,911</u>	<u>1,259,241</u>	<u>1,012,670</u>

1992-584

MODESTO CITY COUNCIL
RESOLUTION NO. 92-82



A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 87-240.

WHEREAS, Chapter 2 of Title III of the Modesto Municipal Code

authorizes the City Council, by resolution, to establish angle parking in the
City of Modesto,

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

SECTION 1. ANGLE PARKING. Angle parking is hereby established at
the following locations:

Angle Parking:

- Portions of 10th Street, between I & K Streets (west side)
(diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- Chestnut Street, between Jefferson and Madison Streets
(south side) (diagonal)
- Jefferson Street, between Chestnut and Elm Streets (west
side) (diagonal)
- F Street, between 10th and 11th Streets (south side)
(diagonal)
- I Street, between 9th and 12th Streets (both sides)
(diagonal)
- P Street, between 9th and Needham Streets (both sides)
(diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)

SECTION 2. The Public Works and Transportation Director is hereby
directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 87-240 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-83

A RESOLUTION ACCEPTING THE BID OF W.S. BENNETT CONSTRUCTION CO., INC. FOR PROJECT NO. 19 - REPLACEMENT OF CURB, DRIVE APRONS, AND SIDEWALKS AT VARIOUS LOCATIONS

WHEREAS, Resolution No. 92-24 , adopted by the Council of the City of Modesto on January 14 , 19 92 , approved the plans and specifications for Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations and authorized the calling for bids; and

WHEREAS, the bids received for Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations were opened at 11:00 a.m. on February 4, 1992 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of W.S. Bennett Construction Co., Inc. in the amount of \$87,214.27 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of W.S. Bennett Construction Co., Inc. in the amount of \$87,214.27 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February , 1992, 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
NORRINE COYLE, City Clerk

Clark

RESCINDED
1992-481
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 92-84

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND
SUPERSEDING RESOLUTION NO. 91-425.

WHEREAS, Section 5-6.02 and 5-6.24 of the Modesto Municipal Code
authorizes the Council to establish sewer service charges from time to time by
resolution, and

WHEREAS, the Council has previously established sewer service
charges, and

WHEREAS, further analysis of the storm drainage sewer surcharge has
refined the knowledge of the needs and impacts generated by varying densities
of multi-family residential parcels, and

WHEREAS, on February 18, 1992, the Council held a public hearing to
consider the recommended adjustments in the multi-family storm drainage sewer
surcharges,

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.

AMENDED

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. "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.
5. "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.
6. "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.
7. "Multi-family Residential": shall include all developed parcels containing more than one single-family residential unit, 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:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

8. "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.
9. "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.

10. "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.
11. "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.
12. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.
13. "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.
14. "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.
15. "Parks": shall include all developed parcels operated as a park by a public agency.
16. "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:

Each single-family dwelling or mobile home on a lot	\$8.45
Each dwelling unit in a duplex	6.59
One additional dwelling unit or mobile home on a lot	6.59

Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park 5.44

- (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 of 135% of the charges set forth 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:

	Sewer Service Charges Per 1000 Gals. of Water Used
<u>Group 1</u>	\$1.40
Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less	

Group 2 1.62

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

Group 3 1.98

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

Group 4 2.38

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

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate of 135% of the charges 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	\$17.54
Group 2	20.21
Group 3	24.77
Group 4	29.73

- (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 50/100ths (\$1.50) 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 \$570.46 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 \$67.47 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 \$62.11 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 of 135% of the charges 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. Eleven land uses are identified and recognized, each of which has an assigned IDF, as follows:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	0.25
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

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

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

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.57
3501-7000 SF	3.08
7000 + SF	4.62

- (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 \$6.28. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.28.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective March 1, 1992.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 91-425.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1992, 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

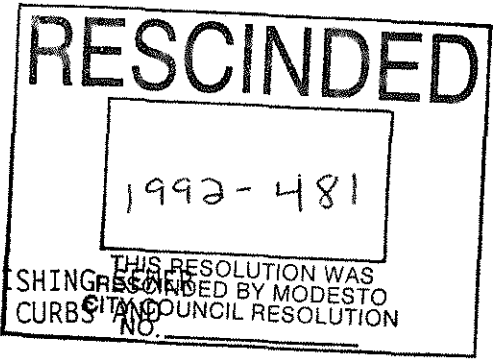
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Yuk



MODESTO CITY COUNCIL
RESOLUTION NO. 92-85

A RESOLUTION AMENDING RESOLUTION 92-84 ESTABLISHING STORM DRAINAGE SURCHARGES FOR PARCELS WITH NO CURBS AND GUTTERS.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 92-85

WHEREAS, Section 5-6.24 of the Modesto Municipal Code authorizes the Council to establish storm drainage sewer surcharges from time to time by resolution, and

WHEREAS, the Council has established such surcharges in Resolution No. 92-84, and

WHEREAS, further analysis of the storm drainage sewer surcharge has refined the knowledge of the needs and impacts upon those parcels which do not have curbs and gutters and which are on a street on which the majority of parcels do not have curbs and gutters, and

WHEREAS, on February 18, 1992, the Council held a public hearing to consider the recommended adjustments in storm drainage sewer surcharges for parcels with no curbs and gutters,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 8 of Resolution 92-84 is hereby amended to add Section (g) as follows:

- (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.

BE IT FURTHER RESOLVED that this resolution shall become effective May 1, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-86

A RESOLUTION ACCEPTING IMPROVEMENTS IN MOUNTAINVIEW TERRACE NO. 5 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Aquarian Homes Inc. , subdividers of Mountainview Terrace No. 5 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 72,700.00 and \$ 50,350.00 respectively to guarantee improvements in Mountainview Terrace No. 5 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated February 7, 1992, 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 Mountainview Terrace No. 5 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$72,700.00 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 \$ 50,350.00 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 18th day of February , 19 92, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-87

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSEMORE GARDENS SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Aquarian Homes, Inc. , subdividers of
Rosemore Gardens Subdivision , have filed subdivision bonds
for faithful performance and labor and materials in the amount of \$109,200.00
and \$ 54,600.00 respectively to guarantee improvements in Rosemore Gardens
Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated February 7, 1992,
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 Rosemore Gardens Subdivision are
hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond
for faithful performance in the amount of \$109,200.00 upon
recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond
for labor and materials in the amount of \$54,600.00 upon expiration
of the statutory period.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 18th day of February ,
1992, 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
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-88

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE
10-FOOT PUBLIC UTILITY EASEMENTS IN BLOCK 9051 OF THE CITY
OF MODESTO.

WHEREAS, the California Streets and Highways Code authorizes a city
council, by resolution, to summarily vacate easements, and

WHEREAS, there are easements on the real property located in Block
9051 in the City of Modesto, being Lots 1 through 9 and 17 and 31 in Block
9051 of River Terrace Subdivision, described in Exhibit "A" attached hereto,
which is a portion of the 10-foot public utility easements, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4 (Section 8330 et
seq.) of Part 3 of Division 9 of the Streets and Highways Code.

2. Current City policy no longer requires these 10-foot wide
public utility easements on lots backing up to major streets with access
control walls.

3. The use of the property described in Exhibit "A", attached
hereto, which is a portion of the 10-foot public utility easements in Block
9051 in the City of Modesto, is no longer necessary for the reason that it was
dedicated.

4. In addition, letters have been received from Pacific Bell,
Pacific Gas and Electric Company, Post-Newsweek Cable and the Turlock
Irrigation District stating that they have no facilities in the areas to be
abandoned and that they have no objection to the abandonment.

5. That from and after the date this resolution is recorded, the
10-foot wide public utility easements vacated on Lots 1 through 9 and 17 and
31 in Block 9051 of River Terrace Subdivision will no longer constitute public
utility easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 10-foot wide public utility easements located on Lots 1 through 9 and 17 and 31 in Block 9051, in the City of Modesto, which are described in Exhibit "A", which is attached hereto and incorporated by reference herein, be and are hereby vacated and abandoned, such vacation and abandonment to be effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Christian
Public Works and Transportation
Department, Engineering Division

LD 91-G
Parcels 9051-4
9051-5
9051-6

VACATE AND ABANDON A PORTION OF THE 10.00 FOOT
PUBLIC UTILITY EASEMENTS IN BLOCK 9051

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the South half of Section 5 and the North half of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lots 1 through 9 and 17 through 31 in Block 9051 of the RIVER TERRACE Subdivision, as per map filed November 9, 1990 in Book 35 of Maps, Page 38, Stanislaus County Records, described as follows:

PARCEL 9051-4

Beginning at the Southwestern corner of said Lot 9 in Block 9051; thence along the Southeastern line of said Lots 9, 8, 7, 6, 5, 4, 3, 2 and 1 in Block 9051, said line being the Northwestern line of Hatch Road, North 71° 14' 42" East, 447.63 feet; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 19° 28' 16" and an Arc Length of 5.10 feet, to a point on a line which is parallel with and 45.00 feet, measured at right angles, Southwesterly from the centerline of Dallas Street, from which point a radial line bears North 38° 13' 34" West; thence along said parallel line, North 18° 45' 18" West, 9.14 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northwesterly from said Northwestern line of Hatch Road; thence along said last mentioned parallel line, South 71° 14' 42" West, 452.63 feet, to a point on the Southwestern line of said Lot 9 in Block 9051; thence along the Southwestern line of Lot 9 in Block 9051, South 18° 45' 18" East, 10.00 feet, to the point of beginning.

PARCEL 9051-5

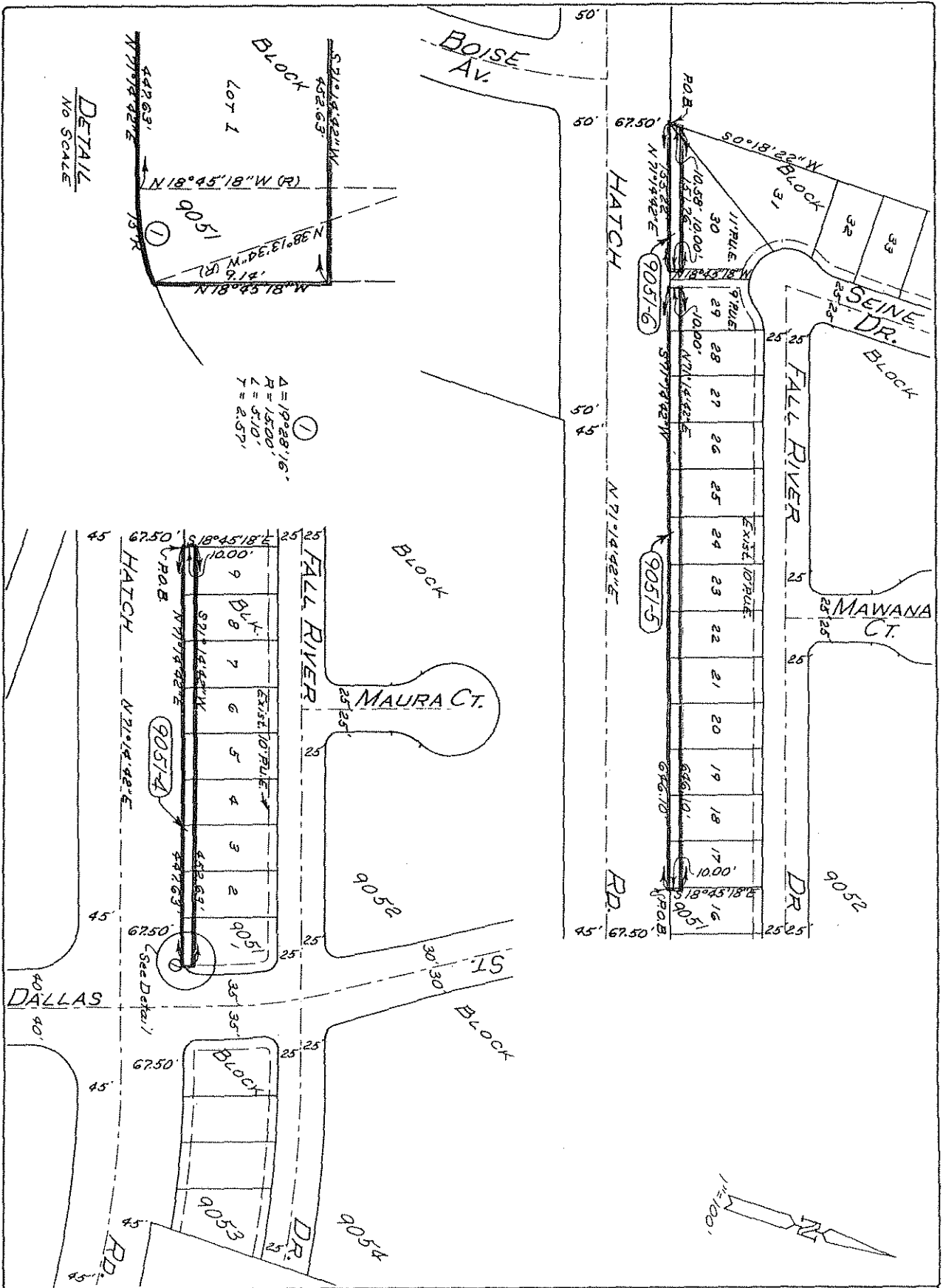
Beginning at the Southeastern corner of said Lot 17 in Block 9051; thence along the Southeastern line of said Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 in Block 9051, said line being the Northwestern line of Hatch Road, South 71° 14' 42" West, 646.10 feet, to a point on a line which is parallel with and 9.00 feet, measured at right angles, Northeasterly from the Southwestern line of said Lot 29; thence along said parallel line, North 18° 45' 18" West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northwesterly from said Northwestern line of Hatch Road; thence along said last mentioned parallel line, North 71° 14' 42" East, 646.10 feet, to a point on the Northeastern line of Lot 17; thence along said Northeastern line of Lot 17, South 18° 45' 18" East, 10.00 feet, to the point of beginning.


Exhibit "A"

LD 91-G
Parcels 9051-4
 9051-5
 9051-6

PARCEL 9051-6

Beginning at the Southwestern corner of said Block 9051, said point being the Southwestern corner of Lots 30 and 31 in Block 9051; thence along the Southeastern line of Lot 30, said line being the Northwestern line of Hatch Road, North $71^{\circ} 14' 42''$ East, 155.22 feet, to a point on a line which is parallel with and 11.00 feet, measured at right angles, Southwesterly from the Northeastern line of Lot 30; thence along said parallel line, North $18^{\circ} 45' 18''$ West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northwesterly from said Northwestern line of Hatch Road; thence along said last mentioned parallel line, South $71^{\circ} 14' 42''$ West, 151.76 feet, to a point on the Western line of said Lot 31; thence along said Western line of Lot 31, South $00^{\circ} 22' 18''$ West, 10.58 feet, to the point of beginning.



FILE NO. 4-B-239	ACTIVITY NO. PAGE NO.	VACATE AND ABANDON A PORTION OF THE 10-FOOT PUBLIC UTILITY EASEMENTS IN BLK. 9051-LD91-G	 CITY of MODESTO ENGINEERING DEPARTMENT 801 11th STREET — P.O. BOX 642 MODESTO, CALIF. 95363 PHONE: 209-577-5462	APPROVED BY: <i>Jenny H. Seidler</i>	FOX: DIRECTOR	DRAWN: J. Christiansen	DATE: Jan. 27, 1992
		CHECKED:		DATE:	ASBUILT BY:	DATE:	
		ASBUILT PLOTTED:		DATE:	REVISED:	DATE:	
		FLD. BK.		PG.	DATE: 2/3/92	R.E. 24156	

MODESTO CITY COUNCIL
RESOLUTION NO. 92-89

RE-
A RESOLUTION /APPOINTING MEMBER OF THE BOARD OF BUILDING APPEALS
(TIM RAGSDALE)

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 ^{re-}appointed to the Board of Building Appeals for the respective term as indicated:

Tim Ragsdale

Term to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member 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 18th day of February 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-90

RE-
A RESOLUTION/APPOINTING MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD (NORMA REED)

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^{re-}appointed to the
Downtown Improvement District Advisory Board for the respective
term as indicated:

Norma Reed

Term to expire 1/1/96

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 18th day of February
1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-91

RE-
A RESOLUTION/APPOINTING MEMBER OF THE LANDMARK PRESERVATION COMMISSION
(RICHARD BARHITE)

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^{re-}appointed to the Landmark Preservation Commission for the respective term as indicated:

Richard Barhite

Term expires 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Landmark Preservation 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 18th day of February 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-92

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DUANE MILLER AND THE FIRM OF MILLER & ROLFE AS OUTSIDE LEGAL COUNSEL FOR CITY OF MODESTO AND DEL ESTE WATER COMPANY v. SHELL OIL COMPANY, ET AL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Duane Miller and the firm of Miller and Rolfe as outside legal counsel for City of Modesto and Del Este Water Company v. Shell Oil Company, et al be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-93

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARDS, WATSON & GERSHON AS OUTSIDE LEGAL COUNSEL FOR CERTAINTIED v. ASSOCIATED PIPELINE, CITY OF MODESTO, HACKETT ENVIRONMENTAL SYSTEMS, ET AL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richards, Watson & Gershon as outside legal counsel for Certainteed v. Associated Pipeline, City of Modesto, Hackett Environmental Systems, et al be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-94

A RESOLUTION APPROVING THE FINAL MAP OF THE MURATORE MANOR
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, John Hasley and Maryanne Hasley, husband and wife, are
possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 1.45 acres, known as the Muratore Manor Subdivision,
and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 19th day of March, 1990, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that
the final map of said Muratore Manor Subdivision meets all of the provisions
of the California Subdivision Map Act and the provisions of the Modesto
Municipal Code relating to subdivisions, and that the map is technically
correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved; that the streets, alleys and easements as
shown thereon within the boundaries of said tract be accepted on behalf of the
public for public use; and that the City Clerk be authorized to certify the
map of said tract on behalf of the City of Modesto after the fees and deposits
required by the Modesto Municipal Code in amounts determined by the City
Engineer have been paid, and subdividers have furnished securities, as set
forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

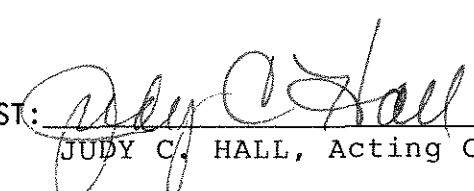
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1992, 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, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-95

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY A. AND PATRICIA L. ASKEW, AND DAVID AND SANDRA MESENHIMER, dba MODESTO FLIGHT CENTER, FOR LEASE OF A PORTION OF THE FORMER AIRPORT ADMINISTRATION BUILDING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry A. and Patricia L. Askew, and David and Sandra Mesenhimer, dba Modesto Flight Center, for lease of a portion of the former Airport Administration / ^{building} be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

70
MODESTO CITY COUNCIL
RESOLUTION NO. 92-96

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN EMPIRE SURPLUS LINES - HAMILTON/MERIDIAN INSURANCE ASSOCIATION TO PROVIDE THE TUOLUMNE RIVER REGIONAL PARK WITH ERRORS AND OMISSIONS INSURANCE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and American Empire Surplus Lines - Hamilton/Meridian Insurance Association to provide the Tuolumne River Regional Park with Errors and Omissions insurance 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 25th day of February, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-97

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CAROLINA CASUALTY-HAMILTON/MERIDIAN INSURANCE ASSOCIATION FOR RENEWAL OF THE CITY'S TRANSIT LIABILITY POLICY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Carolina Casualty-Hamilton/Merician Insurance Association for renewal of the City's Transit Liability Policy 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 25th day of February, 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-98

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN MARINE AND AVIATION/IRIS, LTD. FOR RENEWAL OF AIRPORT LIABILITY INSURANCE

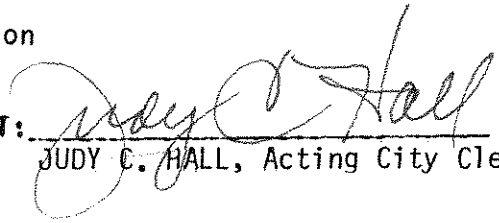
BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Southern Marine and Aviation/IRIS, Ltd. for renewal of Airport Liability Insurance

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 25th day of February, 1992, 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, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-99

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KITTLESON & ASSOCIATES, INC. FOR THE CENTRALIZED TRAFFIC SIGNAL PROJECT DESIGN AND IMPLEMENTATION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kittleson & Associates, Inc. for the centralized traffic signal project design and implementation
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 25th day of February 1992, 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, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-100

A RESOLUTION PROVIDING FOR A LOAN OF NOT MORE THAN THREE HUNDRED THOUSAND DOLLARS (\$300,000) FROM THE SEWER FUND (NO. 621) TO THE STORM DRAINAGE FUND (NO. 628).

WHEREAS, because of difficulties in implementing the revenue program supporting the storm drain program, the fund is critically short of operating funds, and

WHEREAS, there are sufficient funds available in the Sewer Fund (Fund 621).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of not more than Three Hundred Thousand Dollars (\$300,000) be loaned from the Sewer Fund (Fund No. 621) to the Storm Drainage Fund (Fund No. 628).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1992, by Councilmember Friedman, 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: Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-101

RE-
A RESOLUTION/ APPOINTING MEMBERS TO THE INTERNATIONAL FRIENDSHIP COMMITTEE
(MARGARET SNYDER, MARIDALE SMITH AND NINA ZAGARIS)

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

SECTION 1. The following person is hereby/ re-
appointed to the
International Friendship Committee for the respective term as indicated:

Margaret Snyder
Maridale Smith
Nina Zagaris
Terms to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the International Friendship Committee
and the Secretary thereof.

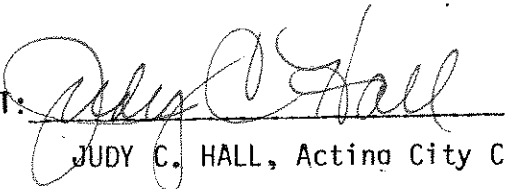
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of February , 19 92 ,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried and
the resolution adopted 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. 92-102

A RESOLUTION ACCEPTING THE MODIFICATION OF TRAFFIC SIGNALS, AND STRIPING - BRIGGSMORE AVENUE/CARPENTER ROAD AT ORANGEBURG AVENUE/SISK ROAD, CARPENTER ROAD BETWEEN ORANGEBURG AVENUE/SISK ROAD AND BLUE GUM AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the modification of traffic signals, and striping - Briggsmore Avenue/ Carpenter Road at Orangeburg Avenue/Sisk Road, Carpenter Road between Orangeburg Avenue/Sisk Road and Blue Gum Avenue has been completed by Ridhard A. Heaps Electrical Contractor, Inc. in accordance with the contract dated February 19, 1991.

NOW, THEREFORE, BE IT RESOLVED that the modification of traffic signals, and striping - Briggsmore Avenue/Carpenter Road at Orangeburg Avenue/Sisk Road, Carpenter Road between Orangeburg Avenue/Sisk Road and Blue Gum Avenue 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 \$85,152.87 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 March, 19 92, 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. 92-103

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FOR PREPARATION OF PART 2 OF THE NPDES STORMWATER PERMIT APPLICATION.

WHEREAS, Federal regulations, 40 CFR Parts 122-124, require the City of Modesto to submit Part 2 of its application for NPDES Stormwater Permit by May 18, 1993, and

WHEREAS, by previous Council actions in September, 1991, Part 1 of the NPDES Stormwater Permit Application is being prepared for submission by May 18, 1992, with the assistance of two consultants, Brown & Caldwell and Lew-Garcia Davis, and

WHEREAS, Part 2 of the NPDES Stormwater Permit Application is a major project which will develop the Stormwater Quality Management and Financial Plan for the next 5 years for Modesto, and

WHEREAS, the Stormwater Quality Management and Financial Plan is required by the Federal regulations, and

WHEREAS, City staff does not have the expertise or manpower to meet the May 1993 deadline, and a consultant is needed due to the size of the project, technical complexity of the project, and the May 1993 deadline for the project, and

WHEREAS, the need for this project was anticipated and funds are budgeted for the project for FY 91-92 and for completion of the project in FY 92-93,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from consultants for the preparation of Part 2 of the NPDES Stormwater Permit Application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1992, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

6

MODESTO CITY COUNCIL
RESOLUTION NO. 92-104

A RESOLUTION APPROVING A HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE OF THEIR FACILITIES FOR RECREATION ACTIVITIES DURING 1992

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the hold harmless agreement between the City of Modesto and Yosemite Community College District for use of their facilities for recreation activities during 1992 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 March, 1992, 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

7

MODESTO CITY COUNCIL
RESOLUTION NO. 92-105

A RESOLUTION APPROVING AN EPA FEDERAL GRANT AMENDMENT FOR THE WASTEWATER
TREATMENT PLANT EXPANSION PROJECT - UNITS 1 AND 4

WHEREAS, on September 10, 1986, the City executed an EPA Federal Grant for the improvement of a portion of our Wastewater Treatment Facilities, with the Federal share of the project estimated at \$7,787,475; and

WHEREAS, this Grant Amendment provides for a reduction in the Federal share of the project to match our final pay request to EPA.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the EPA Federal Grant Amendment for the Wastewater Treatment Plant Expansion Project - Units 1 and 4 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 3rd day of March, 1992, 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, Dobbs, Friedman,
Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-106

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION
OF THE 5-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 4118 IN THE
CITY OF MODESTO.

WHEREAS, the City of Modesto has received a request from Bill
Zoslocki Construction Company, on behalf of the owners of the property at 906
Byron Lane, to abandon a portion of the 5-foot public utility easement in
Block 4118 in the City of Modesto, and

WHEREAS, the easement proposed to be abandoned was dedicated on
undeveloped property to protect the cable supplying power to the street lights
on Byron Lane, and

WHEREAS, the property has since been developed and a structure was
constructed over the easement, and

WHEREAS, to correct this condition a new cable has been installed
and a new easement dedicated to protect the cable and allow for the
maintenance of the cable, and

WHEREAS, the California Streets and Highways Code authorizes a city
council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block
4118 in the City of Modesto, described in Exhibit "A" attached hereto, which
is a portion of the 5-foot public utility easement in Block 4118 in the City
of Modesto, and

WHEREAS, letters have been received from Del Este Water Company,
Modesto Irrigation District, Pacific Bell, Pacific Gas and Electric Company,
and Post Newsweek Cable stating that they have no facilities in the area to be
abandoned and that they have no objection to the abandonment, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is a portion of the 5-foot public utility easement in Block 4118 in the City of Modesto, is no longer necessary. This portion of the easement has been superseded by relocation and there are no other public facilities located within the easement.

3. That from and after the date this resolution is recorded, the portion of the 5-foot public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the 5-foot public utility easement located in Block 4118 in the City of Modesto which is described in Exhibit "A", which is attached hereto and incorporated by reference herein, be and it is hereby vacated and abandoned, such vacation and abandonment to be effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

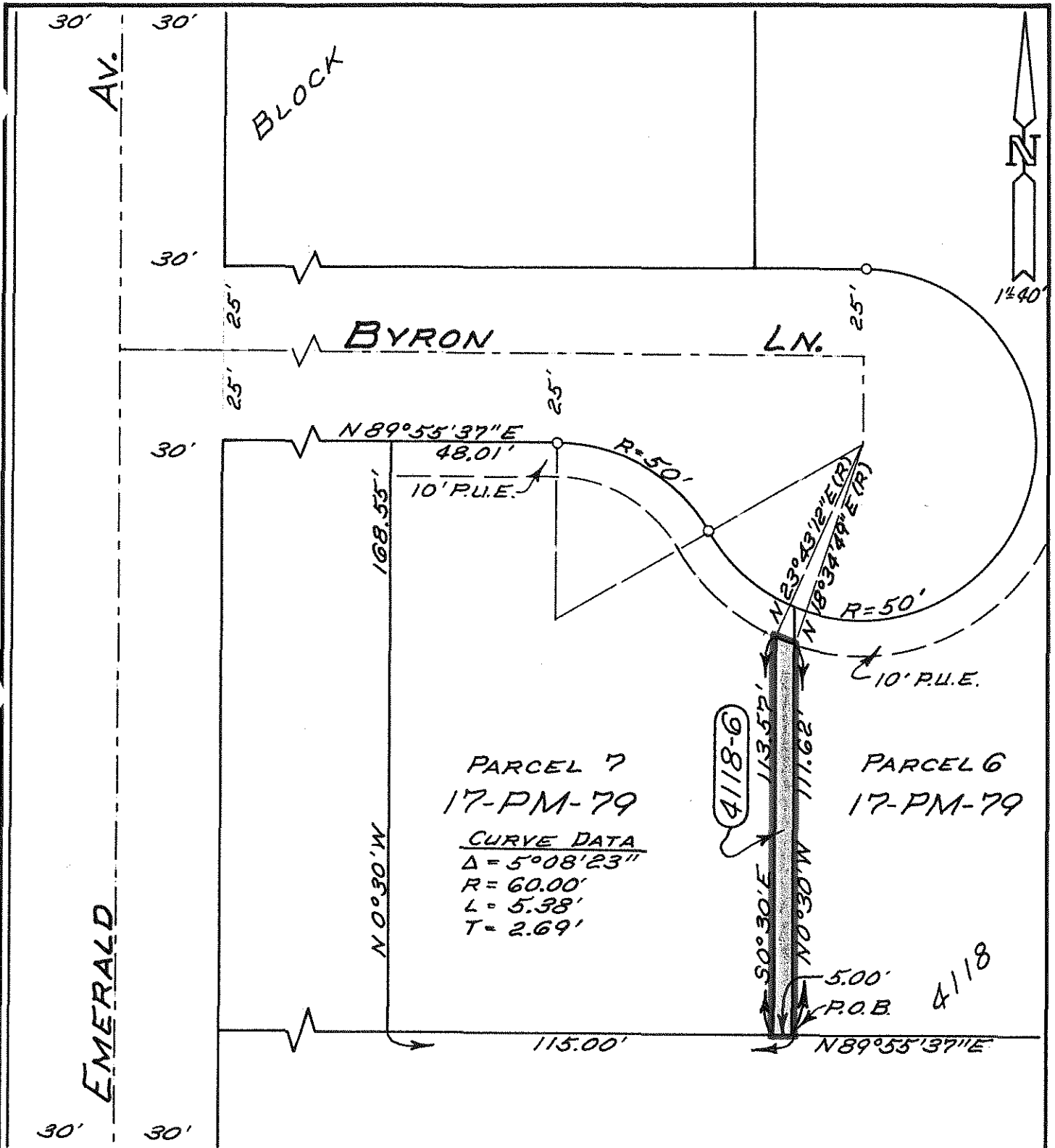
By John R. Christiansen
Public Works and Transportation
Department - Engineering Division

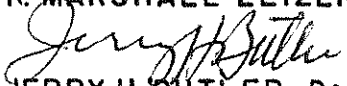
PARCEL 4118-6
LD 91-E

VACATE AND ABANDON A PORTION OF THE 5-FOOT
PUBLIC UTILITY EASEMENT IN BLOCK 4118

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southeastern corner of Parcel 7, as per Amended Parcel Map filed August 27, 1973 in Book 17 of Parcel Maps, Page 79, Stanislaus County Records; thence along the Eastern line of said Parcel 7, North $00^{\circ} 30'$ West, 111.62 feet, to a point on the Southwesterly line of the 10.00 foot public utility easement dedicated to the City of Modesto on July 2, 1991, as Instrument 049981, Stanislaus County Records, said point being on a non-tangent curve from which point a radial line bears North $18^{\circ} 34' 49''$ East; thence Northwesterly along said non-tangent curve concave to the Northeast, having a Radius of 60.00 feet, a Central Angle of $5^{\circ} 08' 23''$ and an Arc Length of 5.38 feet, to a point of intersection with a line which is parallel with and 5.00 feet, measured at right angles, Westerly from the Eastern line of Parcel 7, from which point a radial line bears North $23^{\circ} 43' 12''$ East; thence along said parallel line, South $00^{\circ} 30'$ East, 113.57 feet, to a point on the Southern line of Parcel 7; thence along said Southern line of Parcel 7, North $89^{\circ} 55' 37''$ East, 5.00 feet, to the point of beginning.



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION		FLD. BK. & PG.	
R. MARSHALL ELIZER, JR. Director		W. O. NO.	
 JERRY H. BUTLER, Deputy R.E. 24156 EXP 12/31/93		FILE NUMBER	
DATE Sept, 1991	DRAWN J. Christiansen	CHECKED	4-A-744
VACATE AND ABANDON A PORTION OF THE 5-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 4118~LD91-E			

MODESTO CITY COUNCIL
RESOLUTION NO. 92-107

A RESOLUTION SUMMARILY VACATING AND ABANDONING THE STORM DRAIN EASEMENTS IN BLOCKS 9052 AND 9054 IN THE RIVER TERRACE SUBDIVISION IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Kaufman and Broad Central Valley, Inc. to abandon the storm drain easements in Blocks 9052 and 9054 in the River Terrace Subdivision in the City of Modesto, as the original subdivider provided these easements to provide drainage for the rear of Lots 8 through 20 in Block 9052, and Lots 2 and 13 in Block 9054 and was necessitated by the difference in elevation between these lots and the adjacent lots, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, said easements referred to above on the real property located in the River Terrace Subdivision in Blocks 9052 and 9054 in the City of Modesto are more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is the storm drain easements in Blocks 9052 and 9054 in the River Terrace Subdivision in the City of Modesto, is no longer necessary for storm drain easement purposes as the grade differential has been alleviated by importing fill, and the abandonment will allow the homeowners full use of their backyards.

3. That from and after the date this resolution is recorded, the storm drain easements vacated will no longer constitute a storm drain easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the storm drain easements located in the River Terrace Subdivision in Blocks 9052 and 9054 in the City of Modesto, which are more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and they are hereby vacated and abandoned, such vacation and abandonments 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 3rd day of March, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Chuteau
Public Works and Transportation
Department - Engineering

LD 91-6
Parcels 9052-3
9054-1
9054-2

VACATE AND ABANDON THE STORM DRAIN EASEMENTS
IN BLOCKS 9052 AND 9054

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the North half of Section 8 and the South half of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 45 and 46 in Block 9052 and Lots 2, 8, 9, 13, 24 and 25 in Block 9054 of the RIVER TERRACE Subdivision, as per map filed November 9, 1990 in Book 35 of Maps, Page 38, Stanislaus County Records, described as follows:

PARCEL 9052-3

Beginning at the Northwestern corner of said Lot 20 in Block 9052 of the River Terrace Subdivision; thence along the Northwestern lines of said Lots 20, 19, 18, 17, 16, 15, 14 and 13 in Block 9052, North $71^{\circ} 14' 42''$ East, 379.89 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southwesterly from the Northeastern line of said Lot 45 in Block 9052; thence along said parallel line, North $23^{\circ} 01' 59''$ West, 115.44 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Southeasterly from the Northwestern line of Lot 45 and the Southern line of Crater Avenue; thence along said last mentioned parallel line, North $66^{\circ} 58' 01''$ East, 10.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northeasterly from the Southwestern line of said Lot 46 and said Northeastern line of Lot 45; thence along said last mentioned parallel line, South $23^{\circ} 01' 59''$ East, 116.18 feet, to a point on the Southeastern line of Lot 46 and said Northwestern line of Lot 13; thence along the Northwestern line of said Lots 13, 12, 11 and 10 in Block 9052, North $71^{\circ} 14' 42''$ East, 160.09 feet, to the Northeastern corner of Lot 10; thence along the Northeastern line of Lot 10, South $18^{\circ} 45' 18''$ East, 15.00 feet, to the Northwestern corner of said Lot 9 in Block 9052; thence along the Northwestern line of said Lots 9 and 8, North $71^{\circ} 14' 42''$ East, 93.53 feet, to a point on a non-tangent curve from which point a radial line bears North $31^{\circ} 20' 55''$ East, said non-tangent curve being the Southwesterly line of a 10.00 foot public utility easement; thence Southeasterly along said non-tangent curve concave to the Northeast, having a Radius of 60.00 feet, a Central Angle of $1^{\circ} 30' 48''$ and an Arc Length of 1.58 feet, to a point of reverse curve from which point a radial line bears South $29^{\circ} 50' 07''$ West; thence Southeasterly along said reverse curve concave to the Southwest, having a Radius of 40.00 feet, a Central Angle of $11^{\circ} 58' 13''$ and an Arc Length of 8.36 feet, to its intersection with a line which is parallel with and 8.00 feet, measured at right angles, Southeasterly from said Northwestern lines of Lots 8 and 9; thence along said last mentioned parallel line, South $71^{\circ} 14' 42''$ West, 107.40 feet, to a point on a line which is parallel with and 8.00 feet, measured at right angles, Southwesterly from the Northeastern line of Lot 10; thence along said parallel line, North $18^{\circ} 45' 18''$ West, 15.00 feet, to a point on a line

which is parallel with and 8.00 feet, measured at right angles, Southeasterly from the Northwestern line of Lot 10; thence along said last mentioned parallel line, South $71^{\circ} 14' 42''$ West, 387.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northeasterly from the Southwestern line of said Lot 17; thence along said last mentioned parallel line, South $18^{\circ} 45' 18''$ East, 97.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northwesterly from the Southeastern line of Lot 17, said line being the Northwestern line of a 10.00 foot public utility easement; thence along said last mentioned parallel line, South $71^{\circ} 14' 42''$ West, 10.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southwesterly from the Northeastern line of said Lot 18; thence along said last mentioned parallel line, North $18^{\circ} 45' 18''$ West, 100.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southeasterly from the Northwesterly line of Lot 18; thence along said last mentioned parallel line, South $71^{\circ} 14' 42''$ West, 145.00 feet, to the Southwestern line of Lot 20; thence along said Southwestern line of Lot 20, North $18^{\circ} 45' 18''$ West, 5.00 feet, to the point of beginning.

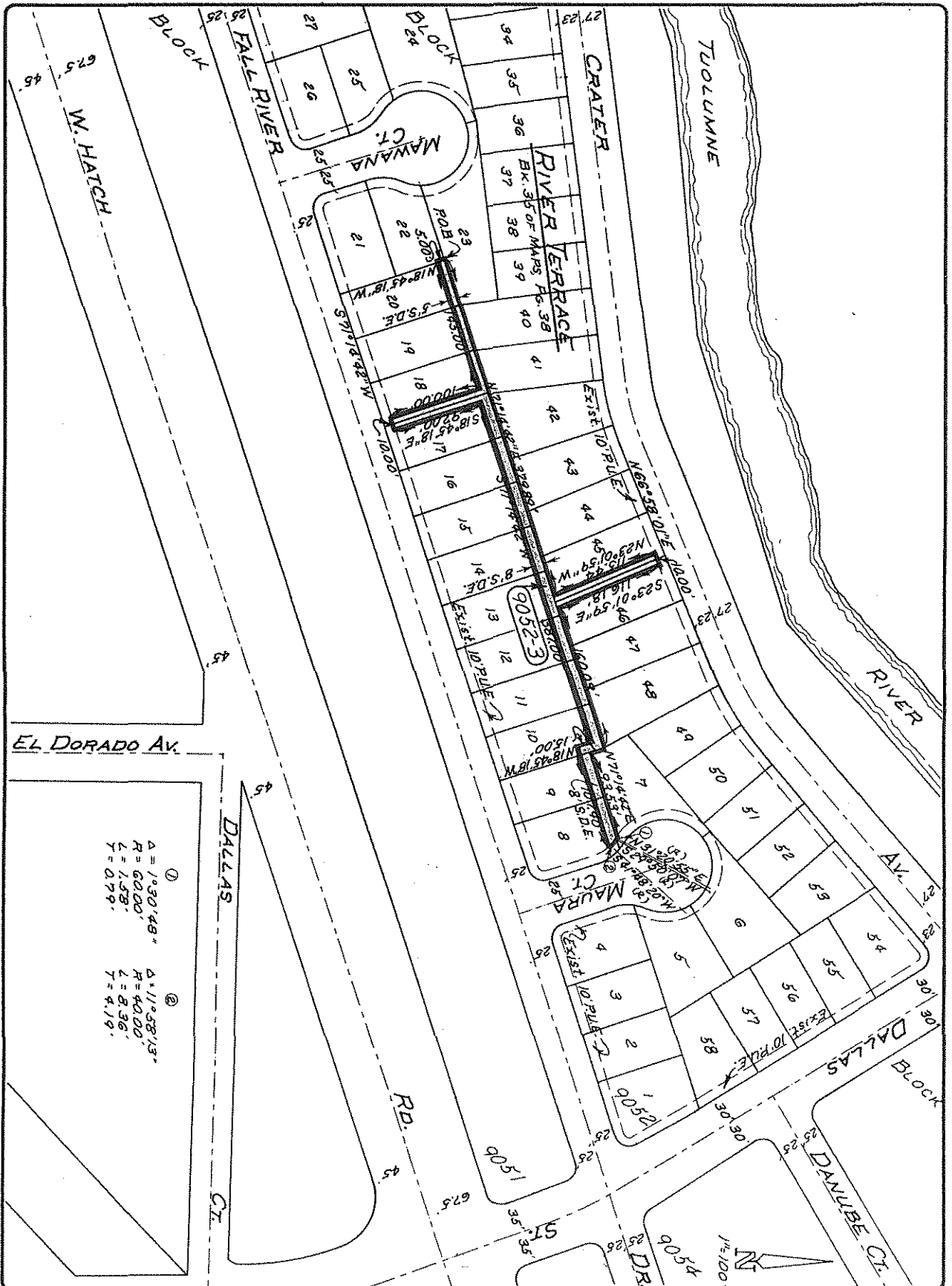
PARCEL 9054-1

Beginning at the Northwestern corner of said Lot 2 in Block 9054; thence along the Northwestern line of Lot 2, North $71^{\circ} 14' 42''$ East, 10.16 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southwesterly from the Northeastern line of said Lot 8; thence along said parallel line, North $31^{\circ} 58' 08''$ West, 94.61 feet, to a point on a non-tangent curve from which point a radial line bears South $19^{\circ} 45' 22''$ East, said non-tangent curve being the Southwestern line of a 10.00 foot public utility easement; thence Easterly along said non-tangent curve concave to the South, having a Radius of 40.00 feet, a Central Angle of $15^{\circ} 16' 27''$ and an Arc Length of 10.66 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northeasterly from the Southwestern line of said Lot 9; thence along said last mentioned parallel line, South $31^{\circ} 58' 08''$ East, 93.35 feet, to a point on said Northwestern line of Lot 2; thence along the Northwestern line of Lot 2, North $71^{\circ} 14' 42''$ East, 33.56 feet, to the Northeastern corner of Lot 2; thence along the Northeastern line of Lot 2, South $18^{\circ} 45' 18''$ East, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southeasterly from the Northwestern line of Lot 2; thence along said last mentioned parallel line, South $71^{\circ} 14' 42''$ West, 54.00 feet, to a point on the Southwestern line of Lot 2; thence along said Southwestern line of Lot 2, North $18^{\circ} 45' 18''$ West, 5.00 feet, to the point of beginning.

PARCEL 9054-2


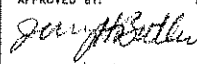
Beginning at the Northwestern corner of said Lot 13 in Block 9054; thence along the Northwestern line of Lot 2, North $74^{\circ} 32' 58''$ East, 17.42 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from the Eastern line of said Lot 24; thence along said parallel line, North $01^{\circ} 04' 04''$ East, 98.41 feet, to a point on a non-tangent curve from which point a radial line bears South $05^{\circ} 36' 10''$ East, said non-tangent curve being the Southern line of a 10.00 foot public utility

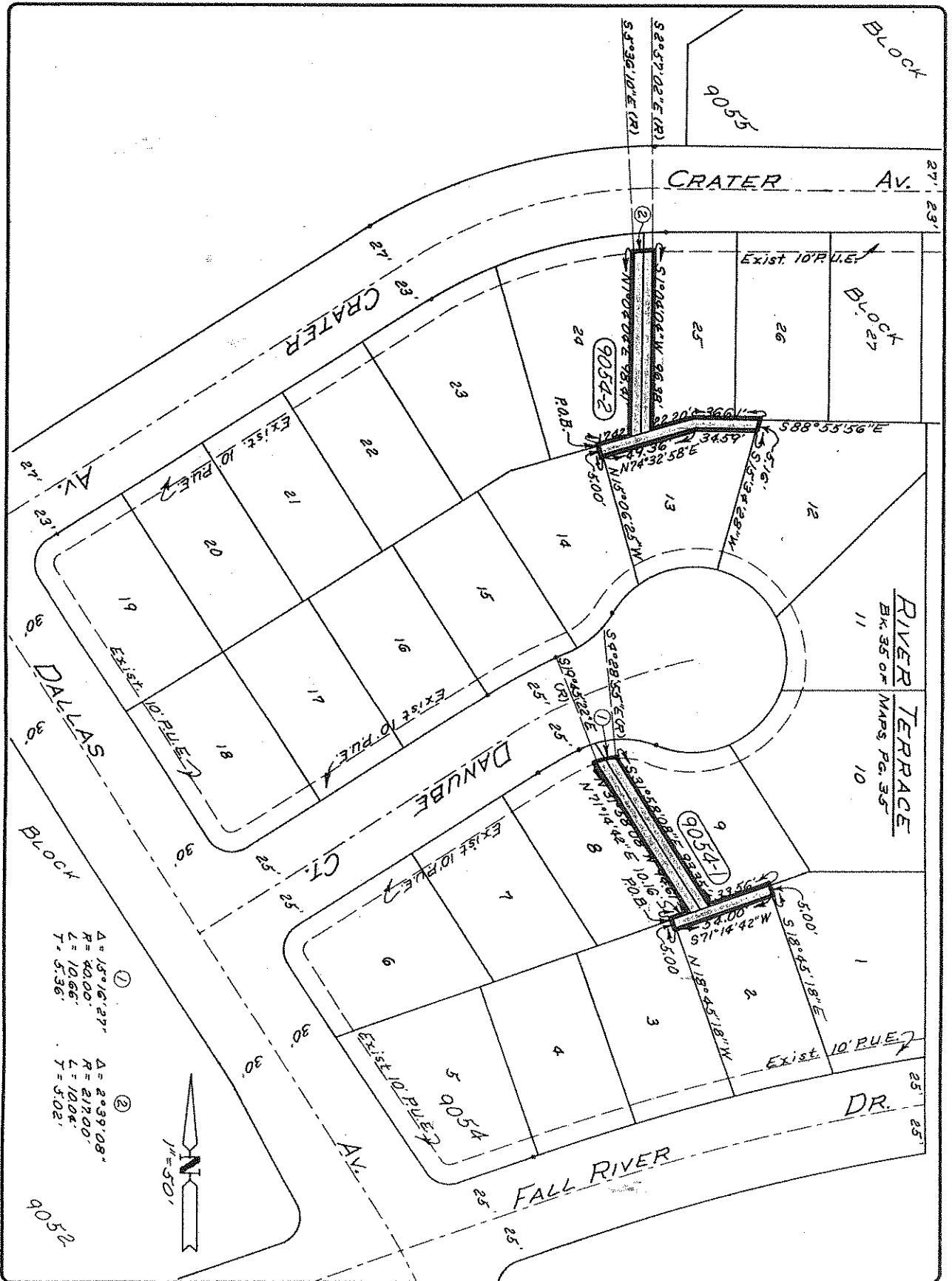
easement; thence Easterly along said non-tangent curve concave to the South, having a Radius of 217.00 feet, a Central Angle of $02^{\circ} 39' 08''$ and an Arc Length of 10.04 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Easterly from the Western line of said Lot 25, from which point a radial line bears South $02^{\circ} 57' 02''$ East; thence along said last mentioned parallel line, South $01^{\circ} 04' 04''$ West, 96.38 feet, to a point on a said Northwestern line of Lot 13; thence along the Northwestern line of Lot 13, North $74^{\circ} 32' 58''$ East, 22.20 feet; thence along the Northern line of Lot 13, South $88^{\circ} 55' 56''$ East, 36.61 feet, to the Northeastern corner of Lot 13; thence along the Eastern line of Lot 13, South $15^{\circ} 34' 28''$ West, 5.16 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southerly from said Northern line of Lot 13; thence along said last mentioned parallel line, North $88^{\circ} 55' 56''$ West, 34.59 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southeasterly from said Northwestern line of Lot 13; thence along said last mentioned parallel line, South $74^{\circ} 32' 58''$ West, 49.36 feet, to the Southwestern line of Lot 13; thence along said Southwestern line of Lot 13, North $15^{\circ} 06' 25''$ West, 5.00 feet, to the point of beginning.



① $\Delta = 1^{\circ}30'48''$
 $R = 60.00'$
 $L = 1.58'$
 $T = 0.79'$

② $\Delta = 11^{\circ}58'13''$
 $R = 40.00'$
 $L = 8.36'$
 $T = 4.19'$


FILE NO. A-B-240	PAGE NO. 1 OF 2	ACTIVITY NO.	VACATE AND ABANDON THE STORM DRAIN EASEMENTS-BLKS. 9052 AND 9054 LD 91-G	 CITY of MODESTO DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION 801 11th STREET P.O. BOX 642 MODESTO, CA 95353 PHONE (209) 577-6462	APPROVED BY:  DATE: 2/20/92 EXP. DATE: 12/31/92	R.E. 24156
					DESIGNED BY: J. Christian	CHECKED BY: DATE:



①
 $\Delta = 157'16.27"$
 $R = 40.00"$
 $L = 10.66"$
 $T = 5.36"$

②
 $\Delta = 2039'08"$
 $R = 21200"$
 $L = 1024"$
 $T = 502"$



FILE NO. 4-B-240	PAGE NO. 2 OF 2	ACTIVITY NO. 20F2	VACATE AND ABANDON THE STORM DRAIN EASEMENTS-BLKS 9052 AND 9054 LD 91-G		 CITY of MODESTO DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION 801 11th STREET P.O. BOX 642 MODESTO, CA 95353 PHONE (209) 577-5462	APPROVED BY: <i>Joseph Kuttler</i>	R.E. 24156
			DATE: 2/20/92 EXP. DATE: 12/31/98	DATE:			
DRAWN BY: Christensen 2-20-92	CHECKED BY:	ASSEMBL BY:	ASSEMBL PLOTTED:	FIELD BOOK:	REVISED:	DATE:	DATE:

MODESTO CITY COUNCIL
RESOLUTION NO. 92-108

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DKS ASSOCIATES TO PERFORM TRAFFIC ENGINEERING SERVICES FOR THE 1992 MODESTO TRAFFIC ACTIVATED SIGNAL CONVERSION PROJECT UNDER THE PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA) GRANT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and DKS Associates to perform traffic engineering services for the 1992 Modesto Traffic Activated Signal Conversion 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 3rd day of March 1992, 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. 92-109

A RESOLUTION APPOINTING BILL SEAVY 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:

Bill Seavy
2605 Bardolino Lane
Modesto, Ca. 95356

Term to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to Bill Seavy

and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-110

A RESOLUTION APPOINTING TERRI AMERIO-BELL TO THE AFFIRMATIVE ACTION 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 Commission for the respective term as indicated:

Terri Amerio-Bell
1404 Solano Circle
Modesto, Ca. 95355

Term to expire: 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Affirmative Action 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 3rd day of March 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-111

A RESOLUTION DENYING THE APPEAL FILED BY RUSSELL A. HARRISON ON BEHALF OF FLORSHEIM BROS. TO A PLANNING COMMISSION DECISION DENYING AN APPLICATION FOR AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(468), FOR ELIMINATION OF FIVE-FOOT SIDE YARD EASEMENTS TO ALLOW FENCING ALONG PROPERTY LINES ON LOTS 5 AND 53 THROUGH 61 LOCATED AT THE SOUTHWEST CORNER OF MERLE AND ROSELLE AVENUES AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, Planned Development Zone, P-D(468) was approved by the City Council on December 26, 1989, by Ordinance No. 2697-C.S., and

WHEREAS, by Resolution No. 89-1212 adopted December 26, 1989, the City Council approved a development plan for P-D(468), and

WHEREAS, an application for an amendment to P-D(468) for approval of a revised development plan for elimination of five-foot side yard easements to allow fencing along property lines on lots 5 and 53 through 61 located at the southwest corner of Merle and Roselle Avenues was filed by Florsheim Bros. on December 3, 1991, and

WHEREAS, Section 10-2.1709(a) of the Municipal Code authorizes the Planning Commission to approve revisions to the development plan of a Planned Development Zone, and

WHEREAS, a public hearing was held by the Planning Commission on January 27, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that the amendment to P-D(468) as proposed was not required by public necessity, convenience, and the general welfare for the reasons set forth in Planning Commission Resolution No. 92-3, and denied the

application for an amendment to P-D(468) for approval of a revised development plan for elimination of five-foot side yard easements to allow fencing along property lines on lots 5 and 53 through 61 located at the southwest corner of Merle and Roselle Avenues, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application for an amendment to P-D(468) for approval of a revised development plan for elimination of five-foot side yard easements to allow fencing along property lines on lots 5 and 53 through 61 located at the southwest corner of Merle and Roselle Avenues was filed with the Office of the City Clerk by Russell A. Harrison on behalf of Florsheim Bros., by letter dated February 10, 1992, 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 March 17, 1992, at 7:30 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested amendment to P-D(468) for a revised development plan for elimination of five-foot side yard easements to allow fencing along property lines on lots 5 and 53 through 61 located at the southwest corner of Merle and Roselle Avenues should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 92-3 and quoted below:

1. All but ten lots of the 60 lots in P-D(468) have been developed in accordance with the approved P-D plan and zero lot line concept.
2. The remaining undeveloped lots are of size that will allow development of zero lot line type house plans which will complement existing units within the P-D zone and provide desirable floor plan options.

3. Deletion of required side yard easements for the purpose of offset fencing will greatly diminish provision of usable private yard areas for this small lot development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Russell A. Harrison on behalf of Florsheim Bros. to the decision of the Planning Commission denying the request for an amendment to P-D(468) for approval of a revised development plan for elimination of five-foot side yard easements to allow fencing along property lines on lots 5 and 53 through 61 located at the southwest corner of Merle and Roselle Avenue, is denied for the reasons set forth in Planning Commission Resolution No. 92-3 and quoted above, and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1992, 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, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Cogdill, Dobbs, Patterson

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH
Acting City Attorney

Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-112

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(489). (MATTHEWS/FABIAN)

WHEREAS, a verified application for an amendment to Section 5-4-9 of
the Zoning Map was filed by Carolyn Matthews/Frederick Fabian on October 21,
1991, to reclassify from Medium Density Residential Zone, R-2, to Planned
Development Zone, P-D, to allow a three-story, 201-unit senior housing
project, property located on the east side of Roselawn Avenue, east of Pelton
Avenue, described as follows:

R-2 to P-D(489)

All that certain real property situate in a portion of the Southwest
Quarter of Section 5, Township 4 South, Range 9 East, Mount Diablo
Base and Meridian, in the City of Modesto, County of Stanislaus,
State of California, described as follows:

Parcel A, as shown and designated on that certain parcel map filed
March 24, 1967 in Volume 3 of Parcel Maps, Page 34, Stanislaus
County Records and Lot 22, Block 3180 of Fairway Estates Unit No. 3,
according to the official map thereof filed in the office of the
recorder of Stanislaus County, California, on April 11, 1967, in
Volume 21 of maps, at page 60.

Including also the East 30.00 feet of 60.00 foot wide Roselawn
Avenue located immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on December 16, 1991, 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. 91-82,
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(489) Zone for senior housing is consistent
with the stated objective of the General Plan of encouraging
attractive, safe residential areas that provide for the diverse

housing needs by adding to the variety of housing types in the Fairway Neighborhood.

2. The site design, together with the conditions of approval including screen landscaping and certain third-story window limitations will assure neighborhood compatibility.

and

WHEREAS, after a public hearing held on March 17, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Carolyn Matthews/Frederick Fabian 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. 91-82 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2806-C.S. on the 17th day of March, 1992, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(489).

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

1. All development shall conform to the plot plan and floor plans titled "Site Plan - Preliminary Concept For: Senior Citizen Housing, Modesto, California" as amended in red, stamped approved by the Planning Commission on December 16, 1991.
2. The applicant shall pay to the City of Modesto an amount of \$1250 prior to the City Council hearing. This payment is to satisfy state law to benefit the State Department of Fish and Game pursuant to filing a Notice of Determination of environmental impact.

3. 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 entire periphery except the Roselawn Avenue frontage. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot (6') high wood fence with decorative masonry pilasters at 16 foot on centers as proposed by the applicant shall be constructed around the entire periphery.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. There shall be no third-story windows except bathroom windows nor unscreened decks/balconies from those nine units at the southwest portion of the site which face the west property line as indicated in red on the plan.
7. 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.
8. 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.
9. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
10. Prior to the issuance of a building permit the developer shall obtain approvals from the Corps of Engineers, the State Bureau of Reclamation and/or any other state or federal level agencies as required by the Chief Building Official.
11. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
12. Water and sewer service to the project shall be as approved by the Director of Public Works and Transportation.

13. All utilities shall be underground and cable television service shall be stubbed into all units.
14. All commercial activities including provision of goods and services provided in the proposed multi-functional facility shall be limited to service to residents of the P-D Zone.
15. All signs shall comply with the sign requirements of the R-3 Zone.
16. 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, except as otherwise allowed by Section 10-3.404(a) of the Modesto Municipal Code, 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.
17. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, actions, 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 P-D Zone 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 developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
18. Prior to issuance of a building permit, the developer shall enter into an agreement with the City of Modesto pursuant to construction and maintenance of certain dwelling units for low-income households and/or very-low-income households and other incentives as required by Chapter 3 of Title X of the Modesto Municipal Code.

C.E.Q.A. MITIGATION MEASURES

19. As a C.E.Q.A. mitigation measure, all on-site drainage shall be stored and disposed of on site.
20. Prior to issuance of a building permit, the developer shall, as a C.E.Q.A. mitigation measure, satisfy the Fire Chief as to on-site emergency access and shall demonstrate adequate water supply and 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 at predetermined flow specifications prior to construction of any structures. All dwelling units and multi-functional building shall be served by fire sprinklers.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(489):

The entire construction program be accomplished in one phase, construction to begin on or before December 16, 1993, and completion to be not later than December 16, 1994.

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(489), 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 March, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Brulide
Department of Planning and
Community Development

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-113

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(489). (MATTHEWS/FABIAN)

WHEREAS, on March 17, 1992, the City Council introduced Ordinance No. 2806-C.S. giving approval to a project relating to an amendment to Section 5-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(489), property located on the east side of Roselawn Avenue, East of Pelton Avenue, and

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

WHEREAS, the mitigation measures have been incorporated into the approved project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 5-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(489), property located on the east side of Roselawn Avenue, East of Pelton Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-114

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF ALAN BAILEY AND PHIL MASTAGNI TO THE DECISION OF THE PLANNING COMMISSION DENYING A TIME EXTENSION FOR VESTING STATUS OF THE VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CARPENTER ROAD AND BLUE GUM AVENUE, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION. (WEST CAMPUS BUSINESS CENTER)

WHEREAS, by Resolution No. 89-152 adopted on December 11, 1989, the Planning Commission approved the vesting tentative parcel map for the property at the southwest corner of Carpenter Road and Blue Gum Avenue, and

WHEREAS, a tentative map is valid for two years at which time it expires and a new tentative map must be submitted, and

WHEREAS, the vesting status for the vesting tentative parcel map of property at the southwest corner of Carpenter Road and Blue Gum Avenue expired on December 11, 1991, and

WHEREAS, prior to the expiration of tentative map approval a letter was received from the subdivider requesting an extension of time for filing the final map of said vesting tentative parcel map, and

WHEREAS, the County Public Facilities Fee would apply after the expiration of the vesting status, and

WHEREAS, this application was scheduled for review by the Planning Commission on January 27, 1992, but was continued to February 24, 1992, due to a lack of a quorum, and

WHEREAS, the request was reviewed by the Planning Commission at its regular meeting on February 24, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, at said Planning Commission meeting the applicant consented to the addition of a new map condition to install a second travel lane along Carpenter Road by December 11, 1992, but did not agree to the payment of County Public Facilities Fees, and

WHEREAS, the Planning Commission, by Resolution No. 92-6, adopted on February 24, 1992, found and determined that good cause had not been shown for the requested time extension, and denied said request for the reasons set forth in said Planning Commission Resolution No. 92-6, and

WHEREAS, by letter dated February 26, 1992, an appeal was filed with the City Clerk by Mid-Valley Engineering on behalf of Alan Bailey and Phil Mastagni to the decision of the Planning Commission denying a time extension for the vesting status of the vesting tentative parcel map for the property at the southwest corner of Carpenter Road and Blue Gum Avenue, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 17, 1992, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the requested extension of time for the vesting status of the vesting tentative parcel map for the property at the southwest corner of Carpenter Road and Blue Gum Avenue should be granted for the following reasons, and the decision of the Planning Commission should be overruled:

1. The project has approved zoning of P-D(148) for industrial, commercial, and office use which provides for economic development.
2. The applicant agreed to install a second travel lane along Carpenter Road adjacent to the project site. The applicant

agreed to install the street improvements by December 11, 1992, even if the map is not recorded.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reasons set forth above, the decision of the Planning Commission denying a time extension for the vesting status of the vesting tentative subdivision map for the property at the southwest corner of Carpenter Road and Blue Gum Avenue is hereby overruled and a one-year time extension to December 11, 1992, is hereby granted.

BE IT FURTHER RESOLVED that the vesting tentative map is subject to all the conditions set forth in Planning Commission Resolution 89-152 and shall also be subject to the following additional condition as consented to by the applicant:

1. Carpenter Road frontage along parcels 1, 2, 3, 4, and 6 shall be widened to provide an additional southbound travel lane as approved by the Public Works and Transportation Director including the relocation and modification of traffic signal equipment on the southwest corner of the Carpenter/Blue Gum intersection. Any signal improvements which are CFF eligible shall be credited against the project's CFF for street improvements. The improvements shall be completed by December 11, 1992, even if the final parcel map is not recorded. The remaining street improvements along Carpenter Road shall be completed in conjunction with property development or two years after the recording of a final parcel map, whichever occurs first.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1992, 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, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-115

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

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

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

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto,
on April 6, 1992, at 11:00 a.m. and the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 17th day of March , 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-116

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING MULTIPLE ADDRESS AND POINT TO POINT RADIO SYSTEM

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

SECTION 1. The plans and specifications for furnishing multiple address and point to point radio 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 April 13 , 1992, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 March , 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-117

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE VALERIE ALLEY, DOUGLAS STREET AND 9TH STREET WATERLINES

WHEREAS, Resolution No. 92-55 , adopted by the Council of the City of Modesto on February 4 , 19 92, approved the plans and specifications for the Valerie Alley, Douglas Street and 9th Street waterlines

and authorized the calling for bids; and

WHEREAS, the bids received for the Valerie Alley, Douglas Street and 9th Street waterlines were opened at 11:00 a.m. on February 27, 19 92, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Joe Martin Pipeline, Inc. in the amount of \$37,407

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$37,407 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 March , 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-118

A RESOLUTION ACCEPTING THE BID OF PATCH MASTER OF CENTRAL CALIFORNIA FOR CONSTRUCTION OF THE MUNICIPAL GOLF COURSE PARKING LOT

WHEREAS, Resolution No. 92-46 , adopted by the Council of the City of Modesto on January 28 , 19 92, approved the plans and specifications for the construction of the Municipal Golf Course parking lot

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the Municipal Golf Course parking lot

were opened at 11:00 a.m. on February 20, 19 92, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Patch Master of Central California in the amount of \$69,512

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 17th day of March , 1992, 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 COYNE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-119

A RESOLUTION ACCEPTING THE BID OF GIBBS PAINTING CO., INC. FOR THE INTERIOR COATING OF DIGESTER NO. 3 AT THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 92-67 , adopted by the Council of the City of Modesto on February 11, 1992, approved the plans and specifications for the interior coating of Digester No. 3 at the Water Quality Control Plant and authorized the calling for bids; and

WHEREAS, the bids received for the interior coating of Digester No. 3 at the Water Quality Control Plant

were opened at 11:00 a.m. on March 5, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Gibbs Painting Co., Inc. in the amount of \$90,944

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Gibbs Painting Co., Inc. in the amount of \$90,944 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 March , 1992, 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, CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 92-120

A RESOLUTION ACCEPTING THE BID OF WECO INDUSTRIES, INC. FOR FURNISHING A
NEW SEWER RODDING TRUCK

WHEREAS, Resolution No. 92-7 , adopted by the Council of the City of
Modesto on January 7 , 1992 , approved the plans and specifications for
the purchase of a new sewer rodding truck

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of a new sewer rodding
truck
were opened at 11:00 a.m. on February 10, 1992, and later tabulated by the
Director of Public Works & Transportation for the consideration of the
Council; and

WHEREAS, the Director of Public Works has recommended that
the bid of Weco Industries, Inc. in the amount of \$51,002
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Weco Industries, Inc. in the amount of \$51,002
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 March , 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-121

A RESOLUTION ACCEPTING THE CONSTRUCTION OF FIRE STATION NO. 9 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the construction of Fire Station No. 9

has been completed by Shan-Lyn Construction, Inc.
in accordance with the contract agreement dated May 15, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the construction of
Fire Station No. 9

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 \$ 422,084 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 17th day of March,
19⁹², 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-122

A RESOLUTION ACCEPTING THE STANDIFORD AVENUE IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Standiford Avenue improvements

has been completed by George Reed, Inc.

in accordance with the contract agreement dated June 25, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Standiford Avenue
improvements

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 \$918,548.67 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 17th day of March ,
1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-123

A RESOLUTION APPROVING A STATE GRANT AMENDMENT FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT - UNITS 1 AND 4

WHEREAS, on September 10, 1986, the City executed a State grant for the improvement of a portion of our Wastewater Treatment Facilities, with the State share of the project estimated at \$1,297,912; and

WHEREAS, this grant amendment provides for a reduction in the State share of the project to match our final pay request.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the State grant amendment for the Wastewater Treatment Plant Expansion Project - Units 1 and 4 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 17th day of March, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-124

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION
OF THE 12.00 FOOT PUBLIC UTILITY AND IRRIGATION EASEMENTS
IN BLOCKS 9856 AND 9863 IN THE CITY OF MODESTO.

WHEREAS, the City of Modesto has received a request from Kaufman and Broad Central Valley, Inc., to abandon 2.00 feet of the 12.00 foot public utility and irrigation easements in Blocks 9856 and 9863 of the Park Valley Homes No. 3 Subdivision in the City of Modesto, as the roofs of the houses they have designed for this subdivision are encroaching into the easement, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, said easements referred to above on the real property located in the Park Valley Homes No. 3 Subdivision in Blocks 9856 and 9863 in the City of Modesto are more particularly described in Exhibit "A", attached hereto, and

WHEREAS, letters have been received from Pacific Bell, Pacific Gas and Electric Company, Post-Newsweek Cable, and the Turlock Irrigation District stating that they have no facilities in the area to be abandoned and that they have no objection to the abandonment, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is located in the Park Valley Homes No. 3 Subdivision in Blocks 9856 and 9863 in the City of Modesto, whose date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.

3. That from and after the date this resolution is recorded, the portion of public utility and irrigation easements vacated will no longer constitute a public utility and irrigation easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the public utility and irrigation easements located in the Park Valley Homes No. 3 Subdivision in Blocks 9856 and 9863 in the City of Modesto, which are more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and they are 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 17th day of March, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Jerry Habert
Public Works and Transportation
Department, Engineering

LD 92-A
Parcels 9856-1
9863-1

VACATE AND ABANDON A PORTION OF THE 12.00 FOOT
PUBLIC UTILITY AND IRRIGATION EASEMENTS IN BLOCKS 9856 AND 9863

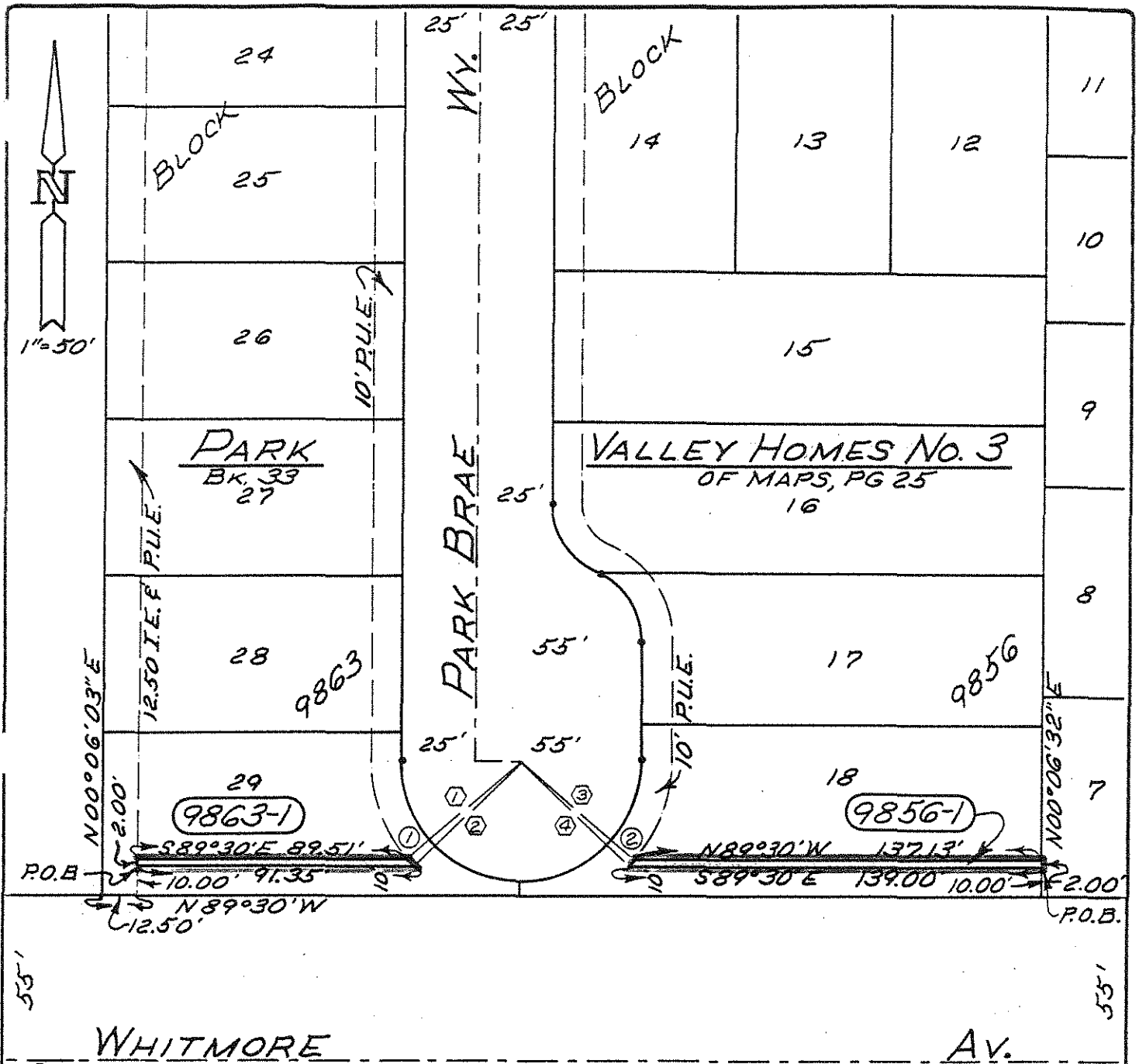
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 18 in Block 9856 and Lot 29 in Block 9863 of the PARK VALLEY HOMES NO. 3 Subdivision, as per map filed September 7, 1988 in Book 33 of Maps, Page 25, Stanislaus County Records, described as follows:

PARCEL 9856-1

Commencing at the Southeastern corner of said Lot 18 in Block 9856 of the Park Valley Homes No. 3 Subdivision; thence along the Eastern line of Lot 18, North $00^{\circ} 06' 32''$ East, 10.00 feet, to the true point of beginning of this description; thence continuing along said Eastern line of Lot 18, North $00^{\circ} 06' 32''$ East, 2.00 feet, to a point on a line which is parallel with and 12.00 feet, measured at right angles, Northerly from the Southern line of Lot 18 and the Northern line of Whitmore Avenue, said parallel line being the Northern line of a 12.00 foot Public Utility and Irrigation Easement; thence along said parallel line, North $89^{\circ} 30' 00''$ West, 137.13 feet, to a point on a non-tangent curve from which point a radial line bears North $48^{\circ} 12' 51''$ West; thence Southwesterly along said non-tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of $3^{\circ} 07' 33''$ and an Arc Length of 2.73 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from said Southern line of Lot 18, from which point a radial line bears North $45^{\circ} 51' 18''$ West; thence along said last mentioned parallel line, South $89^{\circ} 30' 00''$ East, 139.00 feet, to the point of beginning.

PARCEL 9863-1

Commencing at the Southwestern corner of said Lot 29 in Block 9863 of Park Valley Homes No. 3 Subdivision; thence along the Southern line of Lot 29 and the Northern line of Whitmore Avenue, South $89^{\circ} 30' 00''$ East, 12.50 feet, to its intersection with the Southerly extension of the Eastern line of the 12.50 foot Irrigation and Public Utility Easement in Block 9863; thence along said Southerly extension, North $00^{\circ} 06' 03''$ East, 10.00 feet, to the true point of beginning of this description; thence continuing along said Southerly extension, North $00^{\circ} 06' 03''$ East, 2.00 feet, to a point on a line which is parallel with and 12.00 feet, measured at right angles, Northerly from said Southern line of Lot 29; thence along said parallel line, South $89^{\circ} 30' 00''$ East, 89.51 feet, to a point on a non-tangent curve from which point a radial line bears North $49^{\circ} 19' 34''$ East; thence Southeasterly along said non-tangent curve concave to the Northeast, having a Radius of 50.00 feet, a Central Angle of $3^{\circ} 07' 16''$ and an Arc Length of 2.72 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 Lot 29, from which point a radial line bears North $46^{\circ} 12' 18''$ East; thence along said last mentioned parallel line, North $89^{\circ} 30' 00''$ West, 91.35 feet, to the point of beginning.



WHITMORE

Av.

RADIAL BEARINGS

- ① N 49°19'34" E
- ② N 46°12'18" E
- ③ N 48°12'51" W
- ④ N 45°51'18" W

CURVE DATA

①	②
Δ = 3°07'16"	Δ = 3°07'33"
R = 50.00'	R = 50.00'
L = 2.72'	L = 2.73'
T = 1.36'	T = 1.36'

LD 92-A

APPROVED BY: *John Christiansen* **FOR: DIRECTOR**

DATE: 2/28/92 R.E. 24156

ASBUILT BY: DATE:

ASBUILT PLOTTED: DATE:

REVISED: DATE:

DATE: Feb. 27, 1992 DRAWN: John Christiansen

VACATE AND ABANDON
A PORTION OF THE 12-FOOT
PUBLIC UTILITY AND
IRRIGATION EASEMENT
IN BLOCKS 9856 & 9863

CHECKED: FLD. BK. PG.

CITY of MODESTO
ENGINEERING DEPARTMENT

ACTIVITY NO.

FILE NO. 4-A-754

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-125

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION
OF THE 20.00 FOOT PUBLIC UTILITY EASEMENT IN BLOCK 472 IN
THE CITY OF MODESTO.

WHEREAS, the City of Modesto has received a request from Elwyn V. Heinen of Advanced Design Group, Inc. on behalf of U.S. Rentals, Inc., to abandon a portion of the 20.00 foot public utility easement in Block 472 in the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block 472 in the City of Modesto, described in Exhibit "A" attached hereto, which is a portion of the 20.00 foot public utility easement in Block 472 in the City of Modesto, and

WHEREAS, letters have been received from the adjacent owner, Modesto Irrigation District, Pacific Bell, Pacific Gas and Electric Company, and Post-Newsweek Cable stating that they have no facilities in the area to be abandoned and that they have no objection to the abandonment, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is a portion of the 20.00 foot public utility easement in Block 472 in the City of Modesto, has been superseded by relocation and there are no other public facilities located within the easement.

3. That from and after the date this resolution is recorded, the portion of the public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the public utility easement located in Block 472 in 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 17th day of March, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

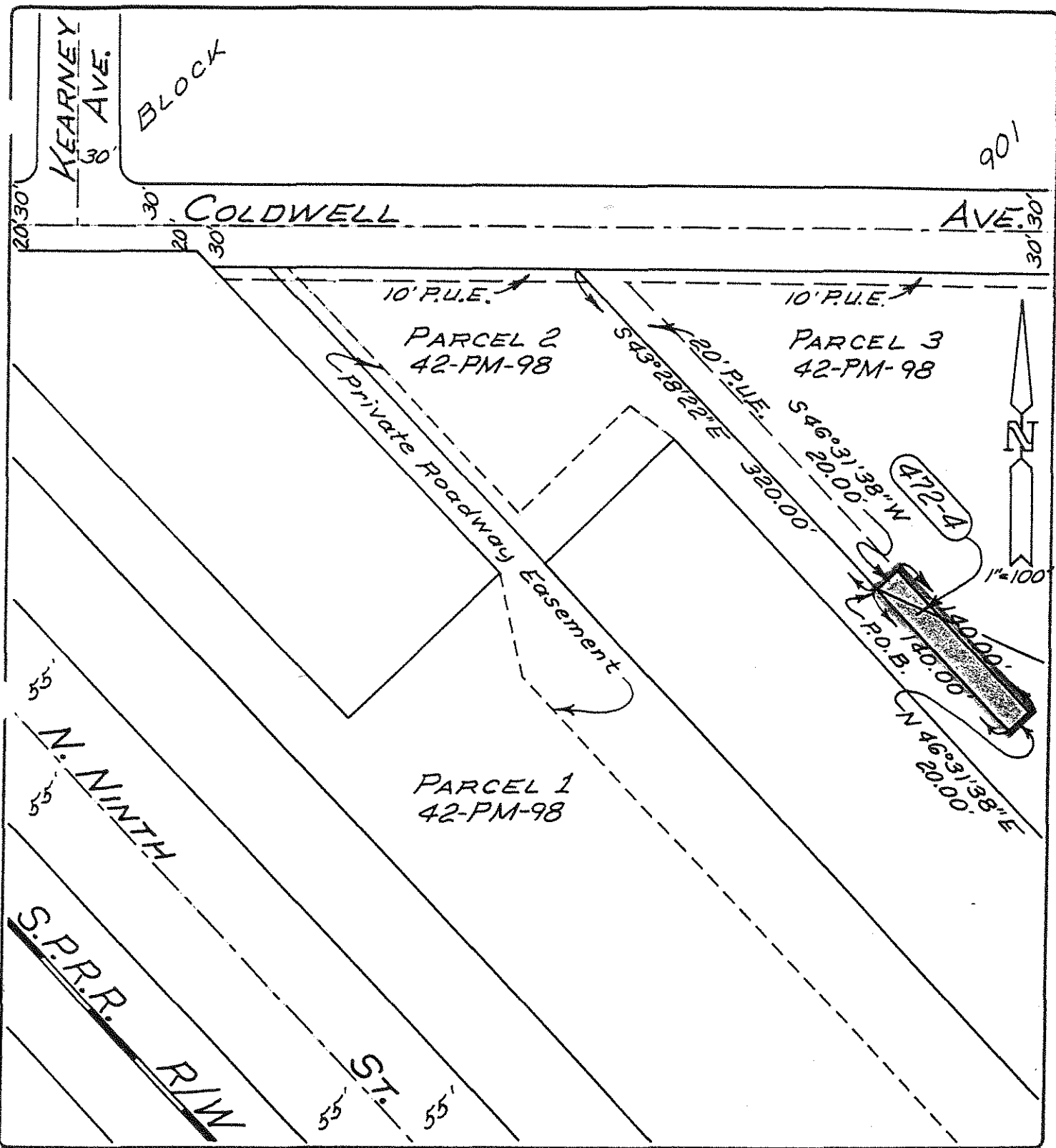
By James H. But
Public Works and Transportation
Department, Engineering

LD 91-H
Parcel 472-4

VACATE AND ABANDON A PORTION OF THE 20-FOOT
PUBLIC UTILITY EASEMENT IN BLOCK 472

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwestern corner of Parcel 3, as per map filed May 7, 1990 in Book 42 of Parcel Maps, Page 98, Stanislaus County Records; thence along a Southwestern line of said Parcel 3, South $43^{\circ} 28' 22''$ East, 320.00 feet, to the Southwestern corner of Parcel 3, and the true point of beginning of this description; thence continuing along the Southeasterly extension of said Southwestern line of Parcel 3, South $43^{\circ} 28' 22''$ East, 140.00 feet; thence at right angles, North $46^{\circ} 31' 38''$ East, 20.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northeasterly from said Southeasterly extension of the Southwestern line of Parcel 3; thence along said parallel line, North $43^{\circ} 28' 22''$ West, 140.00 feet; thence at right angles, South $46^{\circ} 31' 38''$ West, 20.00 feet, to the point of beginning.



APPROVED BY: <i>Jerry H. Butler</i>	FOR: DIRECTOR
DATE: 3/3/92	R.E. 24156
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: Nov. 1991	DRAWN: John Christiansen

VACATE AND ABANDON
 A PORTION OF THE 20-
 FOOT PUBLIC UTILITY
 EASEMENT IN BLOCK
 472-LD91-H

CITY of MODESTO
 ENGINEERING DEPARTMENT

ACTIVITY NO.

FILE NO. 4-A-750

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-126

A RESOLUTION APPROVING THE FINAL MAP OF THE BRIGHTON PARK
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Brighton Convalescent Center, a California corporation, is
possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 2.17 acres, known as the Brighton Park Subdivision,
and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission on the 16th day of April, 1990, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that
the final map of said Brighton Park 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 17th day of March, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-127

A RESOLUTION APPROVING FOR FORWARDING TO HUD A COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) ENABLING MODESTO TO PARTICIPATE IN THE HOME PROGRAM, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND OTHER FEDERAL HOUSING PROGRAMS.

WHEREAS, the 1990 National Affordable Housing Act changed the requirements for applying for Federal housing funds, and

WHEREAS, the Housing Assistance Plan (HAP) and the Comprehensive Homeless Assistance Plan (CHAP) were replaced by the Comprehensive Housing Affordability Strategy (CHAS), a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the CHAS contains an assessment of community housing resources, a strategy to accomplish stated goals, and it is updated annually, and

WHEREAS, Modesto's CHAS describes the housing rehabilitation programs the City has undertaken for 17 years, and the CHAS notes that Modesto's primary strategy using Federal funds is to complete the mandatory housing rehabilitation areas, and

WHEREAS, additional programs will depend on the Village One Affordable Housing Plan, HOME funding, and Redevelopment Agency affordable housing funds, and

WHEREAS, HUD requires that the citizens of Modesto be provided with a 60-day public comment period, the draft CHAS was presented to the Citizens Housing & Community Development Committee at their meeting on November 1, 1991, and the CHAS was presented to the public for the required 60-day period, which period was from October 31, 1991, to December 31, 1991, and no comments from the public were received during said period, and

WHEREAS, HUD requires a CHAS be approved by the local regional HUD office before the local jurisdiction can be approved for funding under HOME and the CDBG program, and

WHEREAS, the sum of \$750,000 in State/Federal grant funds for housing are available to the City through HOME, and the City's CDBG grant for 1992-93 will be \$1,367,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the CHAS, a copy of which is attached hereto and incorporated herein by reference, is hereby approved for forwarding to HUD, and the City Manager is authorized to certify that Modesto will "affirmatively further fair housing" and comply with all Uniform Relocation Act regulations so as to enable Modesto to participate in the HOME Program, Community Development Block Grant Program, and other Federal Housing programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1992, by Councilmember Cogdill, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

CITY OF MODESTO
COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS)
EXECUTIVE SUMMARY

The 1990 National Affordable Housing Act (NAHA) requires that all jurisdictions applying for certain Federal housing programs have a Comprehensive Housing Affordability Strategy (CHAS) approved by the U.S. Department of Housing and Urban Development (HUD). The CHAS replaces the Housing Assistance Plan (HAP) and the Comprehensive Homeless Assistance Plan (CHAP) that were required previously. The CHAS must conform with NAHA statutory regulations, encompassing 14 elements that HUD has combined into the following areas:

- I. Community Profile:
 1. Needs Assessment
 2. Market and Inventory Conditions

- II. Five-Year Strategy:
 3. Strategies

- III. One-Year Plan/Annual Update:
 4. Resources
 5. Implementation

The CHAS provides a snapshot of the community's low income and special needs housing, and acts as a basic working plan of the resources the community has to meet those needs. The CHAS is built from the Housing Assistance Plan, the Housing Element of the General Plan, 1980 census data, and preliminary 1990 census data. Data was sought from the Stanislaus County Housing Authority, Stanislaus Area Association of Governments, the State of California, and several non profit organizations.

The required public comment period for the CHAS was from October 31, 1991, to December 31, 1991. Copies of the draft CHAS were available at Modesto City Hall, Housing Program Office, and Central Modesto-Stanislaus Public Library. There were no comments received on Modesto's CHAS during the public comment period, or during the final preparation of the CHAS.

The HUD Interim Rule for preparing a CHAS directs that the the first year plan will be superseded by a revised CHAS, when more experience in developing a CHAS can make the later affordable housing plans more specific and practical. Modesto's first CHAS reflects the known resources available for housing, and as more funding programs are identified, they will be incorporated in later updates of the CHAS.

Modesto's initial strategy is based on its 17 years of experience with housing rehabilitation and neighborhood revitalization as the best means to assist affordable housing. The five identified strategies will work primarily through the City's established housing programs:

1. To increase the number of safe, decent and affordable housing through rehabilitation, primarily in selected Target Areas.
2. To increase the availability of housing for large families.
3. To increase the availability of housing for families and individuals with special needs.
4. To assist residents of public housing units, low income multi-family units, and mobile home parks in becoming owners of their units, or in becoming first-time homebuyers.
5. To monitor and assist very low and low income tenants of apartment complexes at-risk of "opting-out" of a Federal financing agreement that will return their units to market rate rents.

Assistance to persons with special needs will be coordinated through the existing agencies that have developed the experience to administer these programs. The City will continue to cooperate with the Stanislaus County Housing Authority who operates the Section 8, farmworker and low income housing units, other governmental agencies, private developers, and nonprofit organizations.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-128

A RESOLUTION APPOINTING MICHAEL PRATT 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 person is appointed to the Board of Zoning Adjustment for the respective

term as indicated: Michael Pratt
937 Douglas Street
Modesto, Ca. 95350

Term to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to 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 17th day of March 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

Clarke (16)

MODESTO CITY COUNCIL
RESOLUTION NO. 92-129

A RESOLUTION DECLARING APRIL 20 THROUGH APRIL 26, 1992, AS RECYCLE WEEK AND ACKNOWLEDGING EARTH DAY IN THE PARK ON APRIL 26, 1992, AS AN ANNUAL EVENT.

WHEREAS, in 1970, Earth Day became the largest organized demonstration in history, and this year marks the twenty-second year of the Modern American Environmental Movement, and

WHEREAS, "Earth Day in the Park" will mark the beginning of a long-term commitment of building a safe, just and sustainable planet as well as launch the Decade of the Environment, and

WHEREAS, "Earth Day in the Park" is co-sponsored by the Citizens' Advisory Committee on Recycling as well as many other civic organizations and private businesses, and

WHEREAS, The Citizens' Advisory Committee on Recycling (CACOR) has elected to take the lead role in celebrating Earth Day by promoting an annual event known as "Earth Day in the Park", and

WHEREAS, the purpose of Recycle Week, formerly known as Earth Week, is to inform the public of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, the California Department of Conservation, Division of Recycling has declared April 20 through April 26, 1992, as Recycle Week and has chosen as its slogan "Recycle Smart!, Close the Loop", which means not only recycle, but buy recyclable products, 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 citizens and their governments are being encouraged to renew their commitment to meet the global environmental challenge, and

WHEREAS, the primary purpose of making "Earth Day in the Park" an annual event is to bring community involvement by public education and information centering around the environment and related issues, and

WHEREAS, participation is being extended county-wide and involves the community, including both public and private sectors, residents, commercial and industrial representatives, garbage company representatives, schools, environmental groups, and individuals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby acknowledges "Earth Day in the Park" on April 26, 1992, as an annual event and declares that April 20 through April 26, 1992, shall be designated and proclaimed as Recycle Week.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

7

MODESTO CITY COUNCIL
RESOLUTION NO. 92-130

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT BRIGGSMORE AVENUE AND CLAUS ROAD AND AT MITCHELL ROAD AND FINCH ROAD

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

SECTION 1. The plans and specifications for traffic signal modifications at Briggsmore, Claus, Mitchell and / ^{Finch Roads}, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 14, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-131

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR ROBERTSON ROAD PARK STREETS

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

SECTION 1. The plans and specifications for the Robertson Road Park 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 April 23, 1992, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 March, 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-132

A RESOLUTION ACCEPTING THE BID OF UTILITY SERVICE AND ELECTRIC, INC. FOR THE EAST LA LOMA PARK LIGHTS

WHEREAS, Resolution No. 92-66 , adopted by the Council of the City of Modesto on February 11, 19 92, approved the plans and specifications for the East LaLoma Park lights

and authorized the calling for bids; and

WHEREAS, the bids received for the East La Loma Park lights

were opened at 11:05 a.m. on March 5, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Utility Service and Electric, Inc. in the amount of \$32,700 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Utility Service and Electric, Inc. in the amount of \$32,700 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 24th day of March , 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-133

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND APPROVING A CONTRACT AGREEMENT WITH LANG'S ENTERPRISES FOR PARTIAL COMPLETION OF THE MCHENRY MANSION RESTORATION PHASE III

WHEREAS, this project is part of an ongoing effort to renovate the McHenry Mansion and will include installation of air conditioning duct work in the second and third floors; and

WHEREAS, Council previously authorized staff to enter into negotiations with Lang's Enterprises, Inc. for this work after several attempts to solicit competitive bids were unsuccessful.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the partial completion of the McHenry Mansion Restoration Phase III project is hereby waived.

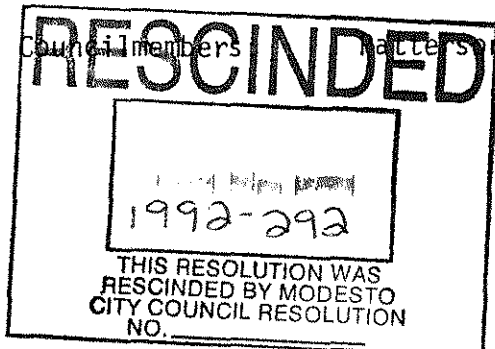
BE IT FURTHER RESOLVED that issuance of a purchase order to Lang's Enterprises, Inc. for work on the McHenry Mansion Restoration Phase III is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1992, 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,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: _____



ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-134

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ADJUST ESTIMATED REVENUE AND APPROPRIATIONS FOR THE MCHENRY MANSION RESTORATION PROJECT.

WHEREAS, in the 1989-90 CIP, a project was budgeted for Mechanical/Electrical work on the Second Floor, and

WHEREAS, this project was budgeted for \$110,000, the funding source was a grant from the Historical/Archaeological Preservation Fund-Parks Bond Act, and

WHEREAS, some additional work is needed on the Mansion, namely, the air conditioning ducts, electrical wires, control system, heat lines, and all other equipment except the air handler units, and

WHEREAS, this resolution provides funding for this project by estimating the additional \$40,000 grant revenue available for this project, transferring the remaining balance from the other 2 projects, and transferring a small amount from the contingency reserve into this new project,

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

MCHENRY MANSION RESTORATION FUND (180)

<u>Fund/Agy/Org/Revenue</u>		<u>Increase (Decrease)</u>
<u>Expenditures</u>		
180-360-P276-6000	McHenry Mansion Restoration	\$(39,843)
180-380-P849-6000	McHenry Mansion-2nd Floor	(10,136)
180-800-8000-8003	McHenry Mansion Contingency Reserve	(1,356)
180-380-B526-6000	McHenry Mansion Duct Work Floors 2 & 3	91,335
<u>Revenues</u>		
180-510-9510-3134	State Grant-Parks Fund	\$ 40,000

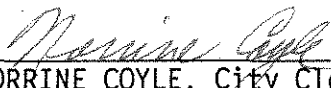
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Clerk 10

RESCINDED
1993-90
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 92-135

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES, ESTABLISHING DISCOUNTS FOR SENIOR AND DISABLED CITIZENS, AND RESCINDING RESOLUTION NOS. 91-138 AND 91-350.

WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After April 1, 1992

<u>Size of Meter</u>	<u>Monthly Rate April 1, 1992</u>
¾"	\$ 8.49
1 "	11.30
1½"	14.04
2 "	16.94
3 "	22.59
4 "	29.38
6 "	44.16
8 "	56.40
10 "	67.99
12 "	79.62

The charge for each additional 100 cf over 1,680 cf on a monthly rate .51

Commodity Charge:

For the first one thousand, six hundred eighty (1,680) cubic feet of water delivered through a water meter, per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand, six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be fifty-one (\$.51) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after April 1, 1992 shall be as follows:

<u>Lot Area</u>	<u>Monthly Rate April 1, 1992</u>
3,500 SF, or less	\$11.12
3,501 to 7,000 SF	12.83
7,001 to 10,500 SF	14.38
10,501 to 14,000 SF	15.92
14,001 to 17,500 SF	19.17
17,501 to 21,000 SF	22.48
For each 3,500 SF or fraction thereof over 21,000	3.02

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5%) percent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 3. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons shall apply as follows:

<u>Annual Income Levels</u>	<u>Discount</u>
\$ 7,560 or less	25%
\$ 7,561 to \$10,394	15%
\$10,395 to \$13,230	10%

Criteria to receive the discount is as follows:

1. Must be 60 years old.

2. Must live alone or with spouse.
3. Living with children will not qualify the household for a discount.
4. Must be able to prove the qualifying income level.
5. If living with a spouse, the combined income level will determine the level of discount.
6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.
7. All applicants must complete an application.

SECTION 4. PREPAID UNMETERED WATER SERVICE CHARGES. Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution Nos. 91-138 and 91-350 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-136

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,000 FOR THE
GRAFFITI ABATEMENT PROGRAM FOR THE REMAINDER OF THIS FISCAL YEAR

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

FROM:	General Fund	\$12,500
	(010 800 8000 8003)	
TO:	Real Property Maintenance	\$12,500
	(010 020 0212 0360)	

The funds will be used to provide paint for the Graffiti
Abatement Program for the remainder of this fiscal year.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 24th day of
March, 1992, 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. 92-137

A RESOLUTION CANCELLING CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY FOR YELLOW CAB COMPANY.

WHEREAS, the City of Modesto previously issued two Certificates of
Public Convenience and Necessity to Yellow Cab Company, and

WHEREAS, Mr. Secreto, the owner and operator of Yellow Cab Company
recently passed away, and

WHEREAS, by letter dated January 21, 1992, Mrs. Secreto advised the
City of Modesto that Yellow Cab Company will formally discontinue service in
Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Certificates of Public Convenience and Necessity for Yellow Cab
Company are hereby cancelled.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 24th day of March,
1992, 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,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-138

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC AIRCRAFT SERVICES, INC. FOR THE LEASE OF HANGAR NO. 3 AND 4 AT THE AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Pacific Aircraft Services, Inc. for the lease of Hangar No. 3 and 4 at the Modesto Airport

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-139

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALTA PACIFIC HOUSING PARTNERS II FOR THE PURCHASE OF A LOT IN DRY CREEK MEADOWS FOR THE CLAUS ROAD PEDESTRIAN OVERCROSSING PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Alta Pacific Housing Partners II for the purchase of a lot in Dry Creek Meadows for the Claus Road pedestrian overcrossing 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 24th day of March 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-140

AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND WEST AIR
AIRLINES, INC. dba UNITED EXPRESS FOR THEIR OPERATIONS AT THE MODESTO CITY-
COUNTY AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended
agreement between the City of Modesto and West Air Airlines, Inc., dba
United Express, for their operations 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 24th day of March 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-141

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAROLD JOLLIFF FOR THE LEASE OF A PORTION OF HANGAR NO. 1 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 Darold Jolliff for the lease of a portion of Hangar No. 1 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 24th day of March 1992, 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, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk 20

MODESTO CITY COUNCIL
RESOLUTION NO. 92-142

A RESOLUTION APPROVING THE FINAL MAP OF THE STONE LEAF
HOLLOW SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Self-Help Enterprises, a Private Non-Profit California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.14 acres, known as the Stone Leaf Hollow Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 18th day of June, 1990, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Stone Leaf Hollow Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-143

A RESOLUTION ACCEPTING IMPROVEMENTS IN MOUNTAINVIEW TERRACE NO. 3 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Security Owners Corporation, subdividers of Mountainview Terrace No. 3 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$67,800.00 and \$ 33,900.00 respectively to guarantee improvements in Mountainview Terrace No. 3 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated March 13, 1992, 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 Mountainview Terrace No. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$67,800.00 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 \$33,900.00 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 24th day of March, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-144

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARK VALLEY HOMES NO. 3 SUBDIVISION
AS COMPLETE

WHEREAS, Kaufman and Broad, subdividers of Park Valley Homes No. 3
Subdivision, have filed subdivision bonds for faithful performance and labor
and materials in amounts to guarantee improvements in Park Valley Homes No. 3
Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated March 13, 1992,
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 that
the improvements in Park Valley Homes No. 3 Subdivision are hereby accepted as
complete.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 24th day of March, 1992, 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,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-145

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE EIGHT INCH SANITARY SEWER REHABILITATION IN BLOCK 727

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

SECTION 1. The plans and specifications for the eight inch sanitary sewer rehabilitation in Block 727 , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 9 , 1992, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.


SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 March , 1992, 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,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

2/26/92

MODESTO CITY COUNCIL
RESOLUTION NO. 92-146

A RESOLUTION DESIGNATING THE WEEK OF APRIL 7, 1992, AS
"MODESTO MEANS BUSINESS/SHOP LOCAL" WEEK.

WHEREAS, the Modesto Chamber of Commerce has requested the support
of the City of Modesto in its MODESTO MEANS BUSINESS/SHOP LOCAL campaign
during the week of April 7, 1992, and

WHEREAS, the purpose of the MODESTO MEANS BUSINESS/SHOP LOCAL
campaign is to encourage community support of local professionals, vendors and
businesses, and

WHEREAS, the program's two primary goals are:

To ensure that government agencies and businesses know the
capabilities and talents of local professional organizations and
retailers to supply goods and services, and

To share with the general public the economic advantages of
purchasing goods and services locally, and

WHEREAS, purchasing products and services locally will have a
positive impact on jobs, business income and tax revenues, and will enhance
the community's health,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby designates the week of April 7, 1992, as "MODESTO MEANS
BUSINESS/SHOP LOCAL" Week and encourages the community to express support for
local professionals, vendors and businesses and to enhance the community's
health by purchasing products and services locally.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-147

A RESOLUTION ESTABLISHING RATES FOR: THE USE OF THE SWIMMING POOLS AT SONOMA SCHOOL (SUSAN BURRIS POOL), MODESTO HIGH SCHOOL, DOWNEY HIGH SCHOOL, BEYER HIGH SCHOOL, DAVIS HIGH SCHOOL AND MODESTO JUNIOR COLLEGE DURING THE SUMMER VACATION SEASONS WHILE SAID POOLS ARE BEING OPERATED BY THE CITY OF MODESTO; AND FOR REGISTRATION FEES FOR SWIMMING LESSONS, AND RESCINDING RESOLUTION NO. 85-131.

WHEREAS, the City of Modesto has agreements with the Modesto City School District of Stanislaus County, the Modesto High School District of Stanislaus County and the Yosemite Community College District for the joint use of swimming pools at Sonoma School, Modesto High School, Downey High School, Beyer High School, Davis High School and the Modesto Junior College, and

WHEREAS, said agreements provide that City shall have the sole and exclusive use of said swimming pools during the respective school summer vacation seasons, and

WHEREAS, City has previously established fees to be charged to the public for the use of said pools and facilities at said swimming pools, and

WHEREAS, City is desirous of revising said fees as well as swim lesson fees,

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

SECTION 1. RECREATIONAL SWIM RATES. The following rates are hereby established for the use of the swimming pools at Sonoma School (Susan Burris Pool), Modesto High School, Downey High School, Beyer High School, Davis High School and Modesto Junior College during the summer vacation seasons while

they are under the control and supervision of the Parks and Recreation Department of the City of Modesto:

Recreational Swim, Adult Admissions, 18 years and over	\$1.50
Recreational Swim, Senior Citizens Admissions, 62 years and over	1.00
Recreational Swim, Child Admissions, 17 years and under75
Swim Team	6.00

SECTION 2. REGISTRATION FEES FOR SWIM LESSONS. The following rates are hereby established for registration fees for swim lessons taught by the Parks and Recreation Department of the City of Modesto:

	<u>1992</u>	<u>1993</u>
Registration Fee, Lessons - Beginners	\$ 3.00	\$ 6.00
Registration Fee, Lessons - Advanced Beginner, Adult/Tot, Water Adjustment	6.00	9.00
Registration Fee, Lessons - Intermediate, Swimmer	13.00	19.00
Registration Fee, Lessons - Emergency Water Safety (E.W.S.)	19.00	25.00
Registration Fee, Lessons - Diving	9.00	14.00

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 1992.

SECTION 4. REPEALS. Resolution No. 85-131 adopted by the Council on March 5, 1985, is hereby rescinded effective April 30, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-148

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LAIDLAW TRANSIT, INC. TO OPERATE THE MODESTO AREA EXPRESS (MAX) BUS SERVICE BEGINNING JUNE 1, 1992

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Laidlaw Transit, Inc. to operate the Modesto Area Express (MAX) bus service beginning June 1, 1992

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 April 1992, 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, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marrine Coyle
MARRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-149

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT KANSAS AVENUE AND EMERALD AVENUE

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

SECTION 1. The plans and specifications for the construction of traffic signals and street lighting at Kansas/, and Emerald copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 28 , 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April , 1992, by Councilmember Dobbs , 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-150

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE WEST SIDE PARK BASKETBALL COURT RECONSTRUCTION

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

SECTION 1. The plans and specifications for the West Side Park
basketball court reconstruction , copies of which are on file, are hereby
accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto,
on April 30 , 1992, at 11:00 a.m. and the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of April , 1992, by
Councilmember Dobbs , 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-151

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING FOUR NEW UTILITY TRUCKS

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

SECTION 1. The plans and specifications for the purchase of four new utility trucks , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 4 , 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April , 1992, by Councilmember Dobbs , 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-152

A RESOLUTION REDIRECTING FUNDS FROM THE PUMP STATION NO. 20 IMPROVEMENT PROJECT TO PUMP STATION NO. 14 AND APPROVING A \$36,600 CONTRACT CHANGE ORDER TO THE ORIGINAL CONTRACT

WHEREAS, a contract was awarded in May, 1991 to Conco West to install an emergency generator, plus incidental electrical equipment at Well 20; and

WHEREAS, Well 20 collapsed before the work on this project was completed and is no longer functional; therefore, staff suggests installing the generator at Well 14, which will modernize the electrical equipment and stand-by engine and bring Well 14 up to good working order; and

WHEREAS, the contractor is prepared to modify the equipment so it can be placed at Well 14, which would increase the cost of the project by \$36,600.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the redirecting of funds from the Pump Station No. 20 improvement project to Pump Station No. 14 and approving a \$36,600 contract change order to the original contract, is hereby approved.

BE IT FURTHER RESOLVED that execution of said change by the designated city officials is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-153

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested this purchase to replace two police vehicles that possess high mileage and have unacceptable downtimes for repairs; and

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

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

BE IT FURTHER RESOLVED that purchase of two police vehicles through the State of California Cooperative Purchasing Contract for a total of \$31,731.50 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 April, 1992, by Councilmember Dobbs, 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-154

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FOURTEEN TRUCKS OF VARIOUS SIZES THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested this purchase to replace trucks that possess high mileage and have unacceptable downtimes for repairs; and

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

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

BE IT FURTHER RESOLVED that purchase of fourteen trucks of various sizes through the State of California Cooperative Purchasing Contract for a total price of \$174,497.34 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 April, 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-155

A RESOLUTION REQUESTING DESIGNATED RECIPIENT STATUS.

WHEREAS, the Modesto metropolitan area's population surpassed 200,000 with the 1990 Census, and

WHEREAS, transit operators in urbanized areas with more than 200,000 residents are eligible to become designated recipients in order to apply for grant funds directly to the Federal Transit Administration (formerly the Urban Mass Transportation Administration), and

WHEREAS, the City of Modesto is and has been the only recipient of federal funds earmarked for the Modesto urbanized area under FTA's Section 9 and Section 3 programs.

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

1. That the Federal Transit Administration acknowledge the City of Modesto as the designated recipient for the Modesto Urbanized Area.
2. That the Transit Manager be, and he hereby is, authorized and directed to take steps as necessary to effect such designation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-156

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PURKISS-ROSE, INC. FOR THE PREPARATION OF SITE PLANS AND THE MASTER PLAN FOR ORCHARD NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Purkiss-Rose, Inc. for the preparation of site plans and the master plan for Orchard Neighborhood Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April 1992, by Councilmember Dobbs, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-157

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. AND SANTO A. CARNABUCCI, dba MAGIC CARPET LIMOUSINE SERVICE, TO OPERATE A LIMOUSINE SERVICE AT THE AIRPORT PASSENGER TERMINAL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Charles J. and Santo A. Carnabucci, dba Magic Carpet Limousine Service, to operate a limousine service at the Airport passenger terminal 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 April 1992, by Councilmember Dobbs, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-158

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND WINGS WEST AIRLINES, dba AMERICAN EAGLE FOR THEIR OPERATION AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Wings West Airlines, dba American Eagle for their operations at the Modesto Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, by Councilmember Dobbs , 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-159

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH MODESTO HIGH SCHOOL DISTRICT FOR PREPARATION OF ENGINEERING PLANS AND PRELIMINARY ACQUISITION OF RIGHT OF WAY TO EXTEND NORSEMAN DRIVE TO YOSEMITE BOULEVARD

WHEREAS, Modesto City High School District is constructing Johansen High School located between Claus Road and Norseman Drive at Creekwood Drive; and

WHEREAS, Norseman Drive must be extended one-half mile from the existing school boundary to Yosemite Boulevard for dual access.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and Modesto High School District for preparation of engineering plans and preliminary acquisition of right of way to extend Norseman Drive to Yosemite Boulevard be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said cooperative 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 April, 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-160

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE A NEW CIP PROJECT.

WHEREAS, a new CIP Project for the Norseman Drive Extension to Yosemite Boulevard will be established, and engineering and preliminary right of way acquisition will be funded as follows:

- \$28,800 Parks CFF Fund--Sutton Park Street Improvements
135-310-P873
- \$10,600 Gas Tax Fund--Miscellaneous Right of Way Fund
- \$19,000 Gas Tax Fund--Contingency Reserve
- \$ 4,400 High School Reimbursement - New Revenue in Gas Tax Fund,

and

WHEREAS, the following adjustments are therefore necessary:

GAS TAX FUND (070)

Fund/Agency/Organization/Revenue		Increase (Decrease)
<u>Expenditures</u>		
070-430-B522-6000	Norseman Drive Extension to Yosemite Blvd.	\$34,000
070-430-P796-6000	Miscellaneous Right of Way	(10,600)
070-800-8000-8003	Gas Tax Contingency Reserve	(19,000)
<u>Revenues</u>		
070-510-9510-4057	Developer Share of Project	\$ 4,400

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 April, 1992, by Councilmember Dobbs, 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, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-161

A RESOLUTION APPROVING A SEWER REIMBURSEMENT AGREEMENT WITH PHILLIP G. AND WILMA M. SILVA FOR AN 8" SEWER LATERAL IN LONE PALM AVENUE

WHEREAS, the owners have installed 973 l.f. of 8' sewer to serve their property on Lone Palm Avenue; and

WHEREAS, the line will also serve other properties on Lone Palm Avenue and the owners have requested reimbursement for a portion of the costs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the sewer reimbursement agreement with Phillip G. and Wilma M. Silva for an 8" sewer lateral in Lone Palm Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-162

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL LOCAL AGENCY - STATE AGREEMENTS AND PROGRAM SUPPLEMENTS FOR FEDERALLY FUNDED STREET CONSTRUCTION PROGRAMS

WHEREAS, in order for the City of Modesto to receive Federal Aid funds for street construction projects through various State administered programs, the City is required to execute a Master Agreement and a Program Supplement to the Master Agreement for each individual project, which define the terms and conditions under which the City accepts the funds; and

WHEREAS, by having the City Manager execute these agreements, staff time is reduced and unnecessary agenda items are eliminated.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager be authorized to execute all Local Agency-State Agreements and Program Supplements for federally funded street construction programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-163

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FIRST FIDELITY REALTY GROUP, INC., RELATING TO CONSTRUCTION OF A PUBLIC CANAL CROSSING LOCATED ON ROSELLE AVENUE AT THE MODESTO IRRIGATION DISTRICT LATERAL NO. 3 RIGHT OF WAY.

WHEREAS, First Fidelity Realty Group, Inc., is the developer of the Modesto Galleria Shopping Center located at the southeast corner of the intersection of Roselle and Merle Avenues, and

WHEREAS, City and First Fidelity Realty Group, Inc., have previously entered into an Agreement on November 7, 1989, for the construction of the public canal crossing located on Roselle Avenue at the Modesto Irrigation District lateral No. 3 right of way, and connecting two City streets, and

WHEREAS, First Fidelity Realty Group, Inc., is entitled to reimbursement of funds advanced for the construction of the canal crossing, and

WHEREAS, an amendment to the Canal Crossing Agreement is necessary to reflect that the City agrees to reimburse the developer pursuant to the terms of the agreement at such time that the developer satisfies its obligation to pay the City CFF under the outside City Sewer Service Agreement which is being adopted concurrently with the Amendment to the Canal Crossing Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the Canal Crossing Agreement between the City of Modesto and First Fidelity Realty Group, Inc., is hereby approved.

BE IT FURTHER RESOLVED that the Council finds that this project was included and anticipated in the Village I Program EIR previously adopted by the City Council on September 11, 1990, and there has since been no change in this project which would cause environmental impacts which were not previously considered by the prior EIR.

BE IT FURTHER RESOLVED that the execution of said Amendment to the Agreement 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 7th day of April, 1992, by Councilmember Dobbs, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-164

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FIRST FIDELITY REALITY GROUP, INC., FOR OUTSIDE CITY SANITARY SEWER SERVICE TO THE MODESTO GALLERIA SHOPPING CENTER.

WHEREAS, First Fidelity Realty Group, Inc., is the developer of the Modesto Galleria Shopping Center located at the southeast corner of the intersection of Roselle and Merle Avenues which is located outside the City's current sewer service area and outside the sewer district, and

WHEREAS, in response to the developer's request for sewer service, the City Council of the City of Modesto has consented to provide outside City sanitary sewer service to the Modesto Galleria Shopping Center subject to certain conditions set forth in an agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and First Fidelity Reality Group, Inc., for outside City sanitary Sewer Service to the Modesto Galleria Shopping Center is hereby approved.

BE IT FURTHER RESOLVED that the Council finds that this project was included and anticipated in the Village I Program EIR previously adopted by the City Council on September 11, 1990, and there has since been no change in this project which would cause environmental impacts which were not previously considered by the prior EIR.

BE IT FURTHER RESOLVED that the execution of said agreement 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 7th day of April, 1992, by Councilmember Dobbs, 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, Dogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-165

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION
TO CALTRANS FOR SUPPLEMENTAL GRADE SEPARATION FUNDS
RELATING TO THE MORTON BOULEVARD UNDERPASS GRADE
SEPARATION PROJECT.

WHEREAS, City staff has been made aware by Caltrans officials that
the Morton Boulevard Underpass Grade Separation Project is eligible to receive
up to \$31,600 in additional Grade Separation Funds by submitting an
application for a supplemental allocation of funds,

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

1. The City Manager is hereby authorized to make application on
behalf of the City of Modesto for a supplemental allocation of Grade
Separation Funds for the Morton Boulevard Underpass Grade Separation Project.

2. On February 27, 1990, the City Council accepted as complete the
reconstruction of the Morton Boulevard Underpass project at the Modesto &
Empire Traction Company railroad crossing.

3. The actual and final cost of the Morton Boulevard Underpass
project has been determined and is set forth in the supplemental application,
a copy of which is on file in the Office of the City Clerk.

4 All costs as set forth in the application for supplemental
allocation were necessary to make the grade separation operable and to effect
the separation of grades of track or highway.

5. The Modesto & Empire Traction Company (M&ET), has contributed
at least ten (10) percent of the cost of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, by Councilmember Dobbs, 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 Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Dist.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-165A

A RESOLUTION DENYING THE REQUEST OF MICHAEL
C. NORMOYLE ON BEHALF OF SELF-HELP
ENTERPRISES FOR A WAIVER OF CAPITAL
FACILITIES FEES FOR STONE LEAF HOLLOW
SUBDIVISION.

WHEREAS, the Council of the City of Modesto adopted Ordinance No. 2521-C.S., effective August 6, 1987, which enacted on a permanent basis Section 8-1.904 of the Modesto Municipal Code relating to creating and establishing the authority for imposing and charging Capital Facilities Fees, and

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the Council by resolution to establish the amount of Capital Facilities Fees to be charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development, and

WHEREAS, Capital Facilities Fees are currently set forth in Resolution No. 88-649 as amended by Resolution Nos. 89-373, 89-986, 89-1182, 91-90, and 91-780, and

WHEREAS, Michael C. Normoyle on behalf of Self-Help Enterprises, by letter dated March 10, 1992, requested that Self-Help Enterprises be allowed a waiver of Capital Facilities Fees for construction of 24 single-family houses for low-income first time homebuyers at the Stone Leaf Hollow Subdivision located at the corner of Hatch Road and Boise Avenue, and

WHEREAS, said request submitted by Michael C. Normoyle on behalf of Self-Help Enterprises was set for public hearing before the Council of the City of Modesto at its regular meeting placed located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m., at its meeting of April 7, 1992, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the request of Michael C. Normoyle on behalf of Self-Help Enterprises for a waiver of Capital Facilities Fees for construction of 24 single-family houses for low-income first time homebuyers at the Stone Leaf Hollow Subdivision located at the corner of Hatch Road and Boise Avenue should be denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby deny the request of Michael C. Normoyle on behalf of Self-Help Enterprises for a waiver of Capital Facilities Fees for construction of 24 single-family houses for low-income first time homebuyers at the Stone Leaf Hollow Subdivision located at the corner of Hatch Road and Boise Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1992, 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: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-166

A RESOLUTION APPOINTING JACK DOOLEY TO THE LANDMARK PRESERVATION 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 appointed to the Landmark Preservation Commission for the respective term as indicated:

Jack Dooley
922 South Avenue
Modesto, Ca. 95351
Term to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the Landmark Preservation 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 April, 1992, 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: Horrine Coyle
HORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-167

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves contribute numerous hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-one (41) officers in the organization, private citizens from all walks of of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Modesto Police Reserves work constantly with the Modesto Police Department, performing whatever duties may be requested in the way of enforcing laws, searching for missing persons, apprehending escaped convicts, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1991, the Police Reserves served a total of Twenty-two Thousand Four Hundred Twenty (22,420) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the officers who devoted many personal hours of service to the Police Reserves during the year 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, 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, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-168

A RESOLUTION ESTABLISHING A PROPERTY TAX ASSESSMENT PAYOFF
CALCULATION FEE.

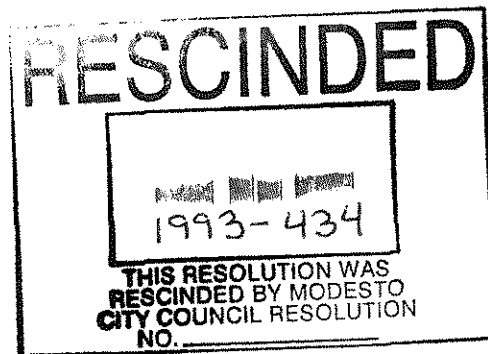
WHEREAS, processing a request for payoff information when real
property is sold, requires City staff to research and prepare a report for the
title company, and

WHEREAS, the City receives approximately 40-60 such payoff requests
each month, and

WHEREAS, City staff has recommended establishing a property tax
assessment payoff calculation fee in the amount of \$25.00 to be charged when a
title company requests a payoff of an assessment as part of an escrow process,
and

WHEREAS, said proposed fee is calculated in a report dated April 21,
1992, 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 tax assessment payoff calculation fee in the amount of \$25.00
is hereby established to pay for the City's cost in researching and preparing
a report when a title company requests a payoff of an assessment as part of an
escrow process.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, 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: Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Bird, Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney



CITY OF MODESTO
AGENDA REPORT

AGENDA ITEM NO.
COUNCIL MEETING: April 21, 1992

Date: March 25, 1992

TO: City Council
FROM: Finance Department
SUBJ: Property Tax Assessment Payoff Calculation Fee

RECOMMENDED ACTION:

Resolution approving a Property Tax Assessment Payoff Calculation Fee in the amount of \$25.00.

BACKGROUND.

When real property is sold, the purchaser normally wants any property tax assessments cleared. Processing a request for payoff information requires City staff to research and prepare a report (sample attached) for the title company. We receive 40-60 payoff requests per month.

The proposed fee would be charged when a title company requests a payoff of an assessment 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:

	<u>Unit Rate</u>	<u>Units</u>	<u>Cost</u>
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

A fee of \$25.00 is appropriate. It would generate approximately \$12,000 of annual revenues 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. The fee was reviewed and approved by the Fees Committee.

STEPS FOLLOWING APPROVAL:


Finance staff would implement the fee upon approval.

Prepared by:



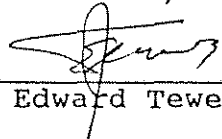
J.P. Enero, Financial Analyst

Recommended by:



Pete Kolf, Finance Director

Submitted by:



J. Edward Tewes, City Manager

Attachment

cc: Deputy City Manager
City Attorney
City Clerk (16)

CITY OF MODESTO
 ASSESSMENT DISTRICT 27
 ASSESSMENT PAYOFF CALCULATION
 for

DRAFT

Assessor's Parcel Number: 000-0000-000

Assessment Number:

Owner: John Smith

DATE COMPUTED: 03/24/92

GOOD TILL DATE: 04/10/92

Original Principal:		\$	373.19
Remaining Principal:		\$	306.98
Remaining Unmatured Principal		\$	306.98
Interest Due to Call Bond			11.22
Administrative Adjustment			14.97
Redemption Premium	@ 5.00%		14.88
PLUS: Publishing & Processing Fee			25.00
LESS: Reserve Fund Credit	@ 10.00%	(37.32)

	SUBTOTAL:	\$	335.73
Outstanding Installments			0.00
Delinquency Charges			0.00
		=====	
	TOTAL PAYOFF AMOUNT:	\$	335.73

MODESTO CITY COUNCIL
RESOLUTION NO. 92-169

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REMOVING AND REPLACING UNDERGROUND TANKS AT DRYDEN GOLF COURSE MAINTENANCE FACILITY

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

SECTION 1. The plans and specifications for removing and replacing underground tanks at Dryden Golf Course maintenance facility, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 14, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, by Councilmember Muratore, 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: 
NORRINE COYKE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-170

A RESOLUTION ACCEPTING THE BID OF GELCO SERVICES, INC. FOR THE EIGHT INCH
SANITARY SEWER REHABILITATION IN BLOCK 727

WHEREAS, Resolution No. 92-145 , adopted by the Council of the City of
Modesto on March 24 , 1992 , approved the plans and specifications for
the eight inch sanitary sewer rehabilitation in Block 727

and authorized the calling for bids; and

WHEREAS, the bids received for the eight inch sanitary sewer rehabili-
tation in Block 727
were opened at 11:05 on April 9, 19 , and later tabulated by the
Director of Public Works & Transportation for the consideration of the
Council; and

WHEREAS, the Director of Public Works has recommended that
the bid of Gelco Services, Inc. in the amount of \$50,200
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Gelco Services, Inc. in the amount of \$50,200
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 April , 1992, by
Councilmember Muratore , 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: 

MORDINE COVILLE, CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 92-171

A RESOLUTION ACCEPTING THE BIDS OF SAFETRAN TRAFFIC SYSTEMS, INC. AND SIGNAL CONTROL COMPANY FOR FURNISHING TRAFFIC SIGNAL CONTROLLERS

WHEREAS, Resolution No. 92-115, adopted by the Council of the City of Modesto on March 17, 1992, approved the plans and specifications for the purchase of traffic signal controllers, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of traffic signal controllers were opened at 11:00 a.m. on April 6, 1992, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Safetran Traffic Systems, Inc. for Item 1; and Signal Control Company for Item 2, for a total amount of \$133,230.24, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Safetran Traffic Systems, Inc. and Signal Control Company be accepted and the execution of contracts 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 April, 1992, by Councilmember Muratore , 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: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-172

A RESOLUTION ACCEPTING THE CONTRACT FOR THE MISCELLANEOUS STORM DRAIN REPAIRS - 3RD AND "I" STREETS/4TH AND "F" STREETS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the miscellaneous storm drain repairs - 3rd and "I" Streets/4th and "F" Streets has been completed by Cunningham & Sons Inc. in accordance with the contract agreement dated .

NOW, THEREFORE, BE IT RESOLVED that the miscellaneous storm drain repairs - 3rd and "I" Streets/4th and "F" Streets

be accepted from said contractor, Cunningham & Sons Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$79,455.83 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 21st day of April, 19⁹², by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-173

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR THE FISCAL YEAR
1991-92.

WHEREAS, it has been determined that certain interim
adjustments are required to the Annual Budget of the City of
Modesto for the Fiscal Year 1991-92,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in the attached Exhibit I
be made to the Annual Budget of the City of Modesto for the
Fiscal Year 1991-92.

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 April, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

City of Modesto
General Fund Revenue Analysis
As of 3-31-92

Revenue Source	Actual FY 90-91	Current Budget FY 91-92	3rd Qt Estimate FY 91-92	3rd Qt Adjustment FY 91-92
1101 Current Year Taxes - Secured	6,116,511	6,589,620	6,589,620	0
1104 Delinquent Taxes	268,764	322,500	322,500	0
1107 Current Year Taxes - Unsecured	364,164	415,800	415,800	0
1110 Supplemental Roll	335,479	250,000	275,000	25,000
1116 In-Lieu Property Tax	0	8,000	9,416	1,416
1119 Property Transfer Tax	259,146	275,000	250,000	-25,000
Property Taxes	7,344,064	7,860,920	7,862,336	1,416
1201 Sales and Use Tax	16,799,330	17,000,000	16,650,000	-350,000
1204 Utility Users Tax	6,891,723	8,550,000	8,800,000	250,000
1207 Amusement Tax	107,406	0	0	0
1210 Transient Occupancy Tax	1,041,003	1,200,000	1,100,000	-100,000
Sales & Related Taxes	24,839,462	26,750,000	26,550,000	-200,000
1301 Cable TV Franchise	503,312	528,000	528,000	0
1304 PG&E Franchise	258,089	286,000	286,000	0
1307 Garbage and Swill License	736,663	776,600	776,600	0
1310 Water Company Franchise	23,784	25,000	27,878	2,878
1313 Railroad Franchise	16,786	17,000	19,935	2,935
1316 Beardbrook Park Concession	210	0	0	0
1319 Thurman Field Franchise	14,672	20,000	17,000	-3,000
1325 Beyer Park Concession	943	1,600	1,300	-300
Franchises	1,554,459	1,654,200	1,656,713	2,513
1401 Business License Registration	351,361	510,000	520,000	10,000
1404 Business License Gross Receipts Tax	4,180,540	4,526,540	4,526,540	0
Business License Tax	4,531,901	5,036,540	5,046,540	10,000
2101 Bicycle License	13,128	14,000	12,000	-2,000
2104 Dog License	27,927	65,000	60,000	-5,000
2204 Bingo Permits	57,255	50,000	55,000	5,000
2207 Removal Permits	879	2,000	800	-1,200
2210 Encroachment Permits	50,965	60,000	51,000	-9,000
2213 Street Closure/Abandonment Fee	0	0	1,330	1,330
Licenses & Permits	150,154	191,000	180,130	-10,870
3101 Cigarette Tax Allocation	292,001	167,500	165,000	-2,500
3104 Homeowner Prop Tax, Exemption	249,110	225,000	240,000	15,000
3113 Off-Highway Vehicle Fees	2,671	3,000	3,000	0
3116 Trailer Coach License Fees	23,965	25,000	24,000	-1,000
3118 Abandoned Vehicle Allocation	0	0	0	0
3119 Motor Vehicle License Fees	5,706,430	6,175,000	6,175,000	0
3128 Police Training Reimbursement	179,635	170,000	100,000	-70,000
3131 State Grant	113,974	72,000	72,000	0
3134 State Grant	0	57,130	0	-57,130
3312 County Vehicle Theft Allocation	0	61,298	0	-61,298
3316 Waste To Energy SB939 Allocation	0	0	0	0
3325 County Housing Authority Officer Reimb	0	0	34,394	34,394

City of Modesto
General Fund Revenue Analysis
As of 3-31-92

Revenue Source	Actual FY 90-91	Current Budget FY 91-92	3rd Qt Estimate FY 91-92	3rd Qt Adjustment FY 91-92
3501 Federal Grant	0	0	0	0
3501 Federal Grant	0	0	0	0
3726 School Gang Officer Reimbursement	0	0	27,500	27,500
3727 Police School Reimbursement	77,706	84,500	87,819	3,319
3729 D A R E Reimbursement	148,803	148,100	148,124	24
3750 Interagency Training Reimbursement	0	0	0	0
Intergovernmental	6,794,295	7,188,528	7,076,837	-111,691
4001 Building Fee - All Inclusive	332,183	175,000	160,000	-15,000
4002 Building Inspections	444,472	450,000	430,000	-20,000
4003 Plumbing Inspections	42,056	51,150	35,000	-16,150
4004 Electrical Inspections	76,141	85,000	65,000	-20,000
4005 Heating/Cooling Inspections	31,502	40,000	25,000	-15,000
4006 Mobile Home Inspections	10,823	12,000	12,000	0
4007 Plan Checking Fees	180,801	175,000	190,200	15,200
4008 Zoning Fees	28,582	42,000	30,000	-12,000
4009 Environmental Fees	15,405	24,000	15,000	-9,000
4010 Plot Plan Riview Fees	29,497	26,000	20,000	-6,000
4011 Subdivision Inspection Fees	98,145	50,000	75,000	25,000
4012 Annexation Fees	825	2,600	800	-1,800
4014 Earthquake Fees	741	400	400	0
Construction Related Fees	1,291,173	1,133,150	1,058,400	-74,750
4021 Extradition Reimbursement	0	15,500	17,000	1,500
4022 Animal Shelter Fees	1,623	4,300	5,500	1,200
4023 Visa Clearance Letter	0	0	0	0
4024 Fingerprint Fees	4,576	4,300	7,500	3,200
4025 Special Police Protection	23,487	87,310	27,585	-59,725
4026 Drug Abuse Prevention	50,569	70,000	49,465	-20,535
4027 Software Rental	4,400	12,240	12,240	0
4028 Vehicle Releases	45,535	46,500	27,600	-18,900
4029 Police Response Reimbursement	40	0	18,000	18,000
4031 Convault Tank Installation	190	200	150	-50
4032 Hood & Duct Installation	1,421	1,000	1,100	100
4033 Medical Gas System Installation	612	300	600	300
4034 Spray Booth Installation	0	600	100	-500
4035 Underground Flam/Comb Storage Tank	1,200	1,000	1,300	300
4036 Water Connect Inspection-Fire	1,536	1,200	1,800	600
4037 Plan Check	48,236	30,000	32,000	2,000
4039 Sprinkler System	17,013	12,500	14,000	1,500
4040 Haz Mat Cleanup Recovery	0	5,700	5,900	200
4041 Cleaning Vacant Lots	2,387	5,000	1,500	-3,500
4042 Special Fire Service Fee	0	12,000	12,500	500
Police & Fire Dept. Charges	202,825	309,650	235,840	-73,810
4051 State Highway Maint. Agreement	55,486	50,000	55,000	5,000
4052 Traffic Signal Maint Agreement	15,734	9,000	19,000	10,000
4055 Street Name Signs	4,410	14,000	2,000	-12,000
Highways & Streets Mtc Reimb	75,630	73,000	76,000	3,000

City of Modesto
General Fund Revenue Analysis
As of 3-31-92

Revenue Source	Actual FY 90-91	Current Budget FY 91-92	3rd Qt Estimate FY 91-92	3rd Qt Adjustment FY 91-92
4069 Excursion Program	0	0	1,313	1,313
4070 Street Trees	27,349	5,000	15,000	10,000
4071 Swimming Pool Fees	15,374	14,000	15,700	1,700
4072 League Fees	103,407	144,000	144,000	0
4074 Miscellaneous Recreation	34,353	65,000	65,000	0
6207 Clubhouse Rental	5,202	4,000	4,500	500
6215 McHenry Mansion Rent	0	0	1,300	1,300
8123 Special Events Insurance	3,768	3,000	3,300	300
Parks & Recreation Fees	189,453	235,000	250,113	15,113
4088 Bond Refunding Fee	0	0	56,196	56,196
4090 Revenue Bond Application Fee	3,000	0	0	0
4091 Revenue Bond Service Fees	48,715	100,000	100,000	0
4092 Copying Fees	0	65,000	110	-64,890
4092 Copying Fees	64,423	0	300	300
4092 Copying Fees	0	0	3,500	3,500
4092 Copying Fees	0	0	1,750	1,750
4092 Copying Fees	0	0	55	55
4092 Copying Fees	0	0	950	950
4092 Copying Fees	0	0	55,655	55,655
4092 Copying Fees	0	0	185	185
4092 Copying Fees	0	0	2,300	2,300
4092 Copying Fees	0	0	195	195
4093 City Billing Fees	125,718	110,000	125,000	15,000
4095 Miscellaneous Special Services	34,952	23,000	16,000	-7,000
4096 Recycling Program Fee	50,740	45,000	48,000	3,000
4098 Special Assessment Application Fee	0	0	0	0
Other Fees & Charges	327,548	-343,000	410,196	67,196
6101 Interest on Bank Accounts	1,546,938	1,200,000	1,100,000	-100,000
6201 Lease of land	2,070	12,072	11,544	-528
6202 Sidewalk Use	1,504	1,000	2,100	1,100
6204 Rent, Taxi Stands	225	200	120	-80
6210 Youth Center Rental	-42	0	0	0
6213 Service Center Rental	12,353	10,000	12,000	2,000
6216 Mancini Bowl Rental	1,541	1,000	1,000	0
6225 City Building Rental	95,680	60,000	75,000	15,000
6228 Sr. Citizens Center Rental	7,104	6,500	6,600	100
6231 Bike Locker Rental	176	100	100	0
Interest & Rent	1,667,549	1,290,872	1,208,464	-82,408
7101 General City Fines	108,062	50,000	40,000	-10,000
7104 Littering Fines	0	0	0	0
7113 Parking Fines	318,705	325,000	270,000	-55,000
7201 Trust Deposits Forfeited	105	100	6,700	6,600
7202 Asset Forfeitures	12,751	140,097	140,097	0
Fines	439,623	515,197	456,797	-58,400

City of Modesto
General Fund Revenue Analysis
As of 3-31-92

Revenue Source	Actual FY 90-91	Current Budget FY 91-92	3rd Qt Estimate FY 91-92	3rd Qt Adjustment FY 91_92
5101 Special Assessments	19,087	30,269	30,269	0
8101 Sale of Real Property	0	0	0	0
8103 Waste Energy Project Recovery	42,339	43,000	42,824	-176
8104 Sale of Personal Property	22,838	10,000	10,000	0
8106 Donations - Recycling	0	0	0	0
8107 Donations	14,757	55,000	55,000	0
8110 Jury & Subpoena Fees	9,325	3,500	3,500	0
8113 Court Costs Recovery	0	0	0	0
8122 Refunds & Damage Recovery	49,813	40,000	45,000	5,000
8125 Telephone Refunds	924	1,000	1,200	200
8128 Prior Year Expense Abatement	343	0	1,393	1,393
8134 Returned Check Charge	6,448	5,000	6,500	1,500
8137 Sale of Construction Codes & Specs	5,814	4,000	4,500	500
8140 Sale of Standard Contract Specs	1,463	2,000	500	-1,500
8143 Items for Resale	8,696	7,500	6,000	-1,500
8155 Miscellaneous Revenue	129,947	60,000	60,000	0
8155 Miscellaneous Revenue	-2,516	0	0	0
Miscellaneous	309,278	261,269	266,686	5,417
Fund Total	49,717,414	52,842,326	52,335,052	-507,274

MODESTO CITY COUNCIL
RESOLUTION NO. 92-174

A RESOLUTION SUPPORTING THE LOCATION OF THE NORTHERN REGIONAL OFFICE OF THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT TO SOME CONVENIENT SITE IN THE MODESTO-CERES AREA CLOSE TO MAJOR TRANSIT FACILITIES.

WHEREAS, the Board Members of the San Joaquin Valley Unified Air Pollution Control District are considering the selection of a suitable site for the location of its Northern Regional Office, and

WHEREAS, the establishment of a Northern Regional Office is necessary to conveniently and efficiently provide services to the public in the District's three northern-most counties which are Stanislaus County, Merced County and San Joaquin County, and

WHEREAS, the Modesto-Ceres area is geographically centrally located in the area that will be served by the Northern Regional Office, and

WHEREAS, the Modesto-Ceres area is a centrally located area that would provide convenient public accessibility to the Northern Regional Office and activities of the San Joaquin Valley Unified Air Pollution Control District, and

WHEREAS, the Modesto-Ceres area central location would minimize travel times for District's staff regarding the performance of their various duties and responsibilities, and

WHEREAS, the Modesto-Ceres area is close to major transit facilities, and the location of the Northern Regional Office in this area would appear to be a wise choice as it would allow the District to demonstrate its leadership and commitment to discourage use of the single-occupant vehicle and promote transit as a truly viable alternative to the passenger vehicle, it

would allow the general public to gain access to the District by using public transit, and would provide a means for its office staff to conveniently commute to work by bus, and

WHEREAS, the City of Modesto strongly and enthusiastically supports and urges a decision by the District Board Members of the San Joaquin Valley Unified Air Pollution Control District to locate the Northern Regional Office to some convenient site in the Modesto-Ceres Area, and

WHEREAS, the choice of any location not conveniently located to transit or to the north or south of Modesto/Ceres area would reduce public access to the District, increase pollution and travel and response time by the District staff, and otherwise fail to meet the convenient needs of the public, the District, and the District's employees and staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby strongly and enthusiastically support and request that the District Board of the San Joaquin Valley Unified Air Pollution Control District locate its Northern Regional Office in the Modesto-Ceres area at a site close to major transit facilities and which will otherwise meet the square footage requirements and other such specific site related matters.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-175

A RESOLUTION SUPPORTING THE IMMEDIATE COMMENCEMENT OF AT LEAST MINIMAL DIRECT PASSENGER RAIL SERVICE ON THE SOUTHERN PACIFIC ROUTE THROUGH THE CENTRAL VALLEY AND SUPPORTING THE CONTINUOUS DIRECT RAIL SERVICE TO THE LOS ANGELES AND SAN FRANCISCO AREAS AS SOON AS POSSIBLE.

WHEREAS, in 1990, the voters of California approved usage of nearly \$3 billion to improve passenger rail service in California, and

WHEREAS, authorization was obtained to place bond issues on the ballot for 1992 and 1994 to provide additional funding for passenger rail improvements, and

WHEREAS, the City Council has continuously supported the use of the Southern Pacific (SP) tracks by AMTRAK for many years, and

WHEREAS, the City has further demonstrated its commitment to seeing AMTRAK on the SP tracks by designing its multi-modal Transportation Center to accommodate AMTRAK service, and

WHEREAS, AMTRAK service to the downtown areas of many of the cities along SR 99 is needed, and

WHEREAS, this service can be provided on the SP tracks, but a tremendous investment is needed to bring these tracks up to the required standards to accommodate the speeds necessary for AMTRAK service, and

WHEREAS, any construction project would be many years in the future, and

WHEREAS, because service is needed now, slower-speed service consisting of one train per day could be provided by SP while keeping faster service on the Santa Fe tracks for the present time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto does hereby support the immediate commencement of at

least minimal direct passenger rail service on the Southern Pacific route through the Central Valley and, further supports, as soon as possible, continuous direct rail service to the Los Angeles and San Francisco areas.

BE IT FURTHER RESOLVED that the Clerk of the City Council of the City of Modesto shall transmit copies of this Resolution to:

1. Governor Wilson
2. Senator McCorquodale
3. Assemblyman Cannella
4. Director of Caltrans
5. California Transportation
6. Agency Secretary for CalEPA
7. Other Valley City Councils and Boards of Supervisors
8. The San Joaquin Valley Air Quality Basin
9. George Gaekle, Steering Committee of Caltrans' Rail Task Force

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, 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, Mayor Lang

NOES: Councilmembers: None
Patterson

ABSENT: Councilmembers:

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-176

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED,
TO PROVIDE FOR AN ADDITIONAL EXEMPTION FROM THE OBLIGATION
TO PAY CAPITAL FACILITIES FEES.

WHEREAS, the City Council of the City of Modesto has adopted Modesto
Municipal Code Sections 8-1.904, et seq., creating and establishing the
authority for imposing and charging capital facilities fees, and

WHEREAS, the current capital facilities fees are set forth in
Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No.
89-986, Resolution No. 89-1132, Resolution No. 91-90, and Resolution No.
91-703, and

WHEREAS, City staff has recommended to the City Council that the
City's Capital Facilities Fee Program be amended to provide for an exemption
for the replacement construction of an existing residential or nonresidential
structure that has been or will be vacated due to acquisition of the title to
the property by a public entity through eminent domain proceedings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that paragraph 3 of Resolution No. 91-90, as amended by Resolution No. 91-703
is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

- (a) The Capital Facilities Fees established by this resolution
shall not be imposed on any of the following:
- (1) Any low-income housing units constructed or expanded
by the Stanislaus County Housing Authority.
 - (2) Any low-income housing units constructed or expanded
by any other person or entity on a not-for-profit
basis. The exemption authorized by this subparagraph
may be granted by the City Council on a case-by-case
basis after a public hearing. The public hearing
shall focus on whether or not the units to be
constructed or expanded are in fact low-income and

whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.

- (3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.
- (4) Any alteration or addition to a residential structure, except to the extent that additional units are created.
- (5) Any replacement or reconstruction of an existing residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished except to the extent that additional units are created.
- (6) Any replacement or reconstruction of an existing non-residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished unless the replacement or reconstruction increases the square footage of the structure ten percent (10%) or more, changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends.
- (7) Any replacement of an existing residential or nonresidential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two years after the transfer of title or within two years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a

nonresidential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.

- (b) Whenever the alteration, addition, replacement or reconstruction is not exempt pursuant to the provisions hereinabove, the fee shall be imposed only on the additional units, change in use, or additional trips generated.
- (c) Rather than paying capital facilities fees at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.
 - (1) There shall be two categories of qualified projects defined as follows:
 - (a) Category A qualified projects shall include any nonresidential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$150,000.00. Category A qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$50,000.00.
 - (b) Category B qualified projects shall include any nonresidential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than \$25,000.00 but less than \$150,000.00. Category B qualified projects shall also include industrial/warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than \$25,000.00 but less than \$50,000.00.
 - (2) Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/County Airport where the capital facilities fees exceed \$5,000.

- (3) The property owner and/or developer in the case of "Category A qualified projects" may enter into a Deferred Payment Agreement with the City to pay ten (10%) percent of those fees at the time the building permit is issued with the remaining ninety (90%) percent to be paid in equal installments over the next ten (10) years (or less at the property owner's option)

The property owner and/or developer in the case of "Category B qualified projects" may enter into a deferred payment agreement with the City to pay 20% of those fees at the time the building permit is issued with the remaining 80% to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer of the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital facilities fees due through property tax assessment.

- (4) For those projects where a mitigated negative declaration or an EIR has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or the construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

3.18.92

MODESTO CITY COUNCIL
RESOLUTION NO. 92-177

A RESOLUTION ENDORSING THE PROPOSED "MEET YOUR JUDGES"
FORUM TO BE OFFERED BY MUNICIPAL AND SUPERIOR COURTS OF
STANISLAUS COUNTY.

WHEREAS, the Municipal and Superior Courts of Stanislaus County are proposing to present "Meet Your Judges", a public information forum relating to court operations which will be held on April 29, 1992, at 7:30 p.m., at the Stanislaus County Library, basement auditorium, 15th and I Streets, Modesto, for the purpose of informing the public about the function and operations of the courts, and

WHEREAS, the participants in said forum will include Municipal and Superior Court Judges of Stanislaus County, and a local management and marketing consultant will serve as moderator of the program, and

WHEREAS, Stanislaus County is among many counties joining in this statewide series of forums planned throughout California, utilizing the theme that "Justice is a Community Effort", and

WHEREAS, Stanislaus County Superior and Municipal Court Judges propose to discuss a variety of current issues and court procedures including family law, drunk driving, sentencing, the impact of drug related crimes on the court, small claims court, and the new coordination plan allowing Municipal and Superior Courts to share each other's work loads, and a portion of the program will also be devoted to allowing time to answer questions that may arise from the people in the audience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby endorses the proposed "Meet Your Judges" forum to be held on April 29, 1992, at 7:30 p.m., at the Stanislaus County Library, 15th and I

Streets, Modesto, which is being offered by the Municipal and Superior Courts of Stanislaus County, for the purpose of informing the public about the functions and operations of the courts.

BE IT FURTHER RESOLVED that the Council urges the citizens of Modesto to attend said "Meet Your Judges" forum and encourages citizenry participation during this outreach program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-178

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND C & C CHECK CASHING AND CURRENCY EXPRESS TO SELL MODESTO AREA EXPRESS BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreements between the City of Modesto and C & C Check Cashing and Currency Express to sell Modesto Area Express bus passes

be, and it is hereby approved.

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 21st day of April 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-178

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CURRENCY EXPRESS TO SELL MODESTO AREA EXPRESS BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Currency Express to sell Modesto Area Express bus passes

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 April 1992, by Councilmember Muratore, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-179

A RESOLUTION APPROVING AN AMENDED LICENSE AGREEMENT WITH CHEVRON U.S.A., INC. FOR THEIR CLEAN UP OF THE TRANSPORTATION CENTER SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended license agreement between the City of Modesto and Chevron U.S.A., Inc., for their clean up of the Transportation Center site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, by Councilmember Muratore , 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: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-180

A RESOLUTION GRANTING THE REQUEST OF HELEN C. ALLISON FOR A VARIANCE ALLOWING THE TEMPORARY USE OF AN EXISTING PRIVATE SEWAGE DISPOSAL SYSTEM ON THE PROPERTY LOCATED AT 1532 SCENIC DRIVE.

WHEREAS, Helen C. Allison, hereinafter referred to as OWNER, has requested, because of extraordinary hardship, a variance from the provisions of Sections 5-6.16 and 5-6.17 of the Modesto Municipal Code to continue using an existing private septic tank located 12 feet below street grade which is currently serving both a main house and a guest/pool house located at 1532 Scenic Drive in the City of Modesto, and

WHEREAS, said guest/pool house is plumbed for only one restroom and is used less than one month each year, and

WHEREAS, in order to connect said guest/pool house to the public sewer, extensive piping and a private lift station must be installed on OWNER'S property to pump the sewage above street grade level to allow the discharge to flow into the gravity mains in Scenic Drive, and

WHEREAS, Section 5-6.16 of the Modesto Municipal Code provides, in part, that every building or structure in the Sewer District in which plumbing fixtures are installed shall be connected to the sewage system where a sewer lateral is available within the time period provided for in Section 5-6.17, and

WHEREAS, Section 5-6.17 of the Modesto Municipal Code provides that every building or structure connected to a septic tank at the time a sewer lateral becomes available as defined in Section 5-6.16 shall be connected to the sewage system within five (5) years after the sewer lateral becomes available, and

WHEREAS, Section 5-6.19 of the Modesto Municipal Code authorizes the Council, by resolution, to vary the conditions under which a property must be in strict compliance with Sections 5-6.16 and 5-6.17 of the Modesto Municipal Code when the Council determines that extraordinary hardship does exist, and

WHEREAS, Section 5-6.19 of the Modesto Municipal Code authorizes the Council to vary the condition for connection to the sewage system so that substantial justice may be done and the public interest secured, without nullifying the intent and purpose of the Code, and

WHEREAS, Section 1101 of the Uniform Plumbing Code provides that existing accessory structures which are connected to an approved private sewage disposal system prior to the time of connecting the property to public sewer may, when no hazard, nuisance or insanitary condition is evidenced and written permission has been obtained from the Council, remain connected to such properly maintained private sewage disposal system when there is insufficient grade or fall to permit drainage to the sewer by gravity, and

WHEREAS, said matter was considered by the City Council at its regular meeting place in the City Council Chambers in City Hall, 801 11th Street, Modesto California, on April 21, 1992, at 7:30 p.m., at which time the Council found and determined that the request of Helen C. Allison for a variance to the provisions of Sections 5-6.16 and 5-6.17 of the Modesto Municipal Code should be granted, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that extraordinary hardship exists and, therefore, grants the request of Helen C. Allison for a variance to the provisions of Sections 5-6.16 and 5-6.17 of the Modesto Municipal Code and authorizes the temporary use of an existing private sewage disposal system on OWNER'S property for connection to a guest/pool house, subject to the following conditions of approval:

1. That said existing private sewage disposal system may be maintained on OWNER'S property with the condition that the private sewage disposal system, which is currently functioning properly, may only be used until such time as it requires repair and/or replacement or if, in the opinion of the Chief Building Official, the continued use of the existing private sewage disposal system creates a health hazard.
2. That when said existing private sewage disposal system is no longer usable, the property owner will be required to abandon said existing private sewage disposal system and connect the guest/pool house and the remainder of the subject property to the City sewage system.
3. That OWNER will be required to obtain a CITY building permit and pay to the CITY all applicable sewer connection fees for only that property area which is currently developed and connected to City of Modesto sanitary sewer. Said developed property area shall be as determined by the Public Works And Transportation Director
4. That OWNER will be required to obtain a CITY building permit for the remainder of the property and pay to the CITY all current applicable sewer connection charges in effect at the time said building permit is issued for said property remainder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-181

A RESOLUTION VACATING AND ABANDONING A PORTION OF EXCESS STREET RIGHT-OF-WAY ON BRIGHTON AVENUE AT COFFEE ROAD IN BLOCK 1158 OF THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Mr. and Mrs. David E. Greer, owners of Park Brighton Apartments to abandon the excess street right-of-way at the northeast corner of Brighton Avenue and Coffee Road, and

WHEREAS, the California Streets and Highways Code authorizes a City Council, by resolution, to summarily vacate excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is located at the northeast corner of Brighton Avenue at Coffee Road, in Block 1158 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8330, of Part 3 of Division 9 of the Streets and Highways Code.
2. The portion of excess street right-of-way located at the northeast corner of Brighton Avenue at Coffee Road, in Block 1158 in the City of Modesto is not required for street or highway purposes.
3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located at the northeast corner

of Brighton Avenue at Coffee Road, in Block 1158 in 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 21st day of April, 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John F. Christian
Department of Engineering Services

LD 91-F
Parcel 1158-3

VACATE AND ABANDON A PORTION OF THE BRIGHTON AVENUE
RIGHT OF WAY AT COFFEE ROAD IN BLOCK 1158

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the Northeastern line of former 90.00 foot Brighton Avenue with the Northern line of Parcel 2, as per map filed July 26, 1967, in Volume 3 of Parcel Maps, Page 121, Stanislaus County Records; thence along said Northern line of Parcel 2, South $89^{\circ} 53' 05''$ West, 14.77 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the centerline of Coffee Road; thence along said parallel line, South $00^{\circ} 30'$ East, 113.77 feet; thence Southeasterly along a tangent curve concave to the Northeast, having a Radius of 20.00 feet, a Central Angle of $79^{\circ} 28' 25''$ and an Arc Length of 27.74 feet, to a point of reverse curve from which point a radial line bears South $10^{\circ} 01' 35''$ West; thence Southeasterly along said reverse curve concave to the Southwest, having a Radius of 171.61 feet, a Central Angle of $28^{\circ} 52' 56''$ and an Arc Length of 86.51 feet, to its point of intersection with a non-tangent curve from which point a radial line bears North $54^{\circ} 45' 27''$ East; thence Northerly along said non-tangent curve concave to the East, having a Radius of 555.00 feet, a Central Angle of $19^{\circ} 24' 09''$ and an Arc Length of 187.94 feet, to the point of beginning from which point a radial line bears North $74^{\circ} 09' 36''$ East, containing 5,838 square feet, more or less.

Reserving therefrom as a Public Utility Easement a strip of land 10.00 feet wide, measured at right angles, the Northern line being described as follows:

Commencing at the Northwesternly corner of said Parcel 2; thence South $00^{\circ} 30'$ East along the Westerly line of said Parcel 2, a distance of 40.00 feet; thence North $89^{\circ} 53' 05''$ East, a distance of 25.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the centerline of Coffee Road and the true point of beginning of this description; thence continuing North $89^{\circ} 53' 05''$ East, 27.42 feet, to a point on the former Eastern line of 90.00 foot Brighton Avenue and the end of this description.

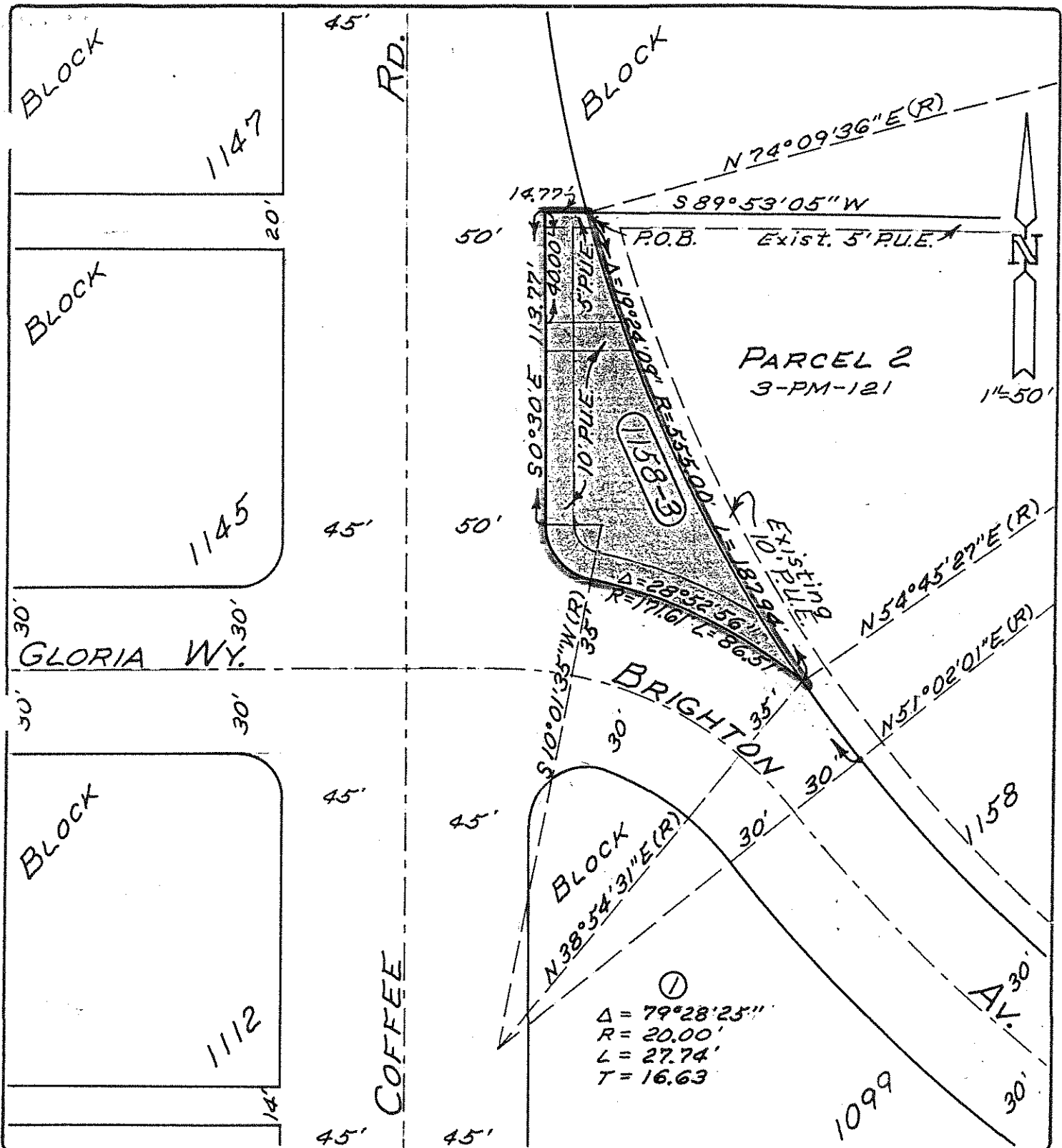
Also reserving therefrom as a Public Utility Easement a strip of land 5.00 feet wide, measured at right angles, the Northern line being described as follows:

Beginning at the intersection of the Northeastern line of former 90.00 foot Brighton Avenue with the Northern line of said Parcel 2; thence along said Northern line of Parcel 2, South $89^{\circ} 53' 05''$ West, 14.77 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the centerline of Coffee Road and the end of this description.

Also reserving therefrom as a Public Utility Easement a strip of land 10.00 feet wide, measured at right angles, the Western and Southern lines being described as follows:

Commencing at the intersection of the Northeastern line of former 90.00 foot Brighton Avenue with the Northern line of said Parcel 2; thence along said Northern line of Parcel 2, South $89^{\circ} 53' 05''$ West, 14.77 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the centerline of Coffee Road and the true point of beginning of this description; thence along said parallel line, South $00^{\circ} 30'$ East, 113.77 feet; thence Southeasterly along a tangent curve concave to the Northeast, having a Radius of 20.00 feet, a Central Angle of $79^{\circ} 28' 25''$ and an Arc Length of 27.74 feet, to a point of reverse curve from which point a radial line bears South $10^{\circ} 01' 35''$ West; thence Southeasterly along said reverse curve concave to the Southwest, having a Radius of 171.61 feet, a Central Angle of $28^{\circ} 52' 56''$ and an Arc Length of 86.51 feet, to its point of intersection with a non-tangent curve from which point a radial line bears South $38^{\circ} 54' 31''$ West and the end of this description.

The side lines of the above strips of land are to be prolonged or shortened to make proper intersections.



APPROVED BY: <i>Jerry Butler</i>	Fwd: DIRECTOR
DATE: 3/23/92	R.E. 24,156
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: Feb, 1992	DRAWN: J. Christiansen

VACATE AND ABANDON
A PORTION OF THE
BRIGHTON AVE. R/W
AT COFFEE ROAD IN
BLOCK 1158~LD91-F

CITY of MODESTO
ENGINEERING DEPARTMENT
ACTIVITY NO.
FILE NO. 4-A-755

MODESTO CITY COUNCIL
RESOLUTION NO. 92-182

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND OAKRIDGE TOWNHOUSE ASSOCIATION FOR CONSTRUCTION OF A FENCE AT EAST LALOMA NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Oakridge Townhouse Association for construction of a fence at East Laloma Neighborhood Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-183

A RESOLUTION APPROVING A TREATMENT AND DELIVERY AGREEMENT BETWEEN THE CITY OF MODESTO, MODESTO IRRIGATION DISTRICT AND DEL ESTE WATER COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the treatment and delivery agreement with the Modesto Irrigation District and Del Este Water Company for the design, financing, construction and operation of a surface water treatment plant, transmission pipelines, and 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 21st day of April, 1992, 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. 92-184

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL TO CONDUCT A GRIT REMOVAL EVALUATION STUDY AND PREDESIGN FOR A NEW GRIT SYSTEM AT THE PRIMARY TREATMENT PLANT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Brown and Caldwell to conduct a grit removal evaluation study and predesign for a new grit system at the Primary Treatment Plant be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-185

A RESOLUTION APPOINTING JAMES AARON WOODILL TO THE YOUTH COMMISSION

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

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

James Aaron Woodill

Term to expire June 1992

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed Youth Commissioner
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 April , 1992 ,
by Councilmember Muratore , 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: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-186

A RESOLUTION DESIGNATING THE 7TH STREET BRIDGE LOCATED WHERE 7TH STREET CROSSES THE TUOLUMNE RIVER 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 November 18, 1991, 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. 19, that the 7th Street Bridge is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on April 28, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the 7th Street Bridge 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 7th Street Bridge is located where 7th Street crosses the Tuolumne River, and more particularly described as follows:

All that portion of the southeast quarter of Section 32 and the southwest quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

A strip of land 60.00 feet wide, the centerline being described as follows:

Commencing at the section corner common to said Sections 32 and 33, said point being on a northwesterly line of a public street known as Crows Landing Road; thence along said northwesterly line, north 24° 24' 25" east, 240.00 feet; thence north 3° 31' 50" east, 100.0 feet, to a point on the western boundary of a public street known as South Seventh Street; thence along said western boundary the following bearings and distances: North 15° 43' 40" west, 84.80 feet; south 80° 58' 10" west, 13.83 feet; and north 11° 40' 15" west, 249.94 feet; thence leaving the western boundary of South Seventh Street, north 19° 44' 22.5" east, 56.80 feet, to a point on the centerline of South Seventh Street, and the true point of beginning of this description; thence north 12° 17' 56.5" west, 1250 feet, more or less, to the northerly line of the South Seventh Street Bridge and the end of this description.

BE IT FURTHER RESOLVED that the 7th Street Bridge has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architecturally, it is viewed as one of the four most important canticoncrete structures still in existence in California.
2. Historically, having been constructed in 1916, it is one of the few canticoncrete, multi-span bridges made of reinforced concrete with street trusses that was designed by John B. Leonard.
3. It is economically viable and is maintained by City of Modesto Public Works and Transportation. At the request of Public Works and Transportation, designation is recommended only with the condition that maintenance or public safety be the primary

concern, and in the event either maintenance or public safety becomes an issue, the City would still have the ability to take initiative action as necessary.

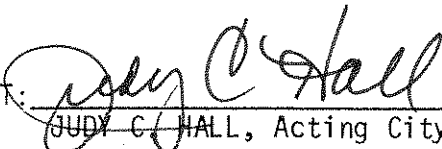
BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

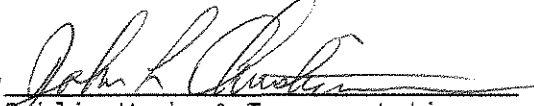
ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Public Works & Transportation
Engineering

Clock

MODESTO CITY COUNCIL
RESOLUTION NO. 92-187

A RESOLUTION DESIGNATING THE FIRE BELL LOCATED AT 629
2ND STREET AS A MODESTO LANDMARK PRESERVATION SITE.

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

WHEREAS, a public hearing was held on November 18, 1991, 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. 18, that the Fire Bell is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on April 28, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Fire Bell 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 Fire Bell is located at 629 2nd Street, and more particularly described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the northwest quarter of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 and a portion of Lot 32 of Block Z, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Recorders, and including that portion of the 20-foot alley bounded by the Southeastern line of 80.00 foot G Street, the Northerly line of 60.00 foot Sierra Drive, the Southwesterly line of said Lots 1, 2, 3, and 4, and the Northeasterly line of said Lot 32.

BE IT FURTHER RESOLVED that the Fire Bell has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Historically, the fire bell was originally installed in 1884 at the old 10th Street Fire Station as part of the hose tower.
2. It has been permanently installed in its present location through the efforts of the Fire Department at E. Clampus Vitus.
3. It is economically viable in that it is located on City property under the care of the fire fighters at Station No. 2.

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 28th day of April, 1992, 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 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Public Works & Transportation
Engineering

MODESTO CITY COUNCIL
RESOLUTION NO. 92-188

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE OVERLAY AND RECONSTRUCTION OF CARPENTER ROAD BETWEEN KANSAS AVENUE AND MAZE BOULEVARD AND CERTIFYING THE NEGATIVE DECLARATION

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

SECTION 1. The plans and specifications for the overlay and reconstruction of Carpenter Road between Kansas Avenue and Maze Boulevard, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 28, 1991, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

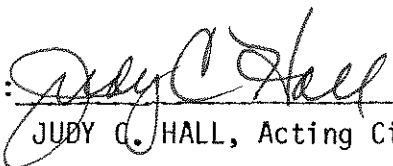
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, by

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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-189

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY, INC. FOR MODIFICATION OF TRAFFIC SIGNALS AT BRIGGSMORE AVENUE AND CLAUS ROAD AND AT MITCHELL ROAD AND FINCH ROAD

WHEREAS, Resolution No. 92-130 , adopted by the Council of the City of Modesto on March 24 , 19 92; approved the plans and specifications for modification of traffic signals at Briggsmore and Claus Roads, and at Mitchell and Finch Roads and authorized the calling for bids; and

WHEREAS, the bids received for modification of traffic signals at Briggsmore Avenue and Claus Road and at Mitchell Road and Finch Road were opened at 11:00 a.m. on March 24, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Collins Electrical Company in the amount of \$70,300

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company in the amount of \$70,300 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 April , 1992, 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:


JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-190

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 JUNE 6, 1992, AT 824 KIERNAN AVENUE, AND JUNE 8, 1992, 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 June 6 and 8, 1992, 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, June 6, 1992, at a large facility located at 824 Kiernan Avenue, and on Monday, June 8, 1992, 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 28th day of April, 1992, 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**

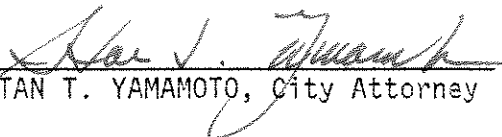
ABSENT: Councilmembers: **None**

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-192

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE OFFICE OF
THE CITY ATTORNEY OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NOS. 81-441, 85-136, 87-244, AND 87-670.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

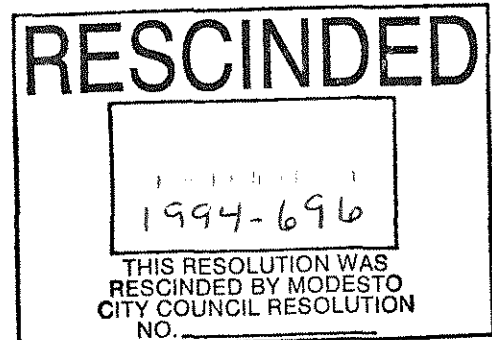
WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Office of the City Attorney
of the City of Modesto as submitted, a copy of which Code is attached hereto,
is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 81-441, 85-136, 87-244,
and 87-670 adopted by the Council are hereby rescinded.




The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY ATTORNEY
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

OFFICE OF THE CITY ATTORNEY CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant City Attorney	2
City Attorney	1
Consultant	3
Deputy City Attorney I, II	2
Property Agent	2
Senior Deputy City Attorney I, II	2

OFFICE OF THE CITY ATTORNEY CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Attorney is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-193

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE OFFICE OF
THE CITY CLERK AND AUDITOR OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NOS. 77-482, AND 88-586.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

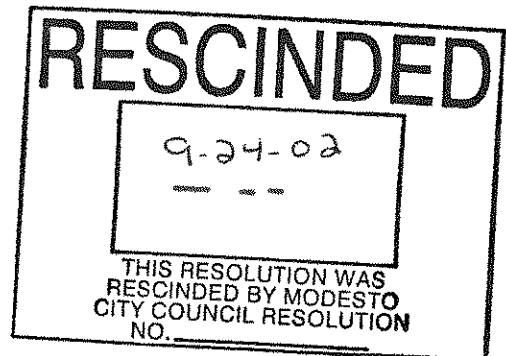
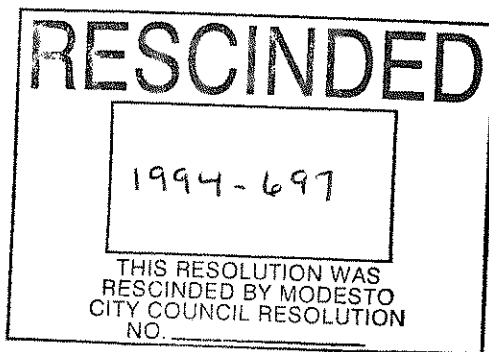
WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Office of the City Clerk and
Auditor of the City of Modesto as submitted, a copy of which Code is attached
hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 77-482, and 88-586
adopted by the Council are hereby rescinded.



2002-449

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY CLERK AND AUDITOR
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

OFFICE OF THE CITY CLERK AND AUDITOR CONFLICT OF INTEREST CODE
EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant City Clerk & Auditor	1
City Clerk and Auditor	1
Consultant	2

OFFICE OF THE CITY CLERK AND AUDITOR CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-194

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE OFFICE OF
THE CITY MANAGER OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NOS. 78-950, 80-70, 81-442, 81-762, 84-206,
84-325, AND 87-139.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

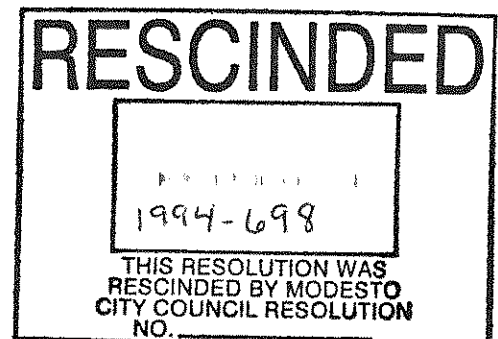
WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Office of the City Manager
of the City of Modesto as submitted, a copy of which Code is attached hereto,
is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 78-950, 80-70, 81-442,
81-762, 84-206, 84-325, and 87-139 adopted by the Council are hereby
rescinded.

exhibit A
AMENDED
on _____
By Resolution 1994-24



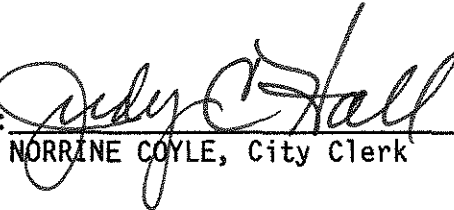
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY MANAGER
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst II	2
Assistant to the City Manager	2
City Manager	1
Code Enforcement Officer II	2
Consultant	3
Deputy City Manager	2
Management Analyst	2
Public Information Officer	2
Public Services Supervisor	2

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 92-195

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE OFFICE OF
ECONOMIC DEVELOPMENT OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 85-16.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Office of Economic
Development of the City of Modesto as submitted, a copy of which Code is
attached hereto, is hereby approved.


BE IT FURTHER RESOLVED that Resolution No. 85-16 adopted by the
Council on January 15, 1985, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
OFFICE OF ECONOMIC DEVELOPMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

OFFICE OF ECONOMIC DEVELOPMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Consultant

2

Manager

1

OFFICE OF ECONOMIC DEVELOPMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

UW

MODESTO CITY COUNCIL
RESOLUTION NO. 92-196

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE FINANCE
DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NOS. 77-1220, 81-443, 81-763, 82-349,
84-207, 85-710, 86-134, AND 87-671.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

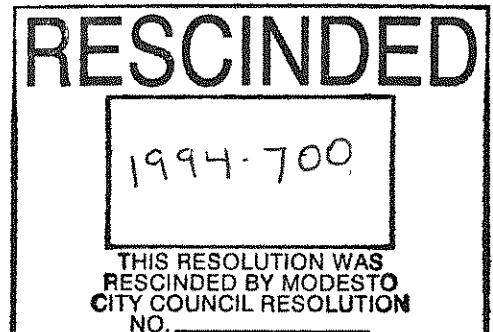
WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Finance Department of the
City of Modesto as submitted, a copy of which Code is attached hereto, is
hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 77-1220, 81-443,
81-763, 82-349, 84-207, 85-710, 86-136, and 87-671 adopted by the Council are
hereby rescinded.

exhibit A
AMENDED
on _____
By Resolution 1994-25



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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, Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
FINANCE DEPARTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

- (1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

FINANCE CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Buyer	3, 4
Consultant	5
Data Processing Manager	3
Director of Finance	1
Finance Division Manager	2
Financial Analyst	2
Principal Accountant	2
Purchasing Officer	2
Senior Accountant	2
Warehouse Supervisor	3

FINANCE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction.

Group 4: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

Group 5: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Yuk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-197

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE FIRE
DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NOS. 81-444, 84-210, AND 87-672.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Fire Department of the City
of Modesto as submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution Nos. 81-444, 84-210, and
87-672 adopted by the Council are hereby rescinded.

exhibit A
AMENDED
on _____
By Resolution 1994-26

RESCINDED
1994-701
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
FIRE DEPARTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

FIRE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Buyer	1
Consultant	3
Fire Chief	1
Fire Division Chief	1
Fire Battalion Chief	1
Fire Captain	2
Fire Engineer	1
Haz/Mat Inspector	1
Inspector	2
Plan Checker	1

FIRE DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture or sell fire-related equipment or parts.

Group 3: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-198

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE PARKS AND
RECREATION DEPARTMENT OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NOS. 78-382, 79-43, 80-836,
84-211 AND 86-136.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

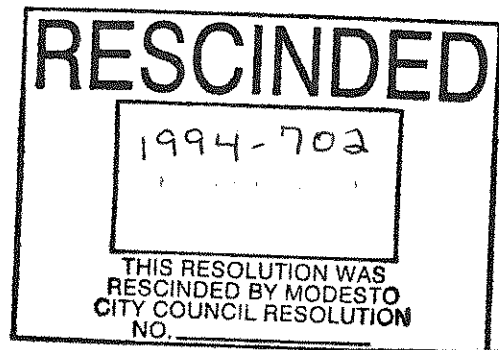
WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Parks and Recreation
Department of the City of Modesto as submitted, a copy of which Code is
attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 78-382, 79-43, 80-836,
84-211, and 86-136 adopted by the Council are hereby rescinded.

exhibit A
AMENDED
on _____
By Resolution 1994-27



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst	2
Arborist	2
Assistant Director - Community Center	1
Assistant Director of Parks and Recreation	1
Consultant	3
Director of Parks and Recreation	1
Events Coordinator	1
Historical Buildings Supervisor	2
Landscape Designer	2
Museum Supervisor	2
Parks Maintenance Supervisor I	2
Parks Maintenance Supervisor II	2
Parks Superintendent	1
Recreation Superintendent	1
Recreation Supervisor	2

PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply parks and recreation equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 92-199

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE PERSONNEL
DEPARTMENT OF THE CITY OF MODESTO.

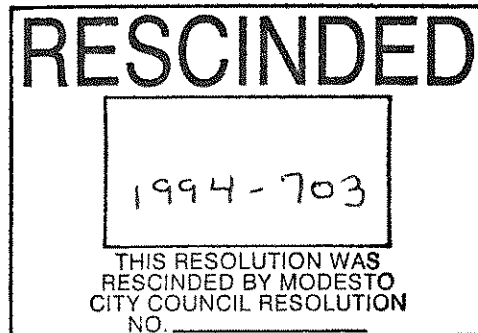
WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Personnel Department of the
City of Modesto as submitted, a copy of which Code is attached hereto, 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 April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PERSONNEL DEPARTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

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(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

PERSONNEL DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Assistant Personnel Director	1
Assistant Risk Manager	1
Consultant	3
Personnel Director	1
Risk Manager	1
Workers Compensation Claims Representative	2

PERSONNEL DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts - Schedules A, C-2, D, E, F, G, and H - from all individuals or businesses involved in healthcare or vocational rehabilitation, which are located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Wok

MODESTO CITY COUNCIL
RESOLUTION NO. 92-200

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE PLANNING
AND COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NOS. 81-445, 82-350,
84-208, AND 84-324.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Planning and Community
Development Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 81-445, 82-350, 84-208,
and 84-324 adopted by the Council are hereby rescinded.

exhibit A
AMENDED

on _____
By Resolution 1994-28

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant Planner	1
Associate Planner	1
Code Enforcement Officer I, II	1
Community Development Program Manager	1
Consultant	2
Housing Program Supervisor	1
Housing Financial Specialist	1
Housing Rehabilitation Specialist I, II	1
Planning and Community Development Director	1
Planning Assistant	1
Principal Planner	1
Senior Housing Rehabilitation Specialist	1
Zoning Inspector	1

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

U.R.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-201

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE POLICE
DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NOS. 79-474, AND 81-446.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

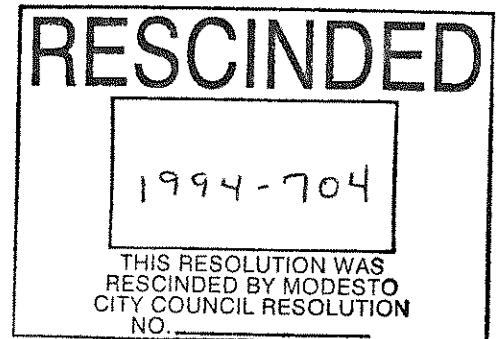
WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Police Department of the
City of Modesto as submitted, a copy of which Code is attached hereto, is
hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 79-474, and 81-446
adopted by the Council are hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
POLICE DEPARTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

POLICE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst	2
Chief of Police	1
Consultant	3
Police Administrative Assistant	2
Police Captain	1
Police Lieutenant (Records)	2

POLICE DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C-2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction selling, manufacturing, or distributing equipment and supplies for office, personnel or vehicles.

Group 3: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

JK

MODESTO CITY COUNCIL
RESOLUTION NO. 92-202

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE PUBLIC
WORKS AND TRANSPORTATION DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NOS. 77-1219, 78-383,
79-44, 80-71, 80-72, 80-416, 80-837, 81-447, 81-764,
82-351, 84-209, 87-140, AND 87-245.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Public Works and
Transportation Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 77-1219, 78-383, 79-44,
80-71, 80-72, 80-416, 80-837, 81-447, 81-764, 82-351, 84-209, 87-140, and
87-245 adopted by the Council are hereby rescinded.

exhibit A
AMENDED
on _____
By Resolution 1994-29

RESCINDED
1994-705
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PUBLIC WORKS AND TRANSPORTATION DEPARTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst II	1, 2a
Airport Maintenance Supervisor	2b, 2c
Airport Manager	1, 2a
Assistant Equipment Maintenance Superintendent	1, 2a
Assistant Water Quality Control Superintendent	1, 2a
Assistant Civil Engineer	1, 2a
Assistant Traffic Engineer	1, 2a
Associate Civil Engineer	1, 2a
Building Inspector I	2e
Building Inspector II	2e
Building Maintenance Supervisor	2d, 2e
Chief Building Official	1, 2a
Civil Engineering Assistant	2e
Construction Inspector	2e
Consultant	3
Custodian Supervisor	2d, 2e
Deputy Chief Building Official	1, 2a
Deputy Public Works and Transportation Director	1, 2a
Electrical Supervisor	1, 2a
Engineering Systems Manager	1, 2a
Equipment Maintenance Superintendent	1, 2a
Equipment Maintenance Supervisor	1, 2a
Industrial Waste Inspector	2i
Land Surveyor	2e
Parking and Traffic Superintendent	1, 2a
Plan Review Engineer	1, 2a

<u>Designated Positions</u>	<u>Disclosure Category</u>
Plant Mechanic Supervisor	2i
Public Works Supervisor I and II	1, 2a
Public Works and Transportation Director	1, 2a
Recycling Program Coordinator	2k, 2l
Secondary Treatment Site Supervisor	2i
Senior Building Inspector	1, 2a
Senior Civil Engineer	1, 2a
Senior Civil Engineering Assistant	1, 2a
Senior Construction Inspector	1, 2a
Solid Waste Program Manager	2k
Streets Maintenance Superintendent	2e
Supervising Building Inspector	1, 2a
Supervising Construction Inspector	1, 2a
Traffic Engineer	1, 2a
Transit Manager	1, 2a
Transportation Planner	1, 2a
Water Quality Control Superintendent	1, 2a

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all interests in real property within the jurisdiction held individually or by business entities or trusts in which the employee has an interest over 10% - Schedule B & C-1. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C-2, D, E, F, G and H - from all sources located in or:

- a. Doing business within the City of Modesto.
- b. Concerning aircraft or the aircraft industry.
- c. Concerning automotive items or the automotive industry.
- d. Concerning building maintenance items.
- e. Concerning construction or building trades within the jurisdiction.
- f. Concerning domestic water items.
- g. Concerning electrical items.
- h. Concerning engineering items.
- i. Concerning sewerage items, wastewater treatment items, or obtaining sewer service from the City of Modesto.
- j. Concerning title companies, financial consultants, or engineering consultants.
- k. Concerning solid waste, garbage or noise control items within the jurisdiction.
- l. Concerning signs or advertising trades within the jurisdiction.
- m. Concerning transit, taxicabs, and railroads.
- n. Concerning private parking lots.
- o. Concerning traffic consultants.
- p. Concerning traffic control items.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B" (continued)

Group 3: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-203

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE BOARD OF
BUILDING APPEALS OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 77-492.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

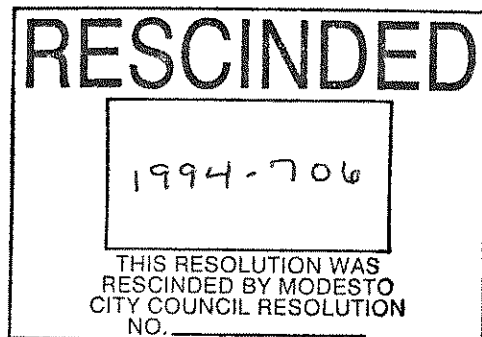
WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Board of Building Appeals of
the City of Modesto as submitted, a copy of which Code is attached hereto, is
hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 77-492 adopted by the
Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

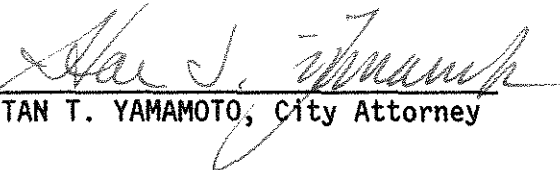
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
BOARD OF BUILDING APPEALS
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

- (1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

BOARD OF BUILDING APPEALS CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Chairperson; all Board members

1

Consultant

2

BOARD OF BUILDING APPEALS CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 92-204

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE BOARD OF
ZONING ADJUSTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 77-490.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

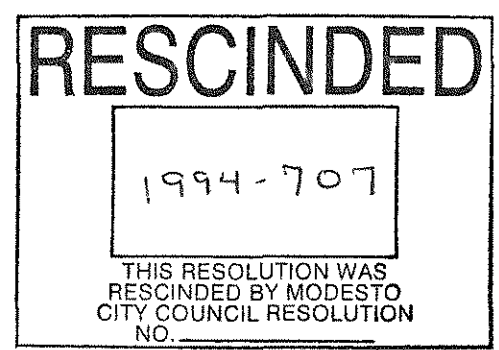
WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Board of Zoning Adjustment
of the City of Modesto as submitted, a copy of which Code is attached hereto,
is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 77-490 adopted by the
Council is hereby rescinded.

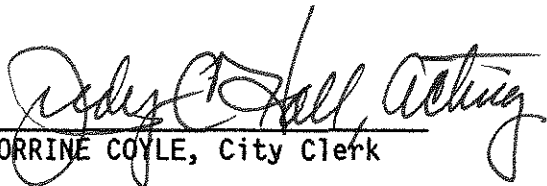


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
BOARD OF ZONING ADJUSTMENT
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

- (1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

BOARD OF ZONING ADJUSTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson; Vice Chairperson; all Board members	1
Consultant	2

BOARD OF ZONING ADJUSTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Cliff

MODESTO CITY COUNCIL
RESOLUTION NO. 92-205

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE CENTRAL
CALIFORNIA MORTGAGE AUTHORITY OF THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 82-6.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Central California Mortgage
Authority of the City of Modesto as submitted, a copy of which Code is
attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 82-6 adopted by the
Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
CENTRAL CALIFORNIA MORTGAGE AUTHORITY
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

CENTRAL CALIFORNIA MORTGAGE AUTHORITY CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Directors, Secretary-Auditor, Treasurer	1
Consultants	2

CENTRAL CALIFORNIA MORTGAGE AUTHORITY CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-206

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE CITIZENS
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE OF THE CITY
OF MODESTO AND RESCINDING RESOLUTION NO. 84-544.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Citizens Housing and
Community Development Committee of the City of Modesto as submitted, a copy
of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 84-544 adopted by the
Council is hereby rescinded.

<p>RESCINDED</p> <p>1994-708</p> <p>THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____</p>

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Chairperson; Vice Chairperson; all Committee
members

1

Consultant

2

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

dept.
Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

JK

MODESTO CITY COUNCIL
RESOLUTION NO. 92-207

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE ECONOMIC
DEVELOPMENT LOAN COMMITTEE OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 88-587.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Economic Development Loan
Committee of the City of Modesto as submitted, a copy of which Code is
attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 88-587 adopted by the
Council is hereby rescinded.


<p>RESCINDED</p> <p>1994-710</p> <p>THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____</p>

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
ECONOMIC DEVELOPMENT LOAN COMMITTEE
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

ECONOMIC DEVELOPMENT LOAN COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Chairperson; Vice Chairperson; all Committee
members

1

Consultant

2

ECONOMIC DEVELOPMENT LOAN COMMITTEE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Yuk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-208

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE
ENVIRONMENTAL ASSESSMENT COMMITTEE OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 77-496.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Environmental Assessment
Committee of the City of Modesto as submitted, a copy of which Code is
attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 77-496 adopted by the
Council is hereby rescinded.

RESCINDED
1994-711
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
ENVIRONMENT ASSESSMENT COMMITTEE
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS:

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

ENVIRONMENTAL ASSESSMENT COMMITTEE CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson; all Committee members	1
Consultant	2

ENVIRONMENTAL ASSESSMENT COMMITTEE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

York

MODESTO CITY COUNCIL
RESOLUTION NO. 92-209

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE HOUSING
MAINTENANCE AND COUNSELING COMMITTEE OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 77-494.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

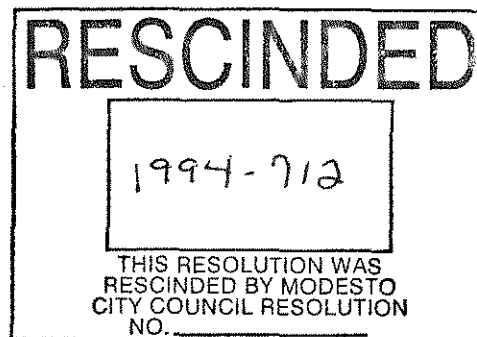
WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Housing Maintenance and
Counseling Committee of the City of Modesto as submitted, a copy of which Code
is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 77-494 adopted by the
Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
HOUSING MAINTENANCE AND COUNSELING COMMITTEE
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

HOUSING MAINTENANCE AND COUNSELING COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Chairperson; Vice Chairperson; all Committee
members

1

Consultant

2

HOUSING MAINTENANCE AND COUNSELING COMMITTEE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

2/28

MODESTO CITY COUNCIL
RESOLUTION NO. 92-210

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE HOUSING
REHABILITATION LOAN COMMITTEE OF THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 82-352.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered the adoption of a conflict of interest code for the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Housing Rehabilitation Loan Committee of the City of Modesto as submitted, a copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 82-352 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

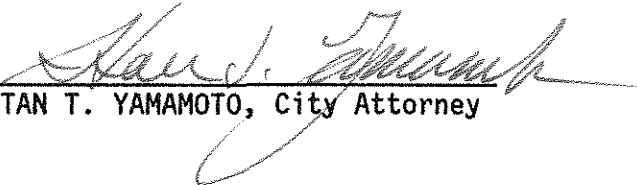
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
HOUSING REHABILITATION LOAN COMMITTEE
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

HOUSING REHABILITATION LOAN COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Chairperson; Vice Chairperson; all Committee
members

1

Consultant

2

HOUSING REHABILITATION LOAN COMMITTEE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-211

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE LANDMARK
PRESERVATION COMMISSION OF THE CITY OF MODESTO.

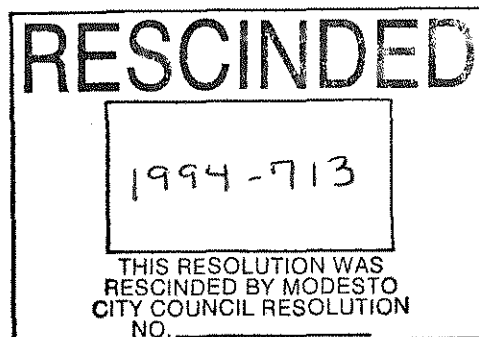
WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the Landmark Preservation
Commission of the City of Modesto as submitted, a copy of which Code is
attached hereto, 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 April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
LANDMARK PRESERVATION COMMISSION
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

LANDMARK PRESERVATION COMMISSION CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson; Vice Chairperson; all Commissioners	1
Consultant	2

LANDMARK PRESERVATION COMMISSION CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-212

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING THE CONFLICT OF INTEREST CODE OF THE LICENSE
TAX APPEALS BOARD OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 77-192.

WHEREAS, pursuant to Government Code Section 87300, every local
agency must adopt a conflict of interest code, and

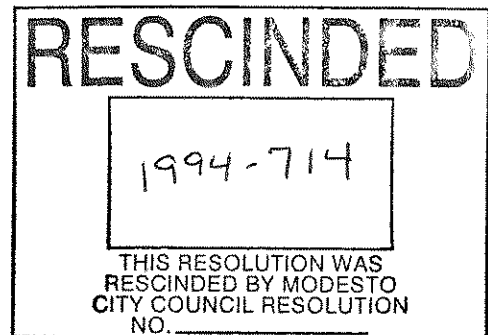
WHEREAS, the City Clerk is authorized to maintain a current list of
the City agencies/departments which have adopted conflict of interest codes,
and

WHEREAS, pursuant to Government Code Section 82011, this Council is
the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of April 28, 1992, considered
the adoption of a conflict of interest code for the various City
agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Conflict of Interest Code of the License Tax Appeals Board of
the City of Modesto as submitted, a copy of which Code is attached hereto, is
hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 77-192 adopted by the
Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
LICENSE TAX APPEALS BOARD
OF THE CITY OF MODESTO

SECTION 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

SECTION 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "B" specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B". It has been

determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

SECTION 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

SECTION 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

- (1) A statement of the nature of the investment or interest;

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000);

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

SECTION 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 8.3 LEGALLY REQUIRED PARTICIPATION

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a

designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

SECTION 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

SECTION 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

LICENSE TAX APPEALS BOARD CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

Chairperson; all members, except the City Manager and City Attorney, who are required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or no additional requirements are imposed upon the City Manager or City Attorney by this Conflict of Interest Code.

1

Consultant

2

LICENSE TAX APPEALS BOARD CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

**MODESTO CITY COUNCIL
RESOLUTION NO. 92-213**

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
E & J GALLO WINERY FOR THE LEASE OF HANGAR NO. 6 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 E & J Gallo Winery for the
lease of Hangar No. 6 at the Modesto City/County Airport**

be, and it is hereby approved.

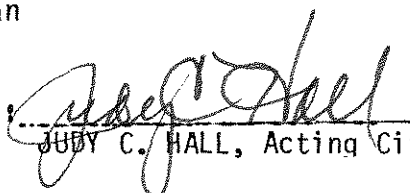
**BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 28th day of April 1992, by
Councilmember Muratore, 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: None

ABSENT: Councilmembers: Friedman

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-214

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, IF NECESSARY, A PORTION OF A GRANT APPLICATION AIMED AT ALLOWING LOCAL COMMUNITIES TO DEAL MORE EFFECTIVELY WITH YOUTH GANGS AND INVOLVEMENT BY THE MODESTO POLICE DEPARTMENT IN PROVIDING TWO NEW SCHOOL POLICE OFFICERS.

WHEREAS, the State is currently seeking applications from local communities for programs that combine the efforts of schools, community organizations, District Attorneys, law enforcement agencies, and Probation Departments in dealing more effectively with youth gangs, and

WHEREAS, the Modesto City School District is coordinating a grant application of the Stanislaus County community, and it is requesting involvement by all school districts, the District Attorney's Office, the Modesto Police Department, the Stanislaus County Sheriff's Department, and the Probation Department of Stanislaus County, and

WHEREAS, the Modesto City Schools will be the lead agency in this effort to secure \$500,000, and

WHEREAS, the school district has asked that the Modesto Police Department be involved in the project with two new School Police Officers, fully funded by the grant, if the project is selected for funding by the State, and

WHEREAS, the two new officers will cover the Johansen High School when it opens in the fall of 1992 and help with better coverage of the city's four existing high schools, Elliott Alternative Education Center, and the junior high schools, and

WHEREAS, the State has not determined for the Modesto City School District whether their Board of Education can resolve to apply for this grant

and include the other agencies as grant contractors, and

WHEREAS, the grant application is due on May 4, 1992, and the City of Modesto has been requested to seek a resolution to apply for the two police officers that would be included in this large grant program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager shall execute, if necessary, a portion of a larger, multi-disciplinary grant application aimed at allowing local communities to deal more effectively with youth gangs with involvement by the Modesto Police Department in providing two new school officers.

BE IT FURTHER RESOLVED, that the City Manager or his authorized representative is hereby authorized or empowered to execute in the name of the City of Modesto all the necessary documents to implement and carry out the purposes of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-215

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HETCH HETCHY WATER AND POWER FOR THE PURPOSE OF ACQUIRING AN EASEMENT TO CONSTRUCT A BICYCLE PATH

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Hetch Hetchy Water and Power for the purpose of acquiring an easement to construct a bicycle path 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 April 1992, 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: 
JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-216

A RESOLUTION APPROVING THE FINAL MAP OF THE FLOYD AVENUE
PROFESSIONAL OFFICES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Phillip D. Overholtzer, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.18 acres, known as the Floyd Avenue Professional Offices Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 24th day of April, 1990, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Floyd Avenue Professional Offices Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

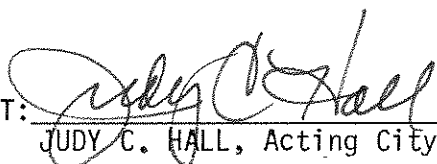
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1992, 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, Friedman, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-217

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
MODESTO A'S BASEBALL CLUB

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended
agreement between the City of Modesto and the Modesto A's Baseball Club

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 April 1992, by
Councilmember Dobbs, 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-218

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ABEL ACOSTA FROM THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE, EFFECTIVE APRIL 28, 1992

WHEREAS, Abel Acosta was appointed a member of the Economic Development Loan Pool Subcommittee on September 22, 1987; and

WHEREAS, Abel Acosta has tendered his resignation from the Economic Development Loan Pool Subcommittee, effective April 28, 1992; and

WHEREAS, Abel Acosta 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 Abel Acosta from the Economic Development Loan Pool Subcommittee 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 Abel Acosta 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 28th day of April, 1992, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-219

A RESOLUTION APPOINTING HOWARD MALLORY 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:

Howard Mallory
3104 Scenic Drive
Modesto, Ca. 95355
Term expires 1/1/96

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 28th day of April, 1992, by Councilmember Dobbs, 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-220

A RESOLUTION APPOINTING JEROME J. BEAMISH 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:

Jerome J. Beamish
917 Woodrow Avenue
Modesto, Ca. 95350
Term to expire 1/1/96

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 28th day of April, 1992, by Councilmember Dobbs, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-221

A RESOLUTION APPOINTING ELDON LARSON AND MARK HEINZINGER 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 persons are appointed to the Affirmative Action/Disability Commission for the respective terms as indicated:

Eldon Larson
2329 Haddon Avenue
Modesto, Ca. 95354

Mark Heinzinger
2212 Quebec Court
Modesto, Ca. 95356

Term to expire: 1/1/94

Term to expire: 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members 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 28th day of April, 1992, by Councilmember Dobbs, 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:

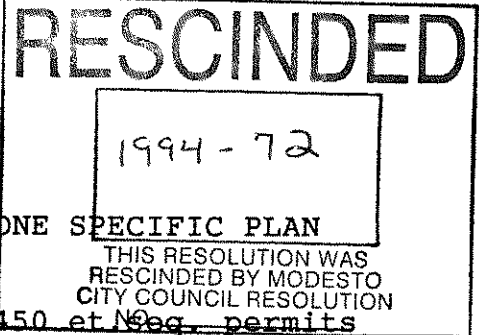
AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-222

A RESOLUTION APPROVING THE VILLAGE ONE SPECIFIC PLAN
AMENDMENT NO. 2.

WHEREAS, Government Code Section 65450 et seq. permits



cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, by Resolution No. 90-828A the Council adopted the Village One Specific Plan and on June 18, 1991, by Resolution No. 91-407 the Council first amended the Village One Specific Plan to add an Affordable Housing Program which became effective on July 18, 1992, and

WHEREAS, the City Council during its adoption of the Final Draft Village One Specific Plan on October 16, 1990, by Resolution No. 90-828A and during its adoption of the Affordable Housing Program Amendment on June 18, 1991, by Resolution No. 91-407 directed staff to proceed with making any necessary changes to the Specific Plan to improve technical correctness, readability, and comprehension, and

WHEREAS, the Planning and Community Development staff created a Comprehensive List of all changes that have been made to the adopted Final Draft Specific Plan, said list of changes has been incorporated into the Amended Specific Plan, a copy of which is on file in the Office of the City Clerk, and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 2, 1992, and by Planning Commission Resolution No. 92-9, the Planning Commission recommended to the City Council adoption of the Amended Village One Specific Plan as Village One Specific Plan Amendment No. 2, and

WHEREAS, the proposed Village One Specific Plan Amendment No. 2 was set for a City Council public hearing to be held on May 5, 1992, which public hearing was duly noticed and held at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, for the purpose of receiving public comment on the proposed Village One Specific Plan Amendment No. 2, and

WHEREAS, the City's Environmental Assessment Committee has reviewed each of the proposed changes in said Comprehensive List in detail and has recommended that the City Council find that the proposed Specific Plan amendments are within the scope of the project described in the approved Village One Environmental Impact Report, certified by the City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the City Council has reviewed and considered the public input and other information concerning Village One Specific Plan Amendment No. 2,

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

1. That the attached amendment of the Village One Specific Plan relating to the Comprehensive List of Changes is

consistent with the Village One Specific Plan and the City of Modesto's General Plan.

2. That the Village One Specific Plan Amendment No. 2 is within the scope of the Village One Environmental Impact Report, which adequately describes the proposed Specific Plan Amendments for the purposes of the California Environmental Quality Act, therefore, the proposed amendments have undergone adequate environmental review under the California Environmental Quality Act.

BE IT FURTHER RESOLVED, that the Council hereby adopts the Specific Plan Amendment No. 2, in the form of the Amended Specific Plan, a copy of which is on file in the Office of the City Clerk, and rescinds the Village One Specific Plan adopted by Resolutions 90-820A and 91-407.

BE IT FURTHER RESOLVED that this resolution shall not become effective until thirty (30) days after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1992, 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*
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-223

A RESOLUTION GRANTING APPROVAL TO THE CHAMBER OF COMMERCE
RELATING TO GRAFFITI USA TO BE HELD ON JUNE 13 AND 14,
1992.

WHEREAS, the Chamber of Commerce has requested City assistance and has submitted specific requests to City staff related to Graffiti USA to be held on Saturday and Sunday, June 13, and June 14, 1992, respectively, and

WHEREAS, City staff and representatives from the Chamber have met on various occasions, and as a result the Parks and Recreation Department prepared a report dated April 28, 1992, setting forth the requests from the Chamber and City staff recommendations to the Modesto City Council, and

WHEREAS, on May 5, 1992, the Council considered said report from Parks and Recreation, a copy of which report is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Chamber of Commerce for City assistance with respect to Graffiti USA and the report from Parks and Recreation dated April 28, 1992, setting forth the requests from the Chamber and City staff recommendations, a copy of which report is attached hereto and incorporated herein by reference, subject to the conditions being met by the Chamber as set forth in said report.

BE IT FURTHER RESOLVED that the Chamber of Commerce shall be required to sign an acceptance to the conditions which are set forth in said report.

BE IT FURTHER RESOLVED that since the California Highway Patrol has asked for specific authorization for compensation of any and all services

provided for Graffiti USA by the California Highway Patrol, such compensation is hereby authorized as set forth in the report from the Parks and Recreation Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

ACCEPTANCE

THE CHAMBER OF COMMERCE does hereby accept all of the terms and conditions set forth in Resolution No. _____ and its attachment(s) pertaining to GRAFFITI USA to be held on June 13 and 14, 1992.

Dated: _____

CHAMBER OF COMMERCE

By _____

By _____



Date: April 28, 1992

TO: City Council
FROM: Parks and Recreation Department
SUBJECT: GRAFFITI USA

RECOMMENDED COUNCIL ACTION:

Motion acknowledging staff report and accepting recommendations and adoption of a resolution granting approval to the Chamber subject to staff recommendations.

The Chamber of Commerce has submitted specific requests to City staff related to Graffiti USA to be held on Saturday and Sunday, June 13 and 14, 1992. The Chamber's requests are listed, followed by staff recommendations.

1. The City shall secure a permit from the California Department of Transportation authorizing closure of McHenry Avenue from Needham Avenue to Briggsmore Avenue and K Street from Needham Avenue to Ninth Street on Saturday, June 13, 1992, from 3:00 p.m. to 7:00 p.m.; and K Street from Ninth Street to 14th Street from Friday, June 12, 6:30 p.m., to Monday, June 14, 6:00 a.m.

Staff is recommending approval based on the following conditions:

- a. The Chamber shall be responsible to provide a Detour Design Plan acceptable to Caltrans.
 - b. The Chamber shall be responsible for seeing that the Graffiti USA professional staff or a firm hired and paid by the Chamber installs the necessary signs in accordance with detour plan.
 - c. The Chamber will provide a refundable deposit in the amount of \$1,500 to the City of Modesto. In the event that Caltrans finds it necessary to call its own staff to install or modify the traffic control plan, said charges will be paid from the deposit. If the charge is greater than \$1,500, the Chamber will pay the City the balance. If the charge is less than \$1,500, the City will refund the balance to the Chamber.
 - d. Chamber will be responsible for securing a City of Modesto encroachment permit for the activities in the public right of way.
2. The Chamber shall be allowed to conduct the cruise/parade from 4 p.m. to 7 p.m. on Saturday, June 13, 1992, and shall not permit any cars to enter McHenry Avenue northbound after 6:30 p.m.

Staff recommends approval.

3. The Chamber shall provide sufficient volunteers to place and maintain street barricades on McHenry Avenue. These workers shall remain on site

during the entire time of the street closure, 3 p.m. to 7 p.m. The volunteers of the Chamber shall remain on site during the transition from the cruise/parade to the opening of McHenry Avenue to the public and shall remove barricades to a corner location designated by the City.

Staff recommends approval with the understanding that the City will provide barricades based on availability.

4. The City shall close "I" Street between 11th and 12th Streets to all vehicular traffic, excepting emergency and Post Office vehicles, beginning at 6 a.m., Friday, June 12, 1992, through 6 a.m., Monday, June 15, 1992.

Staff recommends approval.

5. The City shall close and barricade the entire Graffiti USA festival perimeter beginning at 6:30 p.m., Friday, June 12, 1992, through 6 a.m., Sunday, June 15, 1992.

Staff recommends approval, except that tents and other street obstructions must be removed by 4 a.m. to allow for street sweeping.

6. The Chamber shall provide its own 24-hour security in the downtown area during the setup period and for the duration of the event.

Staff recommends approval.

7. Signs shall be provided by the Chamber directing vehicular and pedestrian traffic at all locations where streets and sidewalks are closed to traffic.

Staff recommends approval with the understanding that signs are to be provided and installed by the Chamber.

8. The Chamber shall be responsible for all cleanup of all parking lots, streets and alleys during and after the event. The City will provide normal street sweeping on Monday, June 15, at 4:30 a.m. Should the City be required to provide cleanup services for the event, 100% of those expenses shall be charged to the Chamber.

Staff recommends approval.

9. Vehicular traffic on City parking lots shall be restricted to passenger vehicles and pickup trucks, except where expressly approved in writing by the City.

Staff recommends approval.

10. The Chamber requests approval to have a carnival on a site to be determined.

Staff recommends that the request be approved with the understanding that

the Chamber meet all of the requirements of the special City of Modesto Carnival Permit and that the Chamber be responsible for any repairs necessary to the carnival site. Based on the weight of carnival transporting vehicles, the Chamber may be required to obtain a City of Modesto transportation permit.

11. Portable toilets shall not be placed on City parking lots.

Staff recommends approval.

12. Emergency equipment shall be provided access at all times. Any vehicle or other items blocking access shall be towed.

Staff recommends approval with the understanding that a minimum 12-foot access must be maintained at all times on streets, alleys and around fire hydrants.

13. Each tent shall be inspected by the Fire Marshall or his designee and appropriate permits shall be issued.

Staff recommends approval.

14. The City shall waive all inspection and permit fees.

Staff is recommending that this item be amended to read: "The City shall waive all City inspection and permit fees; however, the Chamber of Commerce shall be responsible for any and all other fees as may be required by other agencies."

15. The Chamber shall execute a rental license to use the Modesto Centre Plaza and shall conform to all policies and procedures established by the Modesto Centre Plaza.

Staff is recommending that the Chamber of Commerce execute a rental license to use the Modesto Centre Plaza within one week of City Council approval of the event. In addition, the Chamber shall conform to all policies and procedures at the Centre Plaza and shall pay all applicable fees.

16. The Chamber shall adhere to all Alcoholic Beverage Control Board requirements. All beer and wine will be served within controlled access areas.

Staff recommends approval.

17. Prior to the event, all food booths and carts will be inspected by the Fire Prevention Bureau and the Health Department.

Staff recommends fire inspections be done by Wednesday, June 10, 1992, and Health Department permits be obtained prior to the event.

Graffiti USA

Page 4

April 28, 1992

18. No liquefied petroleum gas (LPG) shall be used in enclosed areas. A minimum of one 2A 10BC fire extinguisher will be provided for each cooking area.

Staff recommends approval.

19. A security plan for the downtown festival area shall be approved by the Police Department.

Staff recommends approval.

20. The Chamber shall indemnify, defend and hold harmless the City of Modesto and the Redevelopment Agency, its officers, agents, employees and volunteers, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Chamber's sponsored Graffiti USA activities, use of the Centre Plaza, McHenry Avenue and other city streets and city parking lots.

Staff recommends approval.

21. The Chamber shall furnish to the Risk Manager of the City of Modesto current and valid certificate(s) of insurance evidencing general liability and automobile liability coverages in the amounts of \$1,000,000 primary and \$4,000,000 umbrella with the City of Modesto and the Redevelopment Agency named as "Additional Insureds." In addition, a separate liquor legal liability endorsement must be obtained and included on the certificate of insurance. The certificates shall contain contractual liability provisions stating that the policies are extended to cover the liability assumed by the Chamber under the terms of the City resolution. Also, the Chamber must maintain workers' compensation insurance with statutory limits and employer's liability insurance for \$1,000,000 each injury and illness. After review and approval of the certificates by the Risk Manager, the certificate(s) of insurance must be on file with City Clerk and shall not permit cancellation of said insurance unless ten (10) days' written notice is furnished to the City Clerk of the City of Modesto, prior to the date of June 13, 1992.

Staff recommends approval.

22. The Chamber shall receive approval of the Graffiti USA 1992 plan from the County of Stanislaus, the Downtown Improvement District and the Downtown Modesto Association.

Staff recommends approval.

23. The Chamber shall file a written acceptance of the resolution approved by the Modesto City Council, with the City Clerk, and no right shall be conferred until said acceptance is filed.

Staff recommends approval.

Graffiti USA

Page 5

April 28, 1992

BACKGROUND:

The Chamber of Commerce is again requesting City assistance with the Graffiti USA activities on June 13 and 14, 1992. Staff from various City departments has been meeting with the Chamber and its representatives to resolve most concerns and to discuss City assistance. The Chamber's requests are similar to those of last year, which staff feels are reasonable and appropriate.

The City staff estimates that the cost to the City for Graffiti weekend 1992 will be approximately \$130,423 and is broken down as follows:

Police Costs

City Shop standby	\$ 1,820
Modesto Police (Saturday)*	72,000
25 Highway Patrol (Saturday)	21,295
Helicopter (three nights)	3,052
Overtime (Friday)	13,153
Overtime (Sunday)	12,103
Equestrian unit	2,000

*Does not include regular duty time on Friday or Sunday.

Miscellaneous Costs

Includes costs for setting up barricades, cleaning parking lots, etc.	\$ 5,000
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TOTAL ESTIMATED COSTS \$130,423

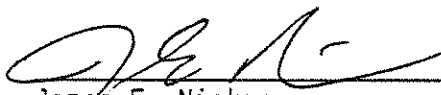
The above costs do not include any general overhead costs of the various departments to plan and coordinate this event.

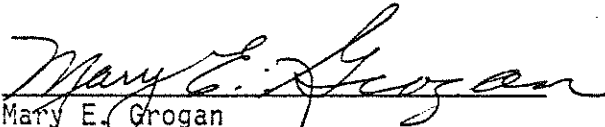
REASONS FOR RECOMMENDATION:


As in previous years, the Chamber of Commerce has requested City assistance with an annual street fair. City staff has worked with the Chamber and all previous arrangements have been satisfactory. Staff is again recommending that permission and assistance be given, with the above conditions added to the Chamber's request.

STEPS FOLLOWING APPROVAL:

After Council approval, staff will continue to work with the Chamber to implement the plan and work within the guidelines set by the City.

Prepared by: 
James E. Niskanen
Assistant Director of Parks and
Recreation

Recommended by: 
Mary E. Grogan
Director of Parks and Recreation

Submitted by: 
J. Edward Tewes
City Manager

MODESTO CITY COUNCIL
RESOLUTION NO. 92-224

A RESOLUTION APPROVING EXECUTION OF AN EASEMENT DEED WITH MODESTO IRRIGATION DISTRICT TO SERVE WELL NO. 53 TO DRYDEN GOLF COURSE

WHEREAS, Well No. 53 at the Dryden Golf Course needs to be served by electricity, and Modesto Irrigation District will only serve the well if granted an easement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the easement deed between the City of Modesto and Modesto Irrigation District to serve Well No. 53 at Dryden Golf Course be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement deed 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 May, 1992, 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

ATTEST: 
NORRINE COYLE, City Clerk

77-1-107

MODESTO CITY COUNCIL
RESOLUTION NO. 92-225

A RESOLUTION AUTHORIZING THE MODESTO POLICE DEPARTMENT TO PARTICIPATE IN A STUDY FOR THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS RELATING TO PARTICIPATION IN SAID STUDY.

WHEREAS, the National Highway Traffic Safety Administration has contracted with Anacapa Sciences Inc. of Santa Barbara, California to conduct a research project regarding the effectiveness of sobriety checkpoints, and

WHEREAS, Modesto is one of five communities in the State invited to participate in the study, and

WHEREAS, to participate in the study the City must:

1. Conduct 18 sobriety checkpoints during the nine-month program.
2. Provide certain historical driving-under-the-influence statistical data.
3. Obtain blood alcohol counts for all drivers suspected of driving under the influence and involved in accidents, and
4. Assist Anacapa Sciences, Inc. in developing a Traffic Safety Program Support Committee in the community.

and

WHEREAS, by participating in the project, the City will receive:

1. A \$10,000 trailer necessary to conduct sobriety checkpoints.
2. Preliminary alcohol testing devices.
3. A labor subsidy to help with the cost of participation.
4. Increased DUI deterrence and fewer alcohol-involved accidents, and
5. National visibility and recognition for work in traffic safety research.

and

WHEREAS, the five communities invited to participate in the study have been carefully selected to achieve comparability in terms of DUI statistics, population, isolation from other sites, and the presence of local electronic and print news media for extensive public information and education, and

WHEREAS, Anacapa Sciences, Inc. hopes to begin the checkpoint programs in July 1992, with the two months prior to the program devoted to the collection of baseline data and to public awareness of DUI countermeasure programs, and

WHEREAS, while sobriety checkpoint programs have been evaluated in the past, this is the first attempt to systematically evaluate the effectiveness of different checkpoint configurations and to compare the impact of checkpoint programs to roving patrol and a control site that receives no special treatment, and

WHEREAS, Anacapa Sciences, Inc. reports that the study is receiving a high level of national interest and attention, and Congress has been briefed about the study, and

WHEREAS, the Modesto Police Department worked with Anacapa Sciences, Inc. several years ago in a seatbelt study, which study offered us valuable statistical data, and found the company to be a very reputable organization, and

WHEREAS, the trailer acquired as a result of the Modesto Police Department's participation in said study could be used on McHenry Avenue for use in setting up cruising checkpoints, if needed, and perhaps could be used on Graffiti Night 1993.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto authorizes the Modesto Police Department to participate in the study for the National Highway Traffic Safety Administration as set forth herein.

BE IT FURTHER RESOLVED that the City Manager or his authorized representative is hereby authorized and empowered to execute in the name of the City of Modesto all documents necessary to implement and carry out the purposes of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-226

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATERLINES IN SCENIC DRIVE, GRAPHICS DRIVE AND PARKLAWN AVENUE

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

SECTION 1. The plans and specifications for the installation of waterlines in Scenic Dr., Graphics Dr., and / ^{Parklawn Avenue}, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 29, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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. 92-227

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE CLAUS ROAD PEDESTRIAN ACCESS AND WATERLINE INSTALLATION

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

SECTION 1. The plans and specifications for the Claus Road pedestrian access and waterline installation, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 2, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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. 92-228

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE ROBERTSON ROAD
PARK STREETS PROJECT

WHEREAS, Resolution No. 92-131 , adopted by the Council of the City of Modesto on March 24 , 19 92, approved the plans and specifications for the Robertson Road Park streets project

and authorized the calling for bids; and

WHEREAS, the bids received for the Robertson Road Park streets project were opened at 11:05 a.m. on April 23, 19 92, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of George Reed, Inc. in the amount of \$59,848.50

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$59,848.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May , 1992, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-229

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$9,775.00
TO FUND IMPROVEMENTS ON THE EAST SIDE OF HAMMOND STREET

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

FROM: Gas Tax Reserve \$9,775.00

TO: Robertson Road Park Streets \$9,775.00
Project

Funds are needed to finish improvements on the east side of
Hammond Street adjacent to the Housing Authority, in conjunction
with the Robertson Road Park Streets Project.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 12th day of
May, 19 92, 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. 92-230

A RESOLUTION ACCEPTING THE BID OF WINGARD ENGINEERING FOR CONSTRUCTION OF TRAFFIC SIGNAL AND STREET LIGHTING AT KANSAS AVENUE AND EMERALD AVENUE

WHEREAS, Resolution No. 92-149 , adopted by the Council of the City of Modesto on April 7 , 1992 , approved the plans and specifications for construction of traffic signal and street lighting at Kansas and Emerald Avenues and authorized the calling for bids; and

WHEREAS, the bids received for the construction of traffic signal and street lighting at Kansas and Emerald Avenues were opened at 11:00 a.m. on April 28, 1992 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Wingard Engineering in the amount of \$78,224 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wingard Engineering in the amount of \$78,224 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 12th day of May , 1992 , 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. 92-231

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM & SONS, INC. FOR THE WEST SIDE PARK BASKETBALL COURT RECONSTRUCTION

WHEREAS, Resolution No.92-150 , adopted by the Council of the City of Modesto on April 7 , 1992 , approved the plans and specifications for the West Side Park basketball court reconstruction

and authorized the calling for bids; and

WHEREAS, the bids received for the West Side Park basketball court reconstruction were opened at 11:00 a.m. on April 20, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

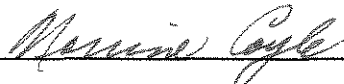
WHEREAS, the Director of Public Works has recommended that the bid of Cunningham & Sons, Inc. in the amount of \$20,777 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cunningham & Sons, Inc. in the amount of \$20,777 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 12th day of May , 1992, 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. 92-232

A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. FOR CONSTRUCTION OF PUMP STATION NO. 52, AND RESCINDING RESOLUTION NO. 92-72

WHEREAS, Resolution No. 92-72, adopted by the Council of the City of Modesto on February 11, 1992, accepted the bid of Central Pump as low bidder for the construction of Pump Station No. 52, with Conco West, Inc. second low bidder; and

WHEREAS, the City has been unable to enter into an agreement with Central Pump because their insurer does not comply with insurance provisions required by contract specifications.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West, Inc., in the amount of \$152,487.50 for construction of Pump Station No. 52 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

BE IT FURTHER RESOLVED that Resolution No. 92-72 awarding the contract to Central Pump, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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: Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-233

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON 1992-93 PROPOSED OPERATING BUDGET AND 1992-93 THROUGH 1995-96 PROPOSED CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 2, 1992, 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 1992-93 Proposed Operating Budget and 1992-93 through 1995-96 Proposed Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 19⁹², 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92- 234

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, EIGHTEENTH YEAR APPLICATION, JULY 1, 1992, TO JUNE 30, 1993, AND AUTHORIZING THE CITY MANAGER TO FILE THE APPLICATION, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED THEREIN, WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND DESIGNATING THE CITY MANAGER TO ACT IN CONNECTION WITH THE APPLICATION AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED; AND ADOPTING THE STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND USE OF CDBG FUNDS FOR PROGRAM YEAR 1992-1993

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

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's Community Development Block Grant allocation for the Fiscal Year 1993-1993 will be \$1,367,000, and

WHEREAS, the City has also received Fiscal Year 1984, 1985, 1986, 1987, 1988, 1989, and 1990 Rental Rehabilitation funding in the amount of \$540,000 with administrative expenses covered by the block grant resources, and

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

WHEREAS, the Housing Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1992-1993 Community Development Objectives and Use of CDBG Funds, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on November 21, 1991, and

WHEREAS, requests for funding were presented by organizations to the Citizens Housing and Community Development Committee on March 4, 1992, and

WHEREAS, the Comprehensive Housing Affordability Study, a prerequisite to the CDBG application, was approved by the City Council by Resolution No. 92-127 on March 17, 1992, and by HUD on April 10, 1992.

WHEREAS, the Citizens Housing and Community Development Committee reviewed the 1992-93 Statement of Community Development Objectives and Use of CDBG Funds on April 3, 1992, and recommended to the Council for their approval, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1992-1993 Community Development Block Grant Program Application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to file said application, including all understandings and assurances, and certifications contained therein, with the U.S.

Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the City Council does hereby approve the statement of Community Development Objectives and Use of Funds for Program Year 1992-1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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: Dobbs, Friedman, Patterson, Mayor Lang

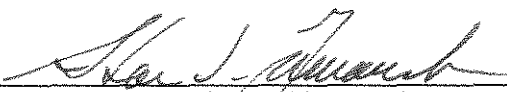
NOES: Councilmembers: Bird, Cogdill

ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-235

A RESOLUTION ADOPTING THE HOME INVESTMENT PARTNERSHIP ACT GRANT PROGRAM, PROGRAM YEAR 1992/1993, JULY 1, 1992, TO JUNE 30, 1993, AND AUTHORIZING THE CITY MANAGER TO FILE THE APPLICATION, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED THEREIN, WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND DESIGNATING THE CITY MANAGER TO ACT IN CONNECTION WITH THE APPLICATION AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED

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

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's HOME Investment Partnership Act Grant allocation, including State pass-through, for the Fiscal Year 1992-1993 will be \$750,000, and

WHEREAS, the State of California Department of Housing and Community Development has authorized transfer of \$38,000 for the State's HOME allocation to the City of Modesto by letter of February 4, 1992, and

WHEREAS, the City indicated its intent to participate in HOME by letter of February 6, 1992, and

WHEREAS, the Comprehensive Housing Affordability Study, a prerequisite to the HOME application, was approved by the City Council by Resolution No. 92-127 on March 17, 1992, and by HUD on April 10, 1992.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1992-1993 HOME Investment Partnership Act Grant Program Description and Application.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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: Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Cogdill

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-237

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTERN GEOPHYSICAL TO ENTER UPON CITY-OWNED PROPERTY KNOWN AS THE SECONDARY WASTE-WATER TREATMENT PONDS FOR THE PURPOSE OF CONDUCTING A SEISMIC SURVEY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Western Geophysical to enter upon City-owned property known as the Secondary Wastewater Treatment Ponds for the purpose of conducting a seismic survey 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 May 1992, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-238

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD A. BROWN AND JOAN L. JUSTICE-BROWN FOR THE NECESSARY PROPERTY RIGHTS NEEDED TO WIDEN CARPENTER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richard A. Brown and Joan L. Justice-Brown for the necessary property rights needed to widen Carpenter 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 12th day of May 1992, 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. 92-241

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN AND MARY LEAMY FOR THE NECESSARY PROPERTY RIGHTS NEEDED TO WIDEN CARPENTER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Annie Borrelli for the necessary property rights needed to widen Carpenter 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 12th day of May 1992, 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. 92-242

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARE, INC.
TO INSPECT CITY STREETS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and ARE, Inc. to inspect City streets

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 12th day of May 1992, 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

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-243

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92
ANNUAL BUDGET TO ESTIMATE REVENUE AND
APPROPRIATIONS FOR RESIDENTIAL ALLEY PROJECT
#17.

WHEREAS, the Residential Alley Project consists of two projects: the residential alley project consisting of four alleys, and a commercial alley project consisting of one commercial alley, and

WHEREAS, the residential alley project is 100% funded by the property owner; the City initially pays for the project and the property owner has the option of repaying the City upon project completion, or making installment payments over a 3-year period with an interest rate of 7%, and

WHEREAS, the total estimated cost of the alley project is \$108,000, and

WHEREAS, the commercial alley project is funded one-third by the property owner, one-third by the City, and one-third by the Downtown Improvement Program (DID); the property owner has the option of repaying the City upon project completion, or making installment payments over a 3-year period with an interest rate of 7%, and

WHEREAS, the total estimated cost of the alley project is \$33,000, and

WHEREAS, the \$11,000 to be funded by DID is appropriated in project number 090-140-P909-6000; therefore, \$22,000 will be appropriated in fund 130.

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

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agcy/Organization</u>		<u>Increase (Decrease)</u>
<u>Expenditures</u>		
130-430-B517-6000	Alley Project #17- Residential	\$108,000
130-430-B527-6000	Alley Project #17- Commercial	22,000
130-800-8000-8003	Contingency Reserve	(11,000)
<u>Revenues</u>		
130-510-9510-4054.03	Alley Improvements	\$108,000
130-510-9510-4054.04	Alley Improvements	11,000

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 12th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-244

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER TWO THOUSAND SIX HUNDRED THIRTY-SIX (\$2,636) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Two Thousand Six Hundred Thirty-six (\$2,636) 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 the acquisition of a Personal Computer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget be amended as follows:

General Fund (Fund 010)

Revenue

010-190-0000-7202	Asset Seizures	\$2,636
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Expenditure

010-190-1901-5062	Personal Computer	\$2,636
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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-245

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1991-92 TO ADD TWO LEASE/PURCHASE COPIERS TO FIXED ASSETS FOR THE POLICE DEPARTMENT IN THE TOTAL AMOUNT OF ONE HUNDRED ONE THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$101,450) AND APPROPRIATE THE 92-93 LEASE PAYMENT IN THE AMOUNT OF TWENTY TWO THOUSAND NINE HUNDRED FOURTY ONE DOLLARS (\$22,941).

WHEREAS, the City Council has authorized a lease purchase agreement for two copiers in the Police Department in the total amount of One Hundred One Thousand Four Hundred Fifty Dollars (\$101,450.), and

WHEREAS, the first years annual lease payment in in the amount of Twenty Two Thousand Nine Hundred Fourty One Dollars (\$22,941)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 and 92-93 Annual Budgets be amended as follows:

General Fund (Fund 010)

Expenditures 91-92:

010-190-1921-5069	Xerox 5065	\$25,400
010-190-1921-5070	Xerox 5100	\$76,050

Revenue 91-92:

010-510-0000-8301	Other Financing Sources	\$101,450
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Expenditures 92-93:

010-190-1921-0451	Principal	\$15,895
010-190-1921-0452	Interest	\$ 7,046

Revenue 92-93:

010-190-1921-7202	Asset Forfeitures	\$22,941
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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-246

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF TWO PHOTOCOPY MACHINES FROM XEROX

WHEREAS, the Police Department has requested the purchase of two photocopy machines to replace two that are old and unreliable; and

WHEREAS, the Xerox 5100 and 5065 will meet the Police Department's needs for speed, quality and reliability, and has local technicians who respond much faster than other vendors.

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


BE IT FURTHER RESOLVED that purchase of two photocopy machines from Xerox is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1992, 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. 92-247

A RESOLUTION APPROVING A LEASE TO PURCHASE AGREEMENT BETWEEN THE CITY OF
MODESTO AND XEROX COMPANY FOR TWO PHOTOCOPY MACHINES FOR THE POLICE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
lease to purchase agreement between the City of Modesto and Xerox Company
for two photocopy machines for 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 May, 1992, 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. 92-248

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,620 FROM TWO COMPLETED CAPITAL OUTLAY PROJECTS TO THE VALVE ACTUATOR CAPITAL IMPROVEMENT PROJECT

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

FROM:	Storage Rack (621 480 5213 5393)	\$4,873.00
	Ins. Sludge Thickener (621 480 5213 5391)	3,747.00
TO:	Automatic Valve Actuators (621 480 B512 6000)	\$8,620.00

Council has approved the automatic valve actuator project. It was anticipated additional funds would be needed to complete this phase of the project. There has been a 7½% increase on the original estimate since the Quality Circle project was presented. Funds needed to complete this phase are available in the above accounts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 19 92, 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. 92-249

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF ANNUAL PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND FOR ISSUANCE OF ONE TRIP PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND RESCINDING RESOLUTION NO. 90-491.

WHEREAS, the Motor Vehicle Code of the State of California specifies the maximum weight and size of vehicles that may travel on public streets, and

WHEREAS, Section 35780 of said Motor Vehicle Code authorizes local authorities to issue special permits which allow variances from the specified maximum weight and size of vehicles, and

WHEREAS, it is the policy of the Council to grant such variances for the purpose of promoting commerce and industry, and

WHEREAS, Section 7-1.107 of the Modesto Municipal Code specifies that fees shall be approved by the Council from time to time by resolution, and

WHEREAS, said fees also cover terminal access of interstate trucks pursuant to Section 35401.5 (d) of the Motor Vehicle Code, and

WHEREAS, Sections 35781, 35795 and 35782 of said Motor Vehicle Code have been amended by State Assembly Bill 1849 to standardize application of such fees and to limit the fee that the local authority may charge for these permits to an amount which does not exceed a fee schedule developed by the California State Department of Transportation, and

WHEREAS, in accordance with said Assembly Bill 1849 the City proposes a fee of \$85.00 be charged for issuance of annual permits for oversized or overloaded vehicles, which includes a charge for the services of a plan review, and the City proposes a fee of \$15.00 be charged for the issuance of one trip permits for oversized or overloaded vehicles, which includes a charge for the services of a Police Squad Leader.

WHEREAS, the annual permit fee may be prorated downward for the time periods of less than one year, however said prorated fee shall not be less than \$15.00, and

WHEREAS, California Vehicle Code Section 35795 provides that special services necessitated by unusually large or heavy loads requiring engineering investigations, or other services, may be billed separately for each permit, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, pursuant to Section 35795 of the California Vehicle Code, an Annual Permit Fee of \$85.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department and a One Trip Permit Fee of \$15.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department.

BE IT FURTHER RESOLVED that pursuant to Section 35795 of the California Vehicle Code, special services necessitated by unusually large or heavy loads requiring engineering investigations, or other services, may be billed separately for each permit.

BE IT FURTHER RESOLVED that Resolution No. 90-491 adopted by the Council on May 1, 1990, is hereby rescinded effective July 19, 1992.

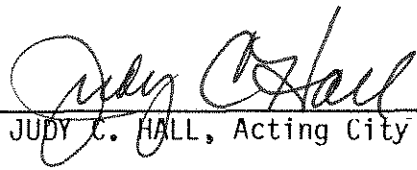
BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

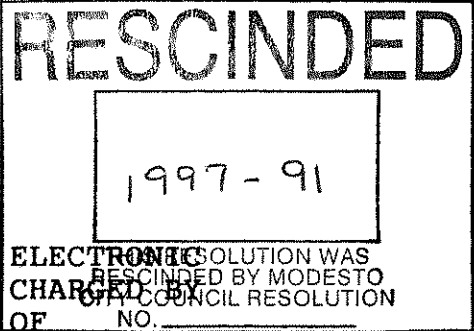
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-250

A RESOLUTION ALLOWING THE SALE OF
DATA AND ESTABLISHING A FEE TO BE
ALL CITY DEPARTMENTS FOR THE SALE
ELECTRONIC DATA AND RESCINDING RESOLUTION
NO. 90-847.

ELECTRONIC RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, various departments within the City of Modesto are, from time to time, requested to sell electronic computer data which may be in the form of either tapes or floppy disks, and

WHEREAS, the sale of such data falls under the provisions of Section 6256 of the Government Code, and

WHEREAS, City staff recommends that all departments within the City be allowed to sell computer data and charge a fee for said data, and

WHEREAS, City staff has recommended an increase in the minimum fee to be charged for the sale of electronic data to reflect increased costs, and

WHEREAS, the following conditions and fees shall be applicable to all such City departments preparing and selling such data:

1. Any sale of electronic data shall be in accordance with the provisions of Section 6255, et seq. of the Government Code.
2. Fees chargeable for preparing and selling data shall include:

- a. The actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the data in transmittable form; the minimum amount to be charged being the sum of \$15.75.
- b. The cost of the media (tape or disk), if furnished by the City.
- c. The sum of \$42.00 per megabyte (approximately 250 pages of data) sold. The fee per megabyte of data shall be prorated for fractions of megabytes, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all departments within the City shall be allowed to sell electronic data and charge a fee for said data to include the actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the data in transmittable form in a minimum amount of \$15.75, together with the cost of the tape or disk if furnished by the City, and the sum of \$42.00 per megabyte or proration thereof for fraction of megabyte provided.

BE IT FURTHER RESOLVED that Resolution No. 90-847 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-251

A RESOLUTION ESTABLISHING FILING FEES FOR
SPECIAL ASSESSMENT BENEFIT DISTRICTS FOR
LANDSCAPING AND RESCINDING RESOLUTION
NO. 90-845.

WHEREAS, increased use of Special Assessment Benefit
Districts For Landscaping (SABDL) is unforeseen, and

WHEREAS, applications for Special Assessment Benefit
Districts For Landscaping require significant staff time and may
or may not result in a district formation, and

WHEREAS, the Public Works and Transportation Director
has estimated the preliminary staff work for Special Assessment
Benefit Districts For Landscaping at a minimum of \$2,847.00, and

WHEREAS, City staff has recommended an increase in the
filing fee for Special Assessment Benefit Districts for
landscaping to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its
regular meeting on May 19, 1992, to consider the
recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the filing fee for Special Assessment
Benefit Districts For Landscaping is hereby established in the
sum of \$2,847.00.

BE IT FURTHER RESOLVED that Resolution No. 90-845
adopted by the Council on October 16, 1990, is hereby rescinded
effective July 19, 1992.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

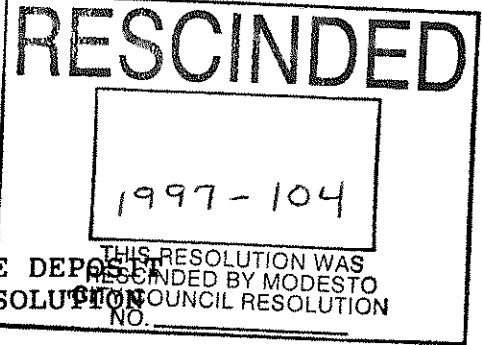
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-252

A RESOLUTION ESTABLISHING AN ADVANCE DEPOSIT FOR WATER SERVICE AND RESCINDING RESOLUTION NO. 83-414.

WHEREAS, Section 11-1.13 of the Modesto Municipal Code provides that an advance deposit shall be required for each water service, and

WHEREAS, Section 11-1.13 of the Modesto Municipal Code further provides that the City Council may establish from time to time by resolution advance water deposits, and

WHEREAS, City staff has recommended changes in the advance deposit for water service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on May 19, 1992 to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, in accordance with the authority contained in Section 11-1.13 of the Modesto Municipal Code, hereby establishes an advance water deposit of Forty and no/100ths (\$40.00) Dollars for water service.

BE IT FURTHER RESOLVED that Resolution No. 83-414 adopted by the Council on June 21, 1983, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

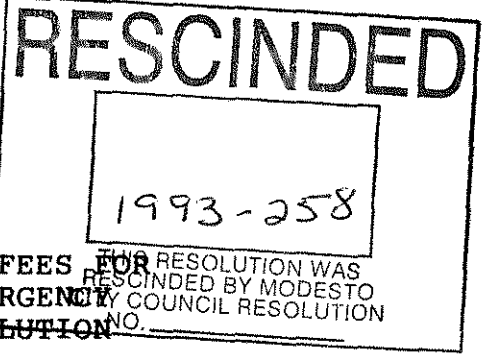
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-253

A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR A PERMIT FOR MONITORING WELLS OR EMERGENCY EXTRACTION WELLS AND RESCINDING RESOLUTION NO. 87-1260.

WHEREAS, the City Council has adopted Section 5-1.503 of Chapter 1 of Title V of the Modesto Municipal Code which authorizes an application fee for a permit for monitoring wells and emergency extraction wells, and

WHEREAS, application for the permit will generate certain costs which must now be compensated for, and

WHEREAS, City staff has recommended changes to the schedule of fees for monitoring wells or emergency extraction wells, and

WHEREAS, the City Council held a public hearing at a regular meeting on May 19, 1992, to consider the recommended changes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fee for the above described permit shall be a fixed charge of Fifty and no/100ths (\$50.00) Dollars, plus a fixed charge of One Hundred Fifteen and no/100ths (\$115.00) Dollars for each well installed.

BE IT FURTHER RESOLVED that Resolution No. 87-1260 adopted by the Council on December 8, 1987, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-254

A RESOLUTION ESTABLISHING FILING FEES FOR
SPECIAL ASSESSMENT DISTRICT FINANCING AND
RESCINDING RESOLUTION NO. 90-844.

WHEREAS, increased use of Special Assessment District
Financing is foreseen, and

WHEREAS, applications for Special Assessment District
Financing require significant staff time and may or may not
result in a district formation, and

WHEREAS, the Public Works and Transportation Director
has estimated the preliminary staff work for Special Assessment
District Financing is at least \$3,290.00, and

WHEREAS, City staff has recommended an increase in the
filing fees for Special Assessment Districts to reflect increased
costs, and

WHEREAS, the City Council held a public hearing at its
regular meeting on May 19, 1992, to consider the
recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the filing fee for Special Assessment
District Financing is hereby established in the sum of \$3,290.00.

BE IT FURTHER RESOLVED that Resolution No. 90-844
adopted by the Council on October 16, 1990, is hereby rescinded
effective July 19, 1992.

BE IT FURTHER RESOLVED that the fee established by the resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

AMENDED

on Mar. 23, 2011
By Resolution 2011-104

MODESTO CITY COUNCIL
RESOLUTION NO. 92-255

A RESOLUTION ESTABLISHING A BUILDING
COMPLIANCE INSPECTION FEE AND RESCINDING
RESOLUTION NO. 90-842.

WHEREAS, this Council has previously established a Building Compliance Inspection Fee which is charged by the Building Official for inspections to determine whether a building complies with the Housing Code and/or the Dangerous Buildings Code, and

WHEREAS, City staff has recommended an increase in the Building Compliance Inspection Fee to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 19, 1992 to consider the recommended increase in the Building Compliance Inspection Fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Building Compliance Inspection Fee of \$66.00 shall be charged by the Building Official for inspections to determine whether a building complies with the Housing Code and/or the Dangerous Buildings Code.

BE IT FURTHER RESOLVED that Resolution No. 90-842 adopted by the Council on October 16, 1990 is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

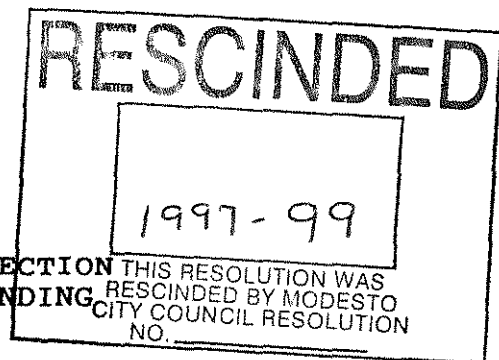
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-256

A RESOLUTION ESTABLISHING A RECONNECTION CHARGE FOR SEWER SERVICE AND RESCINDING RESOLUTION NO. 82-902.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, Section 5-6.15 of the Modesto Municipal Code provides that in cases where bills for sewer service shall become delinquent, the Public Works and Transportation Director may disconnect the premises from the sewage system, and

WHEREAS, Section 5-6.15 of the Modesto Municipal Code further provides that the City Council may establish charges for reconnection of premises to the sewage system by resolution duly adopted by the Council, and

WHEREAS, City staff has recommended changes in the reconnection charge for sewer service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, in accordance with the authority contained in Section 5-6.15 of the Modesto Municipal Code, hereby establishes a charge of Three Hundred, Seventy-five and no/100ths (\$375.00) Dollars for reconnection of any premises to the sewage system which have been disconnected from said sewage system because of the failure of any user to pay any sewer service charge prior to delinquency thereof.

BE IT FURTHER RESOLVED that Resolution No. 82-902 adopted by the Council on December 21, 1982, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

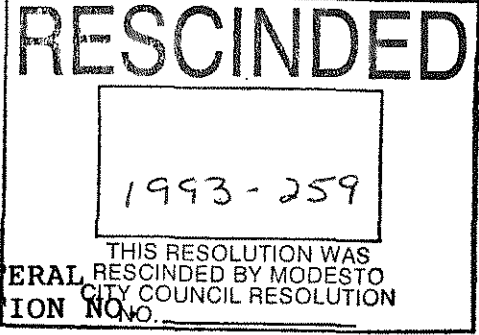
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-257

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE AND RESCINDING RESOLUTION NO. 90-829.

WHEREAS, Section 5-6.10 of the Modesto Municipal Code, provides that the Council may establish by resolution a sewer lateral connection fee for property that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer, and

WHEREAS, the basis for the sewer lateral connection fee is to collect equally from each property served by an existing sewer lateral, and

WHEREAS, City staff has recommended an increase in the sewer lateral connection fee to reflect increased construction costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall pay to the City a fee of \$17.00 per linear foot of property frontage.

BE IT FURTHER RESOLVED that Resolution No. 90-829 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on an after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: 
JUDY C. HALL, Acting City Clerk

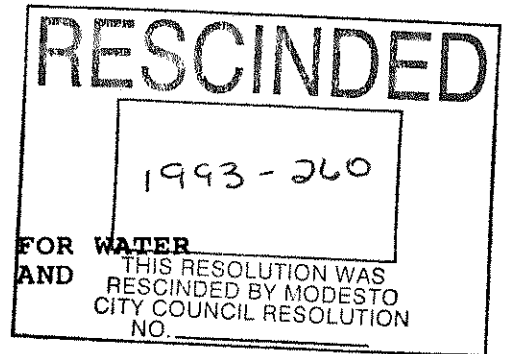
(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-258

A RESOLUTION ESTABLISHING CHARGES FOR WATER
USED DURING BUILDING CONSTRUCTION AND
RESCINDING RESOLUTION NO. 90-833.



WHEREAS, Section 11-1.07 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for metered water service, and

WHEREAS, Section 11-1.10 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for unmetered water service, and

WHEREAS, it is desirable to establish the rates and charges for providing water service during the construction of buildings, and

WHEREAS, City staff has recommended an increase in the rate charged for water service during the construction of buildings, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that charges for providing water service during building construction are hereby established, as set forth on Exhibit "A", entitled "Procedure for Providing Water Service During Building Construction", which is attached hereto and made a part hereof by this reference.

BE IT FURTHER RESOLVED that Resolution No. 90-833 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after July 20, 1992.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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:


JUDY C. HAUL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

PROCEDURE FOR PROVIDING WATER SERVICE DURING
BUILDING CONSTRUCTION

1. The water service charge furnished to single family residences, duplexes, and triplexes that are under construction will be a flat rate charge of \$32.96. This charge along with the 6% utility users tax in the amount of \$1.98 for a total of \$34.94, will be assessed and paid at the time the building permit is issued.
2. Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.
3. The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.
4. In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.
5. In the event a structure is occupied before final inspection of the structure, or water is used for other than that normally required for construction, the water service charge will be made at the established rate for regular service.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-259

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 91-489.

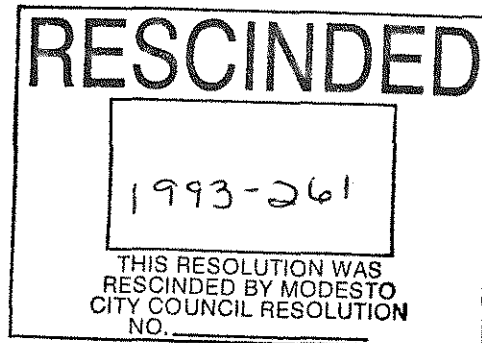
WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of fees and charges to be charged to consumers for water services in the City of Modesto to reflect increased costs of providing service, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the following schedule of fees and charges for water service to be charged to consumers for water services in the City of Modesto:



**SCHEDULE OF FEES AND CHARGES
FOR WATER SERVICES**

Modesto Municipal Code Reference	Name of Fee or Charge and Itemization	Fee or Charge
11-1.04	Water service installation charges	
	1" service	\$1,030.00
	1-1/2" service	1,050.00
	2" service	1,080.00
	4"-6" service	2,045.00
	8" service	2,210.00
	10" or larger service	COST
	Connection to existing main	2,325.00
11-1.04	Additional Charge for each water service installation involving pavement removal and/or replacements.	\$ 275.00
	Water system fee - for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.	.03*
	Water system fee - for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.	.03
11-1.05(a)	Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	19.00
	Water detector check valve, 4 in.	440.00
	Water detector check valve, 6 in.	600.00
	Water detector check valve, 8 in.	900.00

	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00
	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(b)	Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	19.00
	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00
	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(c)(4)	Fire hydrant installation, each	\$2,375.00
	Fire hydrant line to main per lineal foot	4.25
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	275.00
	Fire main test	87.00
11-1.06(e)	Meter installation cost	
	Each 1" meter, New Service	\$ 110.00
	Each 1" meter with traffic lid, New Service	190.00
	Each 1" meter, Retrofit Service	335.00
	Each 1" meter with traffic lid, Retrofit Service	410.00
	Each 1-1/2" meter	435.00
	Each 1-1/2" meter with traffic lid	535.00
	Each 2" meter	520.00
	Each 2" meter with traffic lid	605.00

	Each 4" meter	1,725.00
	Each 6" meter	2,475.00
	Each 8" meter	3,515.00
	Each 10" or larger meter	COST
11-1.09	Fire hydrant charge for construction water used.	COST OF WATER
11-1.09	Deposit to install meter on fire hydrant for construction water	500.00
11-1.14(e)	Water bill delinquent charge. (LATE CHARGE)	4.35
11-1.14(e)	Water disconnection NOTICE.	10.00
11-1.14(e)	Water Disconnect	10.00
11-1.14(e)	Water Reconnect	10.00
11-1.14(e)	Unauthorized Reconnect	25.00
11-1.14(e)	Lock Breakage	50.00 (plus lock)
11-1.14(e)	Disconnect Waterline at main for non-payment	375.00

*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)

BE IT FURTHER RESOLVED that except as otherwise provided herein, the above schedule of fees and charges shall become effective on and after July 20, 1992.

BE IT FURTHER RESOLVED that Resolution No. 91-489, adopted by the Council July 23, 1991, is hereby rescinded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: 
JUDY C. HALL, Acting City Clerk

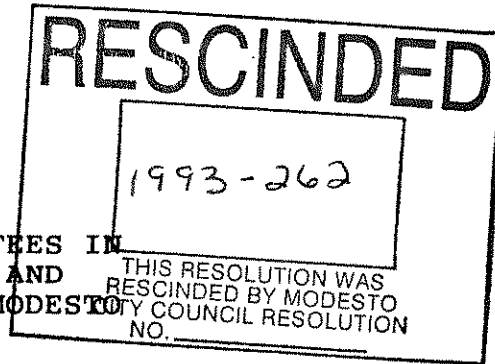
(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-260

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 90-843.



WHEREAS, Section 5-6.08 of the Modesto Municipal Code provides that costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City shall be in accordance with a schedule of fees approved by the Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.14 of the Modesto Municipal Code provides that fees for inspection for the temporary closing of public ways in the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.22 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by

the City Council from time to time by resolution, and

WHEREAS, Section 7-2.27 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees authorized by the above sections of the Modesto Municipal Code to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 19, 1992 to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Schedule of Encroachment Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work or inspections performed by the City of Modesto in connection with encroachment permits.

BE IT FURTHER RESOLVED that Resolution No. 90-843 adopted by the City Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

Resolution # _____

EXHIBIT A

SCHEDULE OF ENCROACHMENT PERMIT FEES

TYPE PERMIT ⁽⁶⁾	BASIC PERMIT ⁽⁵⁾ & INSP.	STAKING ⁽¹⁾	CRACK FILLING	PAVING ⁽¹⁾	CODE OR RES. REFERENCE
1. Curbs and curb cuts	\$76.50/lot ⁽⁷⁾	4.20/l.f.	----	by City	7-1.108
2. Sidewalks	\$31.00/lot ⁽⁷⁾	----	----	----	7-1.108
3. Sewer Service from lot to sewer lateral	\$39.00/each	----	\$.60/l.f. of trench	\$4.40/s.f. ⁽⁹⁾	5-6.08; 7-2.22
4. Sewer Laterals ⁽²⁾	\$ 1.05/l.f.	0.67/l.f.	\$.60/l.f. of trench	\$4.40/s.f. ⁽⁹⁾	5-6.08; 7-2.22
5. Storm Drains (through curb)	\$26.00/each	----	----	----	7-1.108
6. Utilities ⁽³⁾ Major Const.	\$69.50/each	----	\$.60/l.f. of trench	\$4.40/s.f. ⁽⁹⁾	7-2.27; 7-2.22
7. Utilities ⁽³⁾ Service and Repair	\$64.00/each	----	included in permit fee	\$4.40/s.f. ⁽⁹⁾	7-2.27; 7-2.22
8. Street Closures (temporary)	\$101.75/each	----	----	----	7-2.14
9. Street Lights	\$58.00/each	----	\$.60/l.f. of trench	----	7-1.108
10. Rock Wells or Storm Drain Connections	\$58.00/each	----	\$.60/l.f. of trench	----	7-1.108
11. Street Construction	\$62.00/lot ⁽⁷⁾	----	----	----	7-1.108

12.	Improvements ⁽⁸⁾	\$62.00/lot ⁽⁷⁾	----	\$.60/l.f. of trench	----	7-1.108
13.	Other work not listed ⁽¹⁰⁾	To be calculated	----	----	----	7-1.108
14.	Install refractor steel pole	\$44.00/each	----	----	----	7-1.108
15.	Added refractor steel pole	\$11.00/each	----	----	----	7-1.108
16.	Install east arm wood pole	\$102.00/each	----	----	----	7-1.108
17.	Added main arm wood pole	\$82.00/each	----	----	----	7-1.108
18.	Investigation of site ⁽⁴⁾	To be calculated	----	----	----	7-1.108 7-2.27
19.	Install luminaire, standard pole	\$16.50/each	----	----	----	7-1.108
20.	Soil Core Sample	\$68.00/each	----	----	----	7-1.108

- (1) Where no fee is shown, the work is to be performed by others as needed.
- (2) Small laterals or extensions designed and drawn by the City shall pay an additional \$3.50/l.f.
- (3) Utility relocation required for City projects is not subject to a charge.
- (4) Whenever any work is started in the public right of way for which a permit is required without first obtaining an encroachment permit, a special investigation shall be made before a permit is issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this resolution. The minimum investigation fee shall be the same as the minimum fee set forth for the specific type of work performed.
- (5) Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:
 - a. Cleanup or dust control \$350.00 per street
 - b. Temporary paving \$220.00 per street
 - c. Temporary barricades \$130.00 per each
- (6) Permits are required for all work done in all public rights of way, including public utility easements.
- (7) For lots greater than 100' frontage, each 100' or part thereof is considered to be one "lot", (distance to be measured to nearest 100 feet).
- (8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.
- (9) Chargeable only when paving is done by City. Developer/Owner shall repave all trenches, unless otherwise approved by the Engineer.
- (10) To be calculated by Director of Engineering in each instance, based on the actual cost of doing the work including overhead.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-261

A RESOLUTION ESTABLISHING SIGN PERMIT FEES
AND RESCINDING RESOLUTION NO. 90-840.

WHEREAS, Section 10-2.3503(i) of the Modesto Municipal Code authorizes the Council, by resolution, to establish sign permit fees, and

WHEREAS, City staff has recommended an increase in existing sign permit fees to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended increase in the existing sign permit fees,

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

SECTION 1. PAINTED WALL SIGNS. The fee shall be \$59.00 for each painted wall sign.

SECTION 2. CHANGE OF COPY. The fee shall be \$59.00 for each sign on which there is a change of copy.

SECTION 3. ALL OTHER SIGNS. The fee shall be \$59.00 for all other signs.

SECTION 4. BUILDING AND ELECTRICAL PERMIT FEES. The above listed fees are in addition to fees incident to the issuance of building and electrical permits. Building and electrical permits are not required for painted wall signs or for change of copy.

SECTION 5. REPEALS. Resolution No. 90-840 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

SECTION 6. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

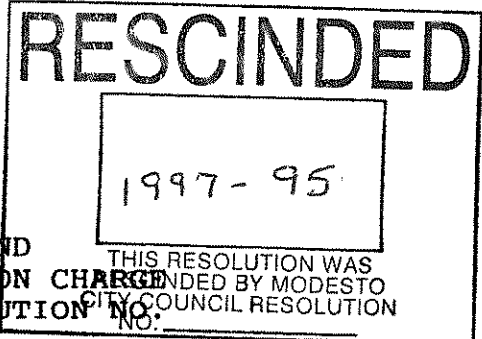
AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-262

A RESOLUTION ESTABLISHING A SEWER BOND
REDEMPTION CHARGE AND WATER CONNECTION CHARGE
INSPECTION FEES AND RESCINDING RESOLUTION
90-839.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, Section 5-6.04 of the Modesto Municipal Code provides for a fee for inspection of property to determine the acreage to be used in determining the sewer bond redemption charge imposed by said section, and

WHEREAS, Section 11-1.05(d)(3) of the Modesto Municipal Code provides for a fee for inspection of property to determine area of a parcel to be used in determining water connection charges, and

WHEREAS, the Council has previously adopted such fees, and

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

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended fees increase,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes a Sewer Bond Redemption Charge Inspection Fee in the amount of \$34.00 to be charged for each inspection of property to determine the acreage to be used in determining the sewer bond redemption charge imposed by Section 5-6.04 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby establishes a Water Connection Charge Inspection fee in the amount of \$34.00 to be charged for each inspection of property to determine the square foot area to be used in determining the water connection charge imposed by Sections 11-1.05(a) and 11-1.05(b) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that Resolution No. 90-839 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

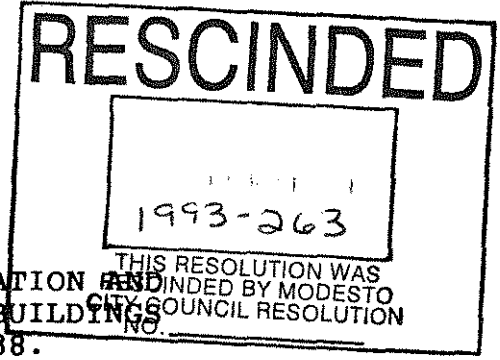
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-263

A RESOLUTION ESTABLISHING INVESTIGATION AND PERMIT FEES RELATING TO MOVING OF BUILDINGS AND RESCINDING RESOLUTION NO. 90-838.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

WHEREAS, Section 4-3.08 of the Modesto Municipal Code authorizes the Council to establish, by resolution, investigation and permit fees relating to the moving of buildings, and

WHEREAS, investigation and permit fees relating to moving of buildings have previously been established, and

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

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended fee increases,

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

SECTION 1. INVESTIGATION FEES:

(a) When the building to be moved is located inside the City limits and is to be moved to a new site in the City, an investigation fee in the sum of \$76.00 shall be paid to the City of Modesto Finance Director upon filing each application for a House Moving Inspection Permit.

(b) When the building to be moved is located outside the City limits and is to be moved to a new site in the City, an investigation fee equal to the sum of the estimated direct salary of one inspector while making the investigation, plus the cost of

travel calculated at 23¢ per mile, but in no case less than \$76.00 shall be paid to the City of Modesto Finance Director upon filing each application for a House Moving Inspection Permit.

(c) When the building to be moved is located inside the City limits and is to be moved to a new site outside the City limits, there is no investigation fee.

SECTION 2. PERMIT FEES. A permit fee in the sum of \$40.00 shall be paid to the City of Modesto Finance Director upon issuance of each House Moving Permit.

SECTION 3. REPEALS. Resolution No. 90-838 adopted by the City Council on October 16, 1991, is hereby rescinded effective July 19, 1992.

SECTION 4. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: 
JUDY C. HALL, Acting City Clerk

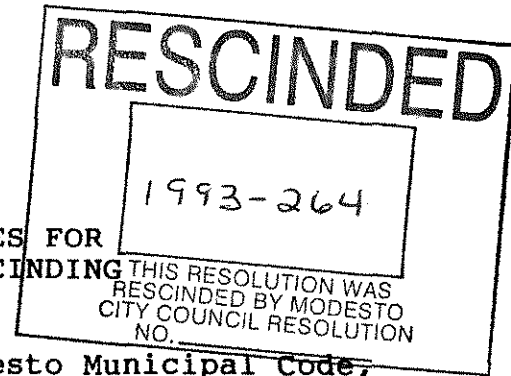
(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-264

A RESOLUTION ESTABLISHING FILING FEES FOR
SUBDIVISION AND PARCEL MAPS AND RESCINDING
RESOLUTION NO. 90-836.



WHEREAS, Section 4-4.106 of the Modesto Municipal Code, provides that the Council, by resolution, shall establish filing fees for the processing of tentative and final subdivision and parcel maps and for other procedures required or authorized by Chapter 4 of Title IV of the Modesto Municipal Code, and

WHEREAS, City staff has recommended an increase in the filing fees for the processing of tentative and final subdivision and parcel maps, and other procedures to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended increases in the filing fees for the processing of tentative and final subdivision and parcel maps and other procedures,

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

SECTION 1. FEES. Filing fees for maps and procedures required and authorized by Chapter 4 of Title IV of the Modesto Municipal Code are hereby established as follows:

- | | |
|-----------------------------------|----------|
| (a) Reversion to acreage | \$190.50 |
| (b) Final parcel map checking fee | \$385.00 |

- | | | |
|-----|---|----------|
| (c) | Final (subdivision) map checking fee
for subdivisions of 10 or less lots | \$385.00 |
| (d) | Final (subdivision) map checking fee
for subdivisions of 10 or more lots | \$385.00 |
| | Plus per each lot in excess of 10 | \$ 7.85 |
| (e) | Parcel map improvement plan check fee | \$240.00 |
| (f) | Subdivision improvement plan check fee
for subdivisions of 10 or less lots | \$335.00 |
| (g) | Subdivision improvement plan check fee
for subdivisions of 10 or more lots | \$335.00 |
| | Plus each lot in excess of 10 | \$ 10.75 |
| (h) | Property owners' association document
checking fee | \$185.00 |
| (i) | Certificate of compliance | \$137.00 |
| (j) | Summary right of way abandonment | \$190.00 |

SECTION 2. REPEALS. Resolution No. 90-836 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

SECTION 3. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

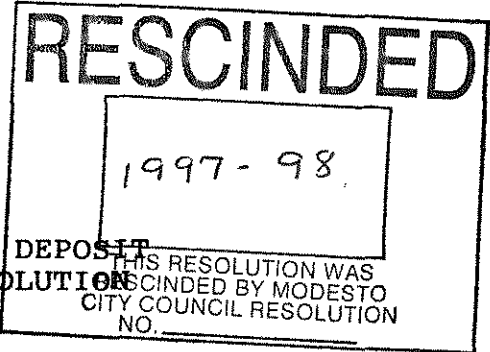
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-265

A RESOLUTION ESTABLISHING AN ADVANCE DEPOSIT
FOR SEWER SERVICE AND RESCINDING RESOLUTION
NO. 83-415.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, Section 5-6.02.1 of the Modesto Municipal Code provides that an advance sewer deposit shall be required for each premise where the City does not provide water, and

WHEREAS, Section 5-6.02.1 of the Modesto Municipal Code further provides that the Council may establish from time to time by resolution advance sewer deposits, and

WHEREAS, City staff has recommended changes to the advance deposit for sewer service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, in accordance with the authority contained in Section 5-6.02.1 of the Modesto Municipal Code, hereby establishes an advance sewer deposit of Forty and no/100ths (\$40.00) Dollars.

BE IT FURTHER RESOLVED that Resolution No. 83-415 adopted by the Council on June 21, 1983 is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: 
JUDY C. HALL, Acting City Clerk

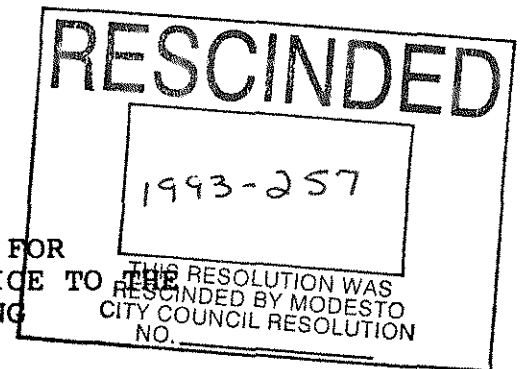
(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-266

A RESOLUTION FIXING CERTAIN RATES FOR
SUPPLYING WATER AND STAND-BY SERVICE TO THE
COUNTY OF STANISLAUS AND RESCINDING
RESOLUTION NO. 90-830.



WHEREAS, the County of Stanislaus, a political subdivision of the State of California, maintains in said County a County Hospital, Stanislaus Medical Center, located at 830 Scenic Avenue, in the City of Modesto, and

WHEREAS, water is used in large quantities at said Hospital, which water is ordinarily supplied from water pumps or plants owned and operated by said County, and

WHEREAS, in event that the said plants owned and/or operated by said County should break down or for some reason become incapable of operation, it will be necessary for said County to secure water from some other source to supply said Hospital, and

WHEREAS, to insure a ready supply of water at all times it becomes necessary to have a supply in readiness at all times, which readiness to supply water at all times is hereinafter referred to as stand-by service, and

WHEREAS, the City of Modesto, a municipal corporation of Stanislaus County, California, is possessed of a supply of water and can furnish water to said County for the use of said Hospital and can likewise furnish stand-by service for the same, and

WHEREAS, the said County desires said City to furnish water for said Hospital when the same may be needed and to likewise furnish stand-by service for the same, and

WHEREAS, Section 11-1.08 of the Municipal Code authorizes the Council to establish by resolution the rate to be charged for providing water services to governmental agencies,

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that stand-by water service be supplied by the said City of Modesto for the said County Hospital, Stanislaus Medical Center, located at 830 Scenic Avenue, in the City of Modesto, for the sum of \$35.25 monthly, payable whether any water belonging to the City of Modesto is used at said Hospital or not. In the event said City does furnish water for said County Hospital, said water shall be so furnished at the rate of \$8.00 per day or fraction thereof, in addition to the stand-by charge stated above.

BE IT FURTHER RESOLVED that in the event the said County desires the services of said City as aforesaid, all requests for the same shall be directed to the office of the Public Works and Transportation Director of said City of Modesto between the hours of 8:00 a.m. and 5:00 p.m. on all working days

and to the City of Modesto Pump Control Station, telephone number 577-5325, at all other hours.

BE IT FURTHER RESOLVED that Resolution No. 90-830 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

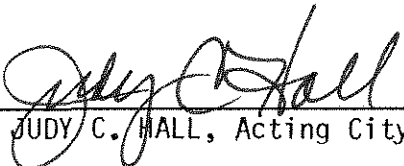
BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

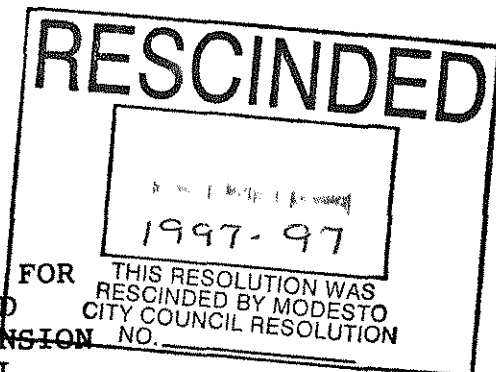
ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-267



A RESOLUTION ESTABLISHING CONDITIONS FOR
PAYMENT IN INSTALLMENTS OF SEWER BOND
REDEMPTION CHARGES AND SUBTRUNK EXTENSION
CHARGES FOR SINGLE-FAMILY RESIDENTIAL
DWELLINGS, CHURCHES AND OTHER SIMILAR
RELIGIOUS INSTITUTIONS AND RESCINDING
RESOLUTION NO. 90-834.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

WHEREAS, Sections 5-6.05(a) and 5-6.07 of the Modesto Municipal Code provide that this Council may establish conditions under which sewer bond redemption charges and subtrunk sewer extension charges required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments, and

WHEREAS, periodically this Council receives requests from owners of single-family residential dwellings and from churches and other similar religious institutions for permission to pay sewer bond redemption charges and subtrunk sewer extension charges in installments, and

WHEREAS, City staff has recommended an increase in the fee to process said installment payments to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby establishes the following conditions under which sewer bond redemption charges and subtrunk extension

charges (hereinafter called "charges") for single-family residential dwellings, churches and other similar religious institutions required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments:

1. A written request must be made by the property owners, churches and other similar religious institutions for the payment of charges in installments. Said request must be made on or before the date on which the charges are payable.

2. A fee of Twenty-four and no/100ths (\$24.00) Dollars shall be paid at the time the request is made to cover the cost of processing the spreading of the charges and interest, including the cost of recording the notice that the charges and interest have been paid.

3. Charges may be spread up to a maximum of two (2) years.

4. All or part of the charges that are due and payable may be spread.

5. Deferred charges shall bear interest on the unpaid balance at the rate of twelve (12%) percent per annum.

6. Deferred charges and interest shall be added to the sewer service charges established by Section 5-6.02 of the Modesto Municipal Code in as nearly equal installments as possible and shall be payable in accordance with the provisions

of Section 5-6.11 of the Modesto Municipal Code, except that they shall not be entitled to a discount for advance payment.

7. There shall be recorded in the office of the County Recorder of Stanislaus County a notice of the charges and interest which are spread.

8. After all charges and interest have been paid in full, a notice of such payment shall be recorded in the office of the County Recorder of Stanislaus County.

BE IT FURTHER RESOLVED that Resolution No. 90-834 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after July 20, 1992.

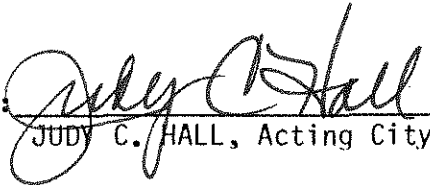
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

RESCINDED
1993-266
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 92-268

A RESOLUTION APPROVING A FEE SCHEDULE FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT AND RESCINDING RESOLUTION NO. 90-848.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with rates and charges as established by the Council from time to time by resolution, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee of Thirteen and 75/100ths (\$13.75) Dollars shall be charged per 1000 gallons for the dumping of septic tank waste at the sewage treatment plant.

BE IT FURTHER RESOLVED that Resolution No. 90-848 adopted by the Council on October 16, 1990, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that the rates established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: 
JUDY C. HALL, Acting City Clerk

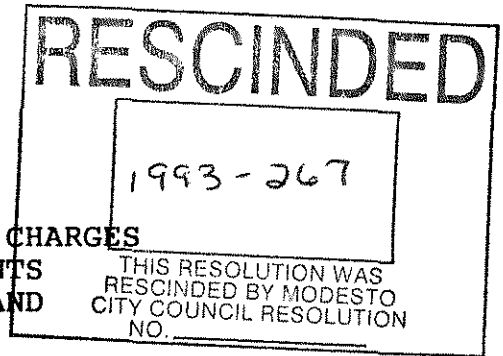
(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-269

A RESOLUTION ESTABLISHING FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 91-787.



WHEREAS, upon request, copies of various maps and prints are made available to the public by various departments of the City, and

WHEREAS, the Council has previously established fees and charges for obtaining said maps and prints, 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 a regular meeting on May 19, 1992, to consider the recommended changes,

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

SECTION 1. FEES AND CHARGES: 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 copies of various maps and prints listed thereon which are obtained from the City of Modesto.

SECTION 2. EXEMPTIONS: No fees or charges shall be charged to governmental agencies which obtain copies of maps and prints.

SECTION 3. REPEALS. Resolution No. 91-787 adopted by the Council on December 24, 1991 is hereby rescinded effective July 19, 1992

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after July 20, 1992.

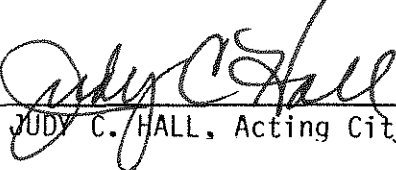
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO

PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

A. Mylar	\$ 8.35
B. Sepia	\$ 1.35
C. Blue-line	\$.30

COPYING BY COMMERCIAL FIRMS

The charge for City documents reproduced by commercial firms shall be the exact amount that the firm charges the City including sales tax.

BLUE-LINE REPRODUCTION

The charge for in-house blue-line reproduction of maps, drawings, aerial photos, etc., shall be charged on a square foot basis, plus sales tax.

Fee	\$.90/map, drawing, photo, etc.
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MYLAR REPRODUCTION

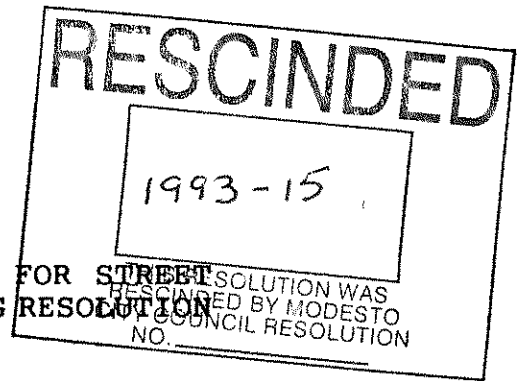
The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee	\$3.80/map, drawing, photo, etc.
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DRY SILVER PRINT FROM MICROFILM

The cost of producing a dry silver print from microfilm on equipment maintained by the Engineering Department shall be on a per image basis, plus sales tax.

Fee	\$4.50/image
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MODESTO CITY COUNCIL
RESOLUTION NO. 92-270

A RESOLUTION ESTABLISHING CHARGES FOR STREET TREES IN SUBDIVISIONS AND RESCINDING RESOLUTION NO. 86-1312.

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code authorizes the Council by resolution, to establish charges for street trees required in subdivisions, and

WHEREAS, City staff has recommended an increase in the fee to plant each street tree to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on May 19, 1992, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Section 4-4.803.1 of the Modesto Municipal Code, that for each street tree required to be planted in a subdivision the fee shall be Seventy-six and 25/100ths (\$76.25) Dollars.

BE IT FURTHER RESOLVED that Resolution No. 86-1312 adopted by the Council on November 25, 1986, is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

AMENDED

on Mar. 22, 2011
By Resolution 2011-104

MODESTO CITY COUNCIL
RESOLUTION NO. 92-271

A RESOLUTION ESTABLISHING A FEE FOR
INSTALLATION OF STREET SIGNS IN SUBDIVISIONS
AND RESCINDING RESOLUTION NO. 76-1324.

WHEREAS, the California State Vehicle Code Section 21366 states that at each signal-controlled intersection of streets and highways there shall be a street name sign clearly visible to traffic approaching from all directions, and

WHEREAS, Modesto Municipal Section 3-2.301, et seq., states that the Public Works and Transportation Director is authorized to place and maintain or cause to be placed or maintained official traffic control devices when and as required under the traffic laws of the City to make effective the provisions of said laws, and

WHEREAS, Modesto Municipal Section 3-2.601 states that the Public Works and Transportation Director is authorized to erect and maintain stop signs at those locations where the Director determines that such controls are necessary in order to protect public safety, and

WHEREAS, Modesto Municipal Section 3-2.701 states that the Public Works and Transportation Director is authorized to erect and maintain yield right-of-way signs at one or more approaches to an intersection of streets and highways in the City which are not through streets, and

WHEREAS, Modesto Municipal Code Section 4-4.802(i) requires each subdivider to pay to the City a fee for each street

sign required in the subdivision at the time of approval of the final map, as a condition of said approval; provided that when only a part of an intersection requiring a street sign is within or contiguous to the subdivision, the charge for said street sign for such an intersection shall be proportional to the number of corners of the intersection within or contiguous to the subdivision, and

WHEREAS, Modesto Municipal Code Section 4-4.802(i) further requires that said street sign fee shall be in accordance with a schedule approved by the Council from time to time by resolution, and

WHEREAS, City staff has recommended changes to the fee for installation of said street signs on public streets, and

WHEREAS, the Council held a public hearing at its regular meeting on May 19, 1992 to consider the recommended changes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee for the installation of each street sign on a public street shall be charged by the City in the amount of \$175.00 each or a proportion of \$175.00 as determined by the Public Works and Transportation Director for portions of intersections within or contiguous to the subdivision pursuant to Modesto Municipal Code Section 4-4.802(i).

BE IT FURTHER RESOLVED that Resolution No. 76-1324 adopted by the City Council on December 13, 1976 is hereby rescinded effective July 19, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor 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

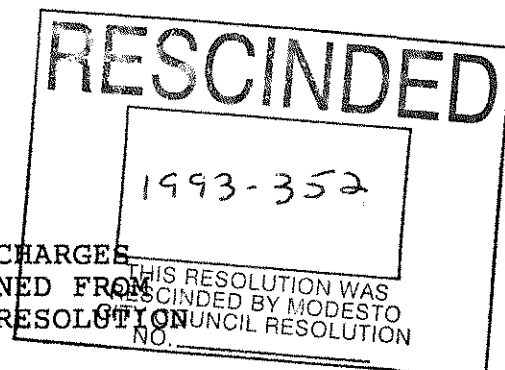
ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-272



A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS AND TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 90-849.

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 May 19, 1992, 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 3. Resolution No. 90-849 adopted by the Council on October 16, 1990, is hereby rescinded effective July 20, 1992.

SECTION 4. Rates established by this resolution shall become effective on and after July 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ~~19th~~ day of May, 1992, by Councilmember ~~Friedman~~ who moved its adoption, which motion being duly seconded by Councilmember ~~Mayor 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:


BEATRICE DOYLE, Acting Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

<u>Title/Description</u>	<u>Fee/Unit</u>
A. City Clerk	
1. Modesto Municipal Code*	
a. Municipal Code (without binder)	\$104.50/ea
b. Municipal Code binder (without Title X)	11.50/ea
c. Municipal Code binder (with Title X)	8.20/ea
d. Continuing Code service, per year	92.00/yr
e. Individual Subjects/Titles/Articles:	
1. Business, Professions & Trades	4.00/ea
2. CATV	3.00/ea
3. Charter	4.00/ea
4. Health	3.25/ea
5. Planning & Zoning	17.50/ea
6. Public Utilities	5.35/ea
7. Public Works	4.00/ea
8. Sales, Use & Admissions Tax	5.10/ea
9. Sign Regulations	4.00/ea
10. Subdivision of Land	5.15/ea
f. Individual Code pages	.47
(The City Clerk is authorized to not charge persons requesting a small number of individual Code pages.)	
2. City Council Agendas or Minutes	59.30/ea/yr
3. Request to Continue Public Hearings Concerning Rezoning, Prezoning, Conditional Use Permit, Unclassified Use Permit or Variance	17.75
B. General Reproduction	
1. Copies of any Official City Documents (other than maps or prints)	
a. First Copy	.25/page
b. Additional copies	.10/page
(FPPC regulation sets 10¢ each for copies of Economic Interest and campaign statements)	

EXHIBIT "A"

C. Transcripts	Actual Cost Plus Indirect Costs
D. Base Map/Zoning Map*	\$ 8.50
E. Notice of Intent to Circulate Initiative Petition	\$210.00
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. 92- 273

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN
BY ADOPTING THE 1992 REVISION TO THE HOUSING ELEMENT

WHEREAS, the City of Modesto's existing Housing Element was last updated in 1984, and was prepared and adopted pursuant to State law at that time; and

WHEREAS, Article 10.6 of the State of California Government Code requires each local government to review its housing element periodically and to revise its housing element not less than every five years; and

WHEREAS, the updated Housing Element is a statement of current housing needs in the Modesto Urban Area and sets forth probable solutions and housing goals for such urban area; and

WHEREAS, Government Code Section 65588(b), requires that the City of Modesto adopt an updated Housing Element by July 1, 1992; and

WHEREAS, the Environmental Assessment Committee on February 26, 1992, concluded that the 1992 Housing Element would have no significant effect upon the environment and recommended adoption of a Negative Declaration; and

WHEREAS, City staff sought citizen participation in the preparation and review of the 1992 Housing Element, including a joint City Council and Planning Commission meeting, held on March 24, 1992; and

WHEREAS, the Planning Commission held a public hearing on April 20, 1992, on an amendment to the Modesto Urban Area General Plan to add the updated 1992 Housing Element, at which hearing evidence, both written and oral, was received and considered; and

WHEREAS, the Planning Commission by Resolution No. 92-17, adopted on April 20, 1992, recommended to the City Council the approval of the Negative Declaration as complete and in compliance with the California Environmental Quality Act; and

WHEREAS, the State Department of Housing and Community Development (HCD) has reviewed the 1992 Housing Element of the Modesto Urban Area General Plan and has recommended certain changes therein; and

WHEREAS, the City Council has considered HCD's findings and has incorporated them into the 1992 Housing Element, together with comments from the general public so as to substantially comply with the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code; and

MODESTO CITY COUNCIL
RESOLUTION NO. 92- ~~273~~

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN
BY ADOPTING THE 1992 REVISION TO THE HOUSING ELEMENT

WHEREAS, the City of Modesto's existing Housing Element was last updated in 1984, and was prepared and adopted pursuant to State law at that time; and

WHEREAS, Article 10.6 of the State of California Government Code requires each local government to review its housing element periodically and to revise its housing element not less than every five years; and

WHEREAS, the updated Housing Element is a statement of current housing needs in the Modesto Urban Area and sets forth probable solutions and housing goals for such urban area; and

WHEREAS, Government Code Section 65588(b), requires that the City of Modesto adopt an updated Housing Element by July 1, 1992; and

WHEREAS, the Environmental Assessment Committee on February 26, 1992, concluded that the 1992 Housing Element would have no significant effect upon the environment and recommended adoption of a Negative Declaration; and

WHEREAS, City staff sought citizen participation in the preparation and review of the 1992 Housing Element, including a joint City Council and Planning Commission meeting held on March 24, 1992; and

WHEREAS, the Planning Commission held a public hearing on April 20, 1992, on an amendment to the Modesto Urban Area General Plan to add the updated 1992 Housing Element, at which hearing evidence, both written and oral, was received and considered; and

WHEREAS, the Planning Commission by Resolution No. 92-17, adopted on April 20, 1992, recommended to the City Council the approval of the Negative Declaration as complete and in compliance with the California Environmental Quality Act; and

WHEREAS, the State Department of Housing and Community Development (HCD) has reviewed the 1992 Housing Element of the Modesto Urban Area General Plan and has recommended certain changes therein; and

WHEREAS, the City Council has considered HCD's findings and has incorporated them into the 1992 Housing Element, together with comments from the general public; and

WHEREAS, the Planning Commission adopted Resolution No. 92-17 on April 20, 1992, which recommended adoption of the 1992 Housing Element of the Modesto Urban Area General Plan; and

WHEREAS, the Modesto City Council held a duly noticed public hearing, on May 19, 1992, at which time and place evidence both oral and written was received and considered; and

WHEREAS, the City Council has received and reviewed the findings of the City of Modesto Environmental Assessment Committee, which resulted in a Negative Declaration; and

WHEREAS, the City Council finds that the attached 1992 Housing Element is consistent with all other Elements of the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that adoption of the 1992 Housing Element as part of the Modesto Urban Area General Plan is appropriate for the following reasons:

SECTION 1: That the Negative Declaration prepared for this project is complete and in compliance with the California Environmental Quality Act.

SECTION: 2: That the 1992 Housing Element is consistent with all other elements of the Modesto Urban Area General Plan.

SECTION 3: That the adoption of the 1992 Housing Element to replace the existing 1984 Housing Element of the Modesto Urban Area General Plan is required for the public health, safety and general welfare.

BE IT FURTHER RESOLVED by the Council that it does hereby amend the Modesto Urban Area General Plan by adopting the 1992 Housing Element, attached as Exhibit "A", which supersedes the 1984 Housing Element.

BE IT FURTHER RESOLVED that the Council rescinds City Council Resolution No. 84-462 which adopted the "Housing Element of the Modesto Urban Area General Plan".

BE IT FURTHER RESOLVED that the 1992 Housing Element substantially complies with the requirements and guidelines adopted by the State Department of Housing and Community Development, pursuant to Housing Element Law Article 10.6 and Section 50549 of the Health and Safety Code.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the amendment to the Housing Element of the Modesto Urban Area General Plan.

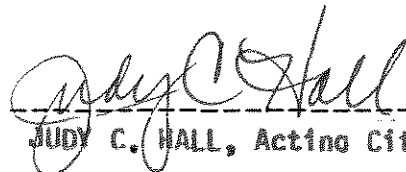
BE IT FURTHER RESOLVED that the City Clerk is hereby directed to certify a copy of said updated Housing Element of the adopted General Plan to the Board of Supervisors of the County of Stanislaus, the City Council of the City of Ceres, and the City Council of the City of Riverbank.

BE IT FURTHER RESOLVED that this resolution shall become effective 30 days after adoption.

The foregoing resolution was introduced at the regular meeting of the Modesto City Council held on the 19th day of May, 1992, 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:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	None
ABSENT:	None

ATTEST:



JUDY C. HALL, Acting City Clerk

APPROVED AS TO FORM:

BY: 

STAN T. YAMAMOTO, City Attorney

WSN/BS/MB

Attachment: 1992 Housing Element

MODESTO CITY COUNCIL
RESOLUTION NO. 92-274

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF INTERCONNECT CONDUIT ON STANDIFORD AVENUE AND BRIGGSMORE AVENUE AS PART OF THE ADVANCED TRAFFIC MANAGEMENT SYSTEM PROJECT

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

SECTION 1. The plans and specifications for the construction of interconnect conduit on Standiford 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 June 9 , 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May , 1992, 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, 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. 92-275

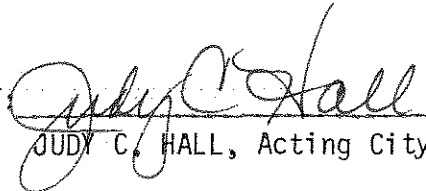
A RESOLUTION APPROVING AN ESCROW AGREEMENT WITH POLLOCK AND DENICO, INC. TO ALLOW THE CONTRACTOR TO SUBSTITUTE SECURITIES IN LIEU OF RETENTION ON THE JOHANSEN PEDESTRIAN OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the escrow agreement with Pollock and Denico, Inc. to allow the contractor to substitute securities in lieu of retention on the Johansen Pedestrian Overcrossing 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 19th day of May, 1992, 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, 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. 92-276

A RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR POINT-TO-POINT MULTIPLE ADDRESS RADIO SYSTEM, OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 13, 1992

WHEREAS, Resolution No. 92-116 adopted by the Council of the City of Modesto on March 17, 1992, approved the plans and specifications for furnishing a point-to-point multiple address radio system, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of a point-to-point multiple address radio system were opened at 10:00 a.m. on April 13, 1992; and

WHEREAS, during the course of proposal evaluation it was discovered that both proposals received were non-responsive in several areas which made their proposals not acceptable.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing a point-to-point multiple address radio system, opened in the office of the City Clerk on April 13, 1992, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, 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, 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. 92-277

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF 20 WATER METERS FROM KENKO UTILITY SUPPLY, INC.

WHEREAS, the Water Section of the Public Works and Transportation Department has requested the purchase of 20 water meters to replace non-operable, non-repairable water meters under the water meter replacement program; and

WHEREAS, due to the critical need for these water meters an informal bid was held to reduce bidding time, with Kenko Utility Supply, Inc. submitting the lowest responsible bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of 20 water meters is hereby waived.

BE IT FURTHER RESOLVED that purchase of 20 water meters from Kenko Utility Supply, Inc. for the total price of \$42,900 is hereby approved.

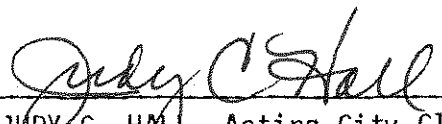
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, 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. 92-278

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF 16,500 POUNDS OF HYDROFLOC 708H POLYMER FROM WESTERN POLYMERS, INC.

WHEREAS, the Public Works and Transportation Department has requested the purchase of 16,500 pounds of hydrofloc 708H polymer for a performance test at the Primary Wastewater Treatment Facility; and

WHEREAS, in August of 1988, fifteen polymers were tested at the Wastewater Treatment Facility with polymer, Hydrofloc 708H from Western Polymer, Inc. proving to be the superior product; and

WHEREAS, staff recommends staying with the same product, as all polymers are not the same, and accuracy and reliability of the testing results are dependent on avoiding introducing any other variables into the equation.

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

BE IT FURTHER RESOLVED that purchase of 16,500 pounds of hydrofloc 708H Polymer from Western Polymers, Inc. for the total price of \$42,824 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, 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, 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. 92-279

AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND DE LEUW,
CATHER & COMPANY FOR NINTH STREET UNION PACIFIC-SOUTHERN PACIFIC TRACK CON-
SOLIDATION AND RAILROAD GRADE SEPARATION DEMONSTRATION PROJECT

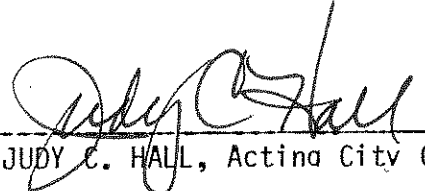
BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and De Leuw, Cather & Co. for Ninth Street Union Pacific-Southern Pacific track consolidation and railroad grade separation demonstration project be, and it is hereby approved.

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 19th day of May 1992, 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, 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. 92-280

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO INSTALL WHEELCHAIR RAMPS AND MODIFY TRAFFIC SIGNALS AT 9TH AND D STREETS

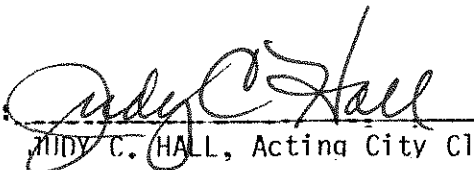
BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Caltrans, to install wheelchair ramps and modify traffic signals at 9th and D Streets

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May 1992, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-281

A RESOLUTION APPROVING THE FINAL MAP OF THE
COLLIER PARK SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Barry Highiet, a married man as his sole and
separate property, is possessed of a tract of land situate in the
City of Modesto, County of Stanislaus, consisting of 1.076 acres,
known as the Collier Park Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 18th day of
November, 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 Collier Park Subdivision
meets all of the provisions of the California Subdivision Map Act
and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

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

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

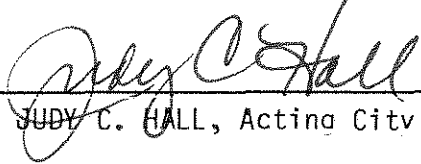
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, 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 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-282

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE WIDENING OF SCENIC DRIVE FROM COFFEE ROAD TO ROSE AVENUE.

WHEREAS, the City Council certifies that it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the widening of Scenic Drive to four lanes of traffic between Coffee Road and Rose Avenue project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the widening of Scenic Drive to four lanes of traffic between Coffee Road and Rose Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

06-2-92

MODESTO CITY COUNCIL
RESOLUTION NO. 92-283

A RESOLUTION VACATING AND ABANDONING A
PORTION OF EXCESS STREET RIGHT-OF-WAY ON
HATCH ROAD EAST OF DALLAS STREET IN BLOCK
9050 OF THE CITY OF MODESTO.

WHEREAS, the City of Modesto has received a request from Oliver E. Deatsch, a consulting civil engineer and land surveyor, requesting the abandonment of excess right-of-way for Hatch Road east of Dallas Street on behalf of Glenna M. Sanders, the owner of the adjacent property, and

WHEREAS, excess right-of-way was created when Hatch Road was realigned in the late 1960's, and the portion of excess right-of-way in the County was abandoned in 1970, and

WHEREAS, the California Streets and Highways Code authorizes a City Council, by resolution, to summarily vacate excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is located on Hatch Road east of Dallas Street in Block 9050 of the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8330, of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Hatch Road east of Dallas Street in Block 9050 of the City of Modesto is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on Hatch Road east of Dallas Street in Block 9050 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 19th day of May, 1992, 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, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Christensen
Department of Engineering Services

May 8, 1992

VACATE AND ABANDON A PORTION
OF HATCH ROAD EAST OF DALLAS STREET

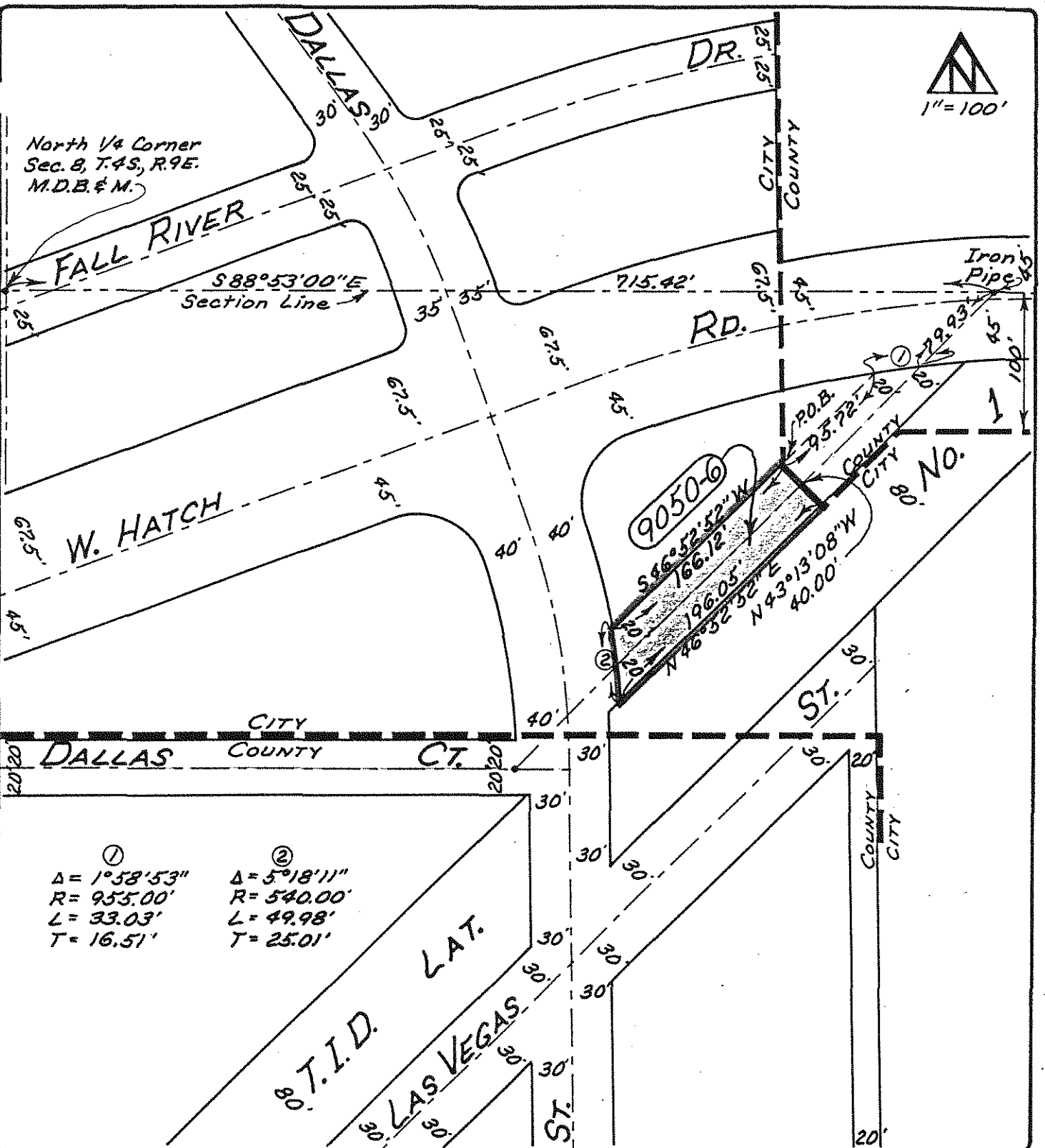
All that real property in the State of California, County of Stanislaus, City of Modesto, Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the North quarter corner of said Section 8; thence along the North line of Section 8, South $88^{\circ} 53' 00''$ East, 715.42 feet, to the Iron Pipe marking the intersection of the former center line of 40.00 foot Hatch Road and said section line; thence along said centerline, South $46^{\circ} 46' 52''$ West, 79.93 feet, to a point on the Southern line of the new Hatch Road right of way, said point being on a non-tangent curve from which a radial line bears South $04^{\circ} 57' 15''$ East; thence Westerly along said Southern line on a curve concave to the South, having a Radius of 955.00 feet, a Central Angle of $01^{\circ} 58' 53''$ and an Arc Length of 33.03 feet, to its intersection with the former Northwestern line of said Hatch Road, said point being on a non-tangent curve from which a radial line bears South $06^{\circ} 56' 08''$ East; thence along said Northwestern line, South $46^{\circ} 46' 52''$ West, 95.72 feet, to a point on the existing City Limits as established by the MODESTO INDUSTRIAL PARK ADDITION, as per description filed June 28, 1966, as Instrument 23028, Stanislaus County Records, and the true point of beginning of this description; thence continuing along said Northwestern line, South $46^{\circ} 46' 52''$ West, 166.12 feet, to a point on the Eastern line of 80.00 foot Dallas Street, said point being on a non-tangent curve from which a radial line bears South $80^{\circ} 56' 25''$ West; thence Southerly along said Eastern line on a curve concave to the West, having a Radius of 540.00 feet, a Central Angle of $5^{\circ} 18' 11''$ and an Arc Length of 49.98 feet to a point on the former Southeastern line of Hatch Road, said line also being the Northwestern line of the Turlock Irrigation District Lateral Number 1, and said point being on a non-tangent curve from which a radial line bears South $86^{\circ} 14' 36''$ West; thence along said Southeastern line and Lateral Number 1, North $46^{\circ} 46' 52''$ East, 196.05 feet, to a point on the existing city Limits; thence along said existing City Limits, North $43^{\circ} 13' 08''$ West, 40.00 feet, to the point of beginning.

Reserving therefrom any existing easements or rights necessary to maintain, operate, replace, remove or renew the public utility facilities.



North 1/4 Corner
Sec. 8, T. 4 S., R. 9 E.
M.D.B. & M.



①
 $\Delta = 1^{\circ}53'53''$
 $R = 953.00'$
 $L = 33.03'$
 $T = 16.51'$

②
 $\Delta = 5^{\circ}18'11''$
 $R = 540.00'$
 $L = 49.98'$
 $T = 25.01'$

80. T. I. D. LAT.
 80. LAS VEGAS ST.

APPROVED BY: <i>Jeremy H. Butler</i>		TITLE: DIRECTOR		VACATE AND ABANDON HATCH ROAD R/W AT BLOCK 9050 LD 70-B				 CITY OF MODESTO ENGINEERING DEPARTMENT			
DATE:	5/7/92	R.E.	24156							ACTIVITY NO.	
ASBUILT BY:		DATE:									
ASBUILT PLOTTED:		DATE:									
REVISED:		DATE:									
DATE:	April, 1992	DRAWN:	John Christiansen	CHECKED:		FLD. BK.	PG.	FILE NO.	4-A-413		

MODESTO CITY COUNCIL
RESOLUTION NO. 92-284

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1991-92 TO INCREASE REVENUE AND EXPENDITURES FOR A MEDICAL SUPPLY RELIEF PROGRAM FOR THE INTERNATIONAL FRIENDSHIP COMMITTEE.

WHEREAS, the International Friendship Committee has organized a medical supply relief program for Modesto's sister city, Kmelnitsky, Ukraine, and

WHEREAS, this activity will require an increase to the donations revenue account #010-300-8107.09 and an increase to the International Friendship Committee expenditure account #010-501-6302-1042 in the amount of Five Thousand Dollars (\$5,000) each,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Annual Budget of the City of Modesto for the Fiscal Year 1991-92 be amended to reflect this program..

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-285

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1991-92 TRANSFERRING THREE
THOUSAND TWO HUNDRED DOLLARS (\$3,200) FROM THE GENERAL
FUND RESERVE TO THE INTERNATIONAL FRIENDSHIP COMMITTEE.

WHEREAS, the International Friendship Committee has need of an additional appropriation of Three
Thousand Two Hundred Dollars (\$3,200) for their teacher exchange program with Kmeinitzky, Ukraine, and

WHEREAS, in the previous fiscal year the Committee had savings of an amount in excess of the
requested \$3,200

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Annual Budget
of the City of Modesto for the Fiscal Year 1991-92 be amended as follows:

General Fund (No 010)

Expenditures:

010-800-8000-8003	Contingency Reserve	(\$3,200)
010-502-6502-0444	Sister City Program	3,200

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, 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, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-286

A RESOLUTION APPROVING THE FINAL MAP OF THE
ORANGEBURG PARK SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Orangeburg Park, a Limited Partnership, is
possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 15.375 acres, known as the
Orangeburg Park Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 2nd day of
July, 1990, and

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

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Orangeburg Park Subdivision
meets all of the provisions of the California Subdivision Map Act
and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

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

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1992, by Councilmember Muratore, 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: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-287

A RESOLUTION AUTHORIZING THE CITY CLERK TO
SIGN A RECONVEYANCE CERTIFICATE IN RELATION
TO ORANGEBURG PARK SUBDIVISION.

WHEREAS, on May 22, 1992, the City Council of the City
of Modesto adopted Resolution No. 92-286 which approved the Final
Map of the Orangeburg Park Subdivision of the City of Modesto,
and

WHEREAS, at said meeting the City Council also adopted
Resolution No. 92-288 which granted an exception to lot widths in
said subdivision subject to the reasons stated therein, and

WHEREAS, at said meeting the Council also considered
authorizing the City Clerk to execute the required Reconveyance
Certificate for said Orangeburg Park Subdivision,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes the City Clerk to
execute the required Reconveyance Certificate for Orangeburg Park
Subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Muratore _____, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-288

A RESOLUTION GRANTING AN EXCEPTION TO LOT WIDTHS FOR THE ORANGEBURG PARK SUBDIVISION LOCATED ON EAST ORANGEBURG AVENUE EAST OF MAPLEHILL ROAD.

WHEREAS, Section 4-4.901 of the Modesto Municipal Code provides for the granting of an exception for extra-ordinary conditions, and when the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent or purpose of the General Plan, and

WHEREAS, Orangeburg Park, a limited partnership, developer of Orangeburg Park Subdivision located on East Orangeburg Avenue east of Maplehill Road, has requested exception to lot width standards in said Orangeburg Park Subdivision, and

WHEREAS, City staff by a report to the Council recommended to the Council that the Council grant an exception to said developer of said Orangeburg Park Subdivision relating to lot widths, and

WHEREAS, on May 19, 1992, at its regular Council Meeting the Council of the City of Modesto considered said request for an exception to lot width standards in said Subdivision as requested by the developer and recommended by City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants an exception to lot widths for the Orangeburg Park Subdivision located on East Orangeburg Avenue east of Maplehill Road for the following reasons:

1. The City Standard 40-foot lot width at property line allows placement of utilities, driveways and street trees. The reduced widths for this subdivision will not affect utility and driveway locations, but may require special conditions for street tree placement. The overall affect on the Development is minimal. The City Standard 50-foot lot width at the setback line is to ensure adequate width to locate a building. The reduced width is minimal and would not affect placement of buildings. The developer will place garages at the 20-foot setback which provides a 50-foot width.
2. According to the Developer, the loss of four subdivision lots and failure to close escrow by May 22, 1992 will create a financial burden to the project.
3. The Developer has dedicated, at no cost to the City, a 747 square foot lot for a sewer lift station with in the subdivision.
4. The City currently allows 20-foot wide flag lots for unusual land configuration.
5. All improvements are constructed, and any modifications would be difficult. City staff approved the improvement plans and reviewed a preliminary final map and failed to notice the width problem.
6. This will be a "one time" exception, and City will take positive action to eliminate

similar future problems. Public Works and Transportation will submit preliminary plan check maps for Planning Department review with the initial plan submittal. Currently Planning reviews the map just prior to Council approval. Public Works and Transportation will investigate computer program changes which will detect the lot width error.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, by Councilmember Muratore, 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: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-289

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 TO FUND THE INTERIOR COATING OF DIGESTER NO. 3

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

FROM: Primary Treatment Plant - Utilities \$20,000
 (621 480 5213 0210)

TO: Digester No. 3 Interior Coating \$20,000
 (621 480 B055 6000)

After surface preparation of the concrete surface was completed, inspection of the surface revealed it had deteriorated more than originally anticipated. The resulting surface is extremely irregular requiring additional material and special equipment to apply the coating. The special equipment is used to expand the coating material 200% to help fill the uneven surface more effectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1992, 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:


JUDY G. HALL, Acting City Clerk

Sisk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-290

A RESOLUTION DENYING THE APPEAL FILED BY SIGN DESIGNS, INC., ON BEHALF OF NATIONAL INVESTMENT PROPERTIES, SAVE MART SUPERMARKETS, AND PAYLESS DRUG STORES, TO THE DECISION OF THE CITY OF MODESTO PLANNING COMMISSION DENYING AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D (330), FOR A REVISION TO THE SIGN CONDITIONS TO PERMIT AN ADDITIONAL FREESTANDING SIGN TO ADVERTISE AND IDENTIFY THE WOOD COLONY SHOPPING CENTER, PROPERTY LOCATED AT PELANDALE AND SISK ROADS IN THE CITY OF MODESTO.

WHEREAS, on November 21, 1989, the City Council introduced Ordinance No. 2694-C.S. giving approval to a project relating to an amendment to Planned Development zone, P-D(330), property located at the southeast corner of Sisk Road and Pelandale Avenue, which Ordinance became effective on January 4, 1990, and

WHEREAS, Resolution No. 89-1130 adopted by the Council on November 21, 1989, and which became effective on January 4, 1990, approved the development plan to allow a shopping center which would be anchored by a supermarket and which would contain a super drugstore, and

WHEREAS, said development plan approval included a freeway-oriented, 150-square foot, 50-foot-high gas, food, or lodging sign and two reduced-sized shopping center signs at 35 square feet, 10 feet high each, and also included all other signs as allowed in the C-3 Zone, and

WHEREAS, said Resolution No. 89-1130 further provided

that all other provisions of Council Resolution Nos. 82-743 and 89-1129 not in conflict with Resolution 89-1130 would remain in full force and effect, and

WHEREAS, on November 21, 1991, Sign Concepts filed an application for an amendment to P-D(330) to amend the sign conditions for the shopping center to permit a 75.5 square foot freestanding sign 29 feet high on Sisk Road, and

WHEREAS, said application was set for a public hearing before the Planning Commission on January 27, 1992, and thereafter by Resolution No. 92-4, the Planning Commission denied said request for an amendment to P-D(330) to allow the requested fourth freestanding sign of 75.5 square feet and 29 feet high for the reasons set forth in said Planning Commission Resolution No. 92-4, and

WHEREAS, by letter dated February 10, 1992, an appeal to the decision of the Planning Commission was filed with the City Clerk requesting a freestanding shopping center sign 75.5 square feet in area and 29 feet high for the Wood Colony Shopping Center located at Pelandale Avenue and Sisk Road, 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 March 24, 1992, at 4:00 p.m., and

WHEREAS, the Council received a letter dated March 23, 1992, from Mr. James Wood representing Save Mart Supermarkets,

stipulating that the subject sign would be reduced to 72 square feet and 20 feet high, and

WHEREAS, said duly noticed public hearing was held on March 24, 1992, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider said appeal, and

WHEREAS, on March 24, 1992, the City Council, on appeal referred the matter back to the Planning Commission for reconsideration because of the Planning Commission had not had an opportunity to review the letter received from Mr. James Wood which stipulated that the subject sign would be reduced to 72 square feet and 20 feet high, and

WHEREAS, on April 20, 1992, the Planning Commission again held a public hearing 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, at the April 20, 1992, Planning Commission public hearing, it was stipulated that the requested sign would be in lieu of and not in addition to the second 35-square foot, 10-foot-high shopping center sign, and

WHEREAS, by Planning Commission Resolution No. 92-18 adopted on April 20, 1992, the Planning Commission found and determined that an amendment to the previously established sign limitation for P-D(330) is not required by public necessity, convenience, and general welfare because the original agreement

allowed special sign consideration including the allowance of C-3 Zone signs which the applicant has not adequately pursued, and for the further reasons set forth in Planning Commission Resolution No. 92-4, and

WHEREAS, the Planning Commission by Resolution No. 92-18 denied the application to amend P-D(330) to allow a 72-square foot, 20-foot-high freestanding sign in place of a 35-square foot, a 10-foot high sign for the Wood Colony Shopping Center, and

WHEREAS, by letter dated April 21, 1992, an appeal was filed by Sign Designs, Inc., on behalf of National Investment Properties, Save Mart Supermarkets, and Payless Drug Stores to the decision of the Modesto Planning Commission of April 20, 1992, denying the request for a freestanding shopping center sign for the above mentioned location, 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 May 26, 1992, 4:00 p.m., at which time said hearing was held and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the Planning Commission which denied the request for a freestanding shopping center sign for the above-mentioned

location, should be denied for the reasons set forth and the decision of the Planning Commission should be affirmed:

1. The impact of approving the proposed sign would be significant throughout the community, because it would set a precedent for other freestanding signs in P-D Zones with C-3 sign requirements which now prohibit freestanding signs.
2. The freeway orientation of the proposed sign is not appropriate because the shopping center already has a 50-foot-high, 150-square foot freestanding sign to advertise tourist-oriented business within the shopping center. Since other uses within the shopping center are considered to be those of a neighborhood shopping center, additional signs oriented to the freeway are not required to advertise the shopping center.
3. The proposed sign is not appropriate because the current sign conditions adequately identify the shopping center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Sign Designs, Inc., on behalf of National Investment Properties, Save Mart Supermarkets, and Payless Drug Stores to the decision of the Planning Commission of April 20, 1992, denying the request for a revision to the sign conditions to permit an additional 20-foot high 72 square foot freestanding sign to advertise and identify the Wood Colony Shopping Center, property located at Pelandale Avenue and Sisk Road, is hereby denied and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, 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: Dobbs, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: Bird, Cogdill, Patterson
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-291

A RESOLUTION ACCEPTING THE BID OF MARINE 88, INC. FOR REMOVING AND REPLACING TANKS AT DRYDEN GOLF COURSE

WHEREAS, Resolution No. 92-169 , adopted by the Council of the City of Modesto on April 21 , 19 92, approved the plans and specifications for removing and replacing tanks at Dryden Golf Course

and authorized the calling for bids; and

WHEREAS, the bids received for removing and replacing tanks at Dryden Golf Course

were opened at 11:00 a.m. on May 14, 19 92, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Marine 88, Inc. in the amount of \$24,955

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Marine 88, Inc. in the amount of \$24,955 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 May , 19 92, 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. 92-292

A RESOLUTION ACCEPTING THE BID OF CHAMPION INDUSTRIAL CONTRACTORS FOR MCHENRY MANSION RESTORATION PHASE III, AND RESCINDING RESOLUTION NO. 92-133

WHEREAS, Resolution No. 92-133, adopted by the Council of the City of Modesto on March 24, 1992, approved a contract agreement with Lang's Enterprises for the McHenry Mansion Restoration Phase III; and

WHEREAS, Lang's Enterprises, Inc. has lost their ability to bond the project and have been notified that the contract could not be executed without bonds.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that a contract be awarded to Champion Industrial Contractors in the amount of \$96,072 for McHenry Mansion Restoration Phase III, and the execution of said contract for the completion of the project by the City's designated officials be authorized.

BE IT FURTHER RESOLVED that Resolution No. 92-133 awarding the contract to Lang's Enterprises, Inc. is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, 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

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-293

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92
ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE
DONATION REVENUE FOR THE MCHENRY MANSION
RESTORATION PROJECT.

WHEREAS, the Council previously authorized staff to enter into negotiations with Lang's Enterprises for work relating to the heating and air conditioning system on the second and third floors of the McHenry Mansion after several attempts to solicit competitive bids were unsuccessful, and

WHEREAS, the contract was negotiated by staff and awarded by Council in the amount of \$82,200 to construct a portion of the project, but then Lang's Enterprises, Inc. lost their ability to bond the project, and

WHEREAS, staff proceeded to negotiate a new contract with Champion Industrial Contractors to perform the entire project for \$96,072, and

WHEREAS, staff discussed the situation with McHenry Foundation, and the Foundation agreed to donate \$17,200 to the project in order to provide funding to complete the heating and air conditioning system on the second and third floors,

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

MCHENRY MANSION RESTORATION FUND (180)

<u>Fund/Agy/Organization</u>		<u>Increase (Decrease)</u>
<u>Expenditures</u>		
180-380-B526-6000	McHenry Mansion Heat/ Air-Floors 2 & 3	\$17,200

<u>Revenues</u>		
180-510-9510-8107	Donations	\$17,200

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-294

A RESOLUTION ACCEPTING THE BIDS OF CENTRAL VALLEY TRUCK CENTER AND COUNTRY FORD TRUCKS FOR FURNISHING FOUR UTILITY TRUCKS

WHEREAS, Resolution No. 92-151 , adopted by the Council of the City of Modesto on April 7 , 1992 , approved the plans and specifications for the purchase of four utility trucks

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing four utility trucks were opened at 11:00 a.m. on May 4, 19 92, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Central Valley Truck Center in the amount of \$60,892, and Country Ford Trucks for \$79,830 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 Valley Truck Center and Country Ford Trucks 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 May , 1992, 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. 92-295

A RESOLUTION DETERMINING THE RESULT OF A
SPECIAL MUNICIPAL ELECTION HELD IN THE
TERRITORY DESIGNATED AS VILLAGE I
REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, by Resolution No. 92-1, the Council of the City of Modesto called a special municipal election to determine whether the order to reorganize to the City of Modesto certain inhabited territory known as Village I Reorganization should be confirmed, and

WHEREAS, a special municipal election was held on the 21st day of April, 1992, in the inhabited territory known as Village I Reorganization to the City of Modesto, County of Stanislaus, State of California, which territory is contiguous to the City limits of said City, and particularly described as attached hereto, and

WHEREAS, on or about April 28, 1992, the City Clerk reported results of said special municipal election to the City Council,

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

SECTION I. That due notice of said special municipal election was published in The Modesto Bee, a newspaper of general circulation printed and published in the City of Modesto, County of Stanislaus, State of California, which said notice appeared in said newspaper on January 25, 1992.

SECTION II. That after the holding of said special

election, the election officer thereof delivered to and deposited with the Clerk of this Council the mail ballots, tally sheets and the returns of said special municipal election.

SECTION III. That all requirements of the Cortese-Knox Local Government Reorganization Act of 1985, as amended, and all other requirements of the Election Laws of the State of California have been duly and regularly followed and that all of the procedures adopted and employed in the reorganization proceedings and in the holding of said special election were proper and legal,

BE IT FURTHER RESOLVED, CERTIFIED AND DECLARED BY THE COUNCIL OF THE CITY OF MODESTO that said special municipal election was regularly called, held, and conducted as required by law; that the proper and complete returns thereof have been made and received; that the same have been properly canvassed; that from the returns so canvassed as aforesaid, it appears and the Council so finds that at said special municipal election the total number of votes cast was and is 193; that the number of votes cast for reorganization was and is 107; that the number of votes cast against reorganization was and is 86; that the number of votes cast which were voided was -0-; that the total number of votes cast were and are as follows:

<u>Total Votes Cast</u>	<u>In Favor of Reorganization</u>	<u>Opposed to Reorganization</u>	<u>Voided</u>
193	107	86	-0-

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the measure, to wit: "Shall the order adopted on

January 7, 1992, by the Modesto City Council ordering the annexation to the City of Modesto of the territory described in said order and designated in the order as the Village One Reorganization to the City of Modesto be confirmed, subject to the terms and conditions specified in the order?" received a majority of the votes cast for reorganization and that, therefore, said measure carried.

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Executive Director of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Village One Reorganization
To the City Of Modesto

All that certain property situate in Sections 11, 12, 13, and 14, Township 3 South, Range 9 East; and in Sections 7 and 18, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 11, said point being the centerline intersection of original 40 foot Sylvan Ave. with original 40 foot Oakdale Rd.; thence South $0^{\circ}30'54''$ East 2,645.75 feet to the southwest corner of said section 11; thence South $0^{\circ}05'00''$ West 1,355.44 feet to the southwest corner of the northwest quarter of the northwest quarter of said section 14, being also the centerline intersection of original 40 foot Oakdale Rd. with original 40 foot Floyd Ave.; thence North $89^{\circ}50'19''$ East, along the centerline of Floyd Ave., 5,264.63 feet to the southeast corner of the northeast quarter of the northeast quarter of said section 14; thence South $00^{\circ}25'53''$ East 2,853.11 feet to a point on the west line of said section 14; thence North $89^{\circ}42'25''$ East 5.67 feet; thence South $00^{\circ}24'13''$ West 1,036.98 feet; thence South $89^{\circ}59'49''$ West 5.67 feet; thence South $00^{\circ}14'29''$ West 82.17 feet, to the southeast corner of said section 14; thence South $89^{\circ}55'05''$ East 5,244.8 feet along the south line of said section 13, to the southeast corner of said section 13; thence South $89^{\circ}55'05''$ East 2,813.37 feet, to a point on the centerline of original 40 foot Parker Rd., being the intersection of said centerline and the southerly extension of the west property line of the A.T. & S.F. R.R. property right-of-way; thence South $17^{\circ}41'55''$ East 79.01 feet to the southerly right-of-way line of 100 foot Parker Rd.; thence South $88^{\circ}55'26''$ East 105.38 feet to the east line of the A.T. & S.F. R.R. property right-of-way; thence North $17^{\circ}45'12''$ West along said east property line of A.T. & S.F. R.R., and the southerly and northerly extensions of said line 5,699.01 feet, to a point on the northern line of 66 foot Milnes Rd.; thence South $89^{\circ}53'24''$ East 45.75 feet, to the point of intersection of said northern line of Milnes Rd. and the westerly right-of-way line of 80 foot wide Santa Fe Ave.; thence North $8^{\circ}54'21''$ West 201.24 feet, along said west right-of-way line to the beginning of a tangent curve concave to the southwest, having a radius of 1,782.84 feet and a central angle of $7^{\circ}50'24''$; thence continuing northwesterly along said right-of-way and the arc of said curve 243.92 feet; thence North $18^{\circ}33'45''$ West along said right-of-way 1,434.43 feet to a tangent curve concave to the

Approved to description

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

southwest having a radius of 1,768.33 feet and a central angle of 11°09'00"; thence along said right-of-way and arc of said curve 344.22 feet; thence North 30°59'30" West along said right-of-way 141.29 feet, to the beginning of a tangent curve concave to the northeast, having a radius of 1,830.96 feet and a central angle of 10°19'48"; thence along said right-of-way and arc of said curve 330.05 feet; thence North 18°43'33" West along said right-of-way 1,342.66 feet, to a point on the west line of 100 foot wide Claus Rd.; thence South 0°18'19" East 1,130.01 feet along the western right-of-way line of said Claus Rd. to the beginning of a curve concave to the northwest having a radius of 15 feet and a central angle of 89°57'00"; thence along said curve 23.55 feet; thence along the northerly right-of-way line of Sylvan Ave. the following 31 courses:

- 1) South 0°20'25" East 15.0 feet;
- 2) South 89°39'35" West 300.01 feet;
- 3) North 0°18'19" West 30.0 feet;
- 4) South 89°39'35" West 949.64 feet;
- 5) South 0°29'57" East 30.0 feet;
- 6) South 89°46'26" West 2,640.73 feet;
- 7) North 0°29'57" West 30.0 feet;
- 8) South 89°44'09" West 1,258.9 feet;
- 9) South 89°59'53" West 130.27 feet;
- 10) North 89°44'38" West 214.15 feet;
- 11) South 0°41'53" East 30.0 feet;
- 12) North 89°44'38" West 385.05 feet;
- 13) North 0°41'53" West 30.0 feet;
- 14) North 89°44'38" West 326.05 feet;
- 15) South 0°22'26" East 6.8 feet;
- 16) North 89°44'38" West 30.0 feet;
- 17) North 0°41'53" West 6.8 feet;
- 18) North 89°44'38" West 326.05 feet;
- 19) South 0°41'53" East 30.0 feet;
- 20) North 89°44'38" West 1,303.21 feet;
- 21) North 0°15'22" East 10.0 feet;
- 22) North 89°44'38" West 970.35 feet;
- 23) South 0°17'53" East 15.0 feet;
- 24) North 89°44'38" West 164.16 feet;
- 25) North 0°17'53" West 15.0 feet;
- 26) North 89°44'38" West 172.3 feet;
- 27) South 0°35'44" East 10.0 feet;
- 28) North 89°44'38" West 637.69 feet;
- 29) North 0°35'44" West 10.0 feet;
- 30) North 89°44'38" West 396.34 feet;
- 31) North 0°35'44" West 10.0 feet;

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

thence North $89^{\circ}44'38''$ West 264.57 feet; to a point on the centerline of Oakdale Rd.; thence South $0^{\circ}28'12''$ East 40.01 feet to the point of beginning of this description.

CONTAINING: 1758 Acres

ON 10-22-91
Approved as to description

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-296

A RESOLUTION CONFIRMING THE REORGANIZATION
AFTER ELECTION OF CERTAIN INHABITED TERRITORY
DESIGNATED AS VILLAGE ONE REORGANIZATION TO
THE CITY OF MODESTO.

WHEREAS, by Resolution No. 92-1, the Council of the
City of Modesto called a special election to determine whether
the order to reorganize to the City of Modesto certain inhabited
territory designated as Village One Reorganization should be
confirmed, and

WHEREAS, a special election was held on the 21st day of
April, 1992, in said territory on the following measure, to wit:
"Shall the order adopted on January 7, 1992, by the Modesto City
Council ordering the annexation to the City of Modesto of the
territory described in said order and designated in the order as
the Village One Reorganization to the City of Modesto be
confirmed, subject to the terms and conditions specified in the
order?", and

WHEREAS, by Resolution No. 92-295, the Council of the
City of Modesto determined the results of said special election
and determined that said measure had received a majority of the
votes cast in favor thereof and had carried,

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

1. All of the requirements of the Cortese-Knox
Reorganization Act of 1985, as amended, has been complied with.

2. The area of territory designated as the Village One Reorganization, is inhabited territory within the meaning of the Cortese-Knox Reorganization Act of 1985, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of said territory to the City of Modesto.

4. The order to reorganize said territory is hereby confirmed and it is hereby made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, copies of this resolution, stating the date of its passage; copies of the boundary description of the annexation; 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 Local Agency Formation Commission of Stanislaus County together with a payment of all fees required by California Government Code Section 54902.5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th

day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Village One Reorganization
To the City Of Modesto

All that certain property situate in Sections 11, 12, 13, and 14, Township 3 South, Range 9 East; and in Sections 7 and 18, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 11, said point being the centerline intersection of original 40 foot Sylvan Ave. with original 40 foot Oakdale Rd.; thence South $0^{\circ}30'54''$ East 2,645.75 feet to the southwest corner of said section 11; thence South $0^{\circ}05'00''$ West 1,355.44 feet to the southwest corner of the northwest quarter of the northwest quarter of said section 14, being also the centerline intersection of original 40 foot Oakdale Rd. with original 40 foot Floyd Ave.; thence North $89^{\circ}50'19''$ East, along the centerline of Floyd Ave., 5,264.63 feet to the southeast corner of the northeast quarter of the northeast quarter of said section 14; thence South $00^{\circ}25'53''$ East 2,853.11 feet to a point on the west line of said section 14; thence North $89^{\circ}42'25''$ East 5.67 feet; thence South $00^{\circ}24'13''$ West 1,036.98 feet; thence South $89^{\circ}59'49''$ West 5.67 feet; thence South $00^{\circ}14'29''$ West 82.17 feet, to the southeast corner of said section 14; thence South $89^{\circ}55'05''$ East 5,244.8 feet along the south line of said section 13, to the southeast corner of said section 13; thence South $89^{\circ}55'05''$ East 2,813.37 feet, to a point on the centerline of original 40 foot Parker Rd., being the intersection of said centerline and the southerly extension of the west property line of the A.T. & S.F. R.R. property right-of-way; thence South $17^{\circ}41'55''$ East 79.01 feet to the southerly right-of-way line of 100 foot Parker Rd.; thence South $88^{\circ}55'26''$ East 105.38 feet to the east line of the A.T. & S.F. R.R. property right-of-way; thence North $17^{\circ}45'12''$ West along said east property line of A.T. & S.F. R.R., and the southerly and northerly extensions of said line 5,699.01 feet, to a point on the northern line of 66 foot Milnes Rd.; thence South $89^{\circ}53'24''$ East 45.75 feet, to the point of intersection of said northern line of Milnes Rd. and the westerly right-of-way line of 80 foot wide Santa Fe Ave.; thence North $8^{\circ}54'21''$ West 201.24 feet, along said west right-of-way line to the beginning of a tangent curve concave to the southwest, having a radius of 1,782.84 feet and a central angle of $7^{\circ}50'24''$; thence continuing northwesterly along said right-of-way and the arc of said curve 243.92 feet; thence North $18^{\circ}33'43''$ West along said right-of-way 1,434.43 feet to a tangent curve concave to the

Approved as to description

ON 10-2-2-9/

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

southwest having a radius of 1,768.33 feet and a central angle of 11°09'00"; thence along said right-of-way and arc of said curve 344.22 feet; thence North 30°59'30" West along said right-of-way 141.29 feet, to the beginning of a tangent curve concave to the northeast, having a radius of 1,830.96 feet and a central angle of 10°19'48"; thence along said right-of-way and arc of said curve 330.05 feet; thence North 18°43'33" West along said right-of-way 1,342.66 feet, to a point on the west line of 100 foot wide Claus Rd.; thence South 0°18'19" East 1,130.01 feet along the western right-of-way line of said Claus Rd. to the beginning of a curve concave to the northwest having a radius of 15 feet and a central angle of 89°57'00"; thence along said curve 23.55 feet; thence along the northerly right-of-way line of Sylvan Ave. the following 31 courses:

- 1) South 0°20'25" East 15.0 feet;
- 2) South 89°39'35" West 300.01 feet;
- 3) North 0°18'19" West 30.0 feet;
- 4) South 89°39'35" West 949.64 feet;
- 5) South 0°29'57" East 30.0 feet;
- 6) South 89°46'26" West 2,640.73 feet;
- 7) North 0°29'57" West 30.0 feet;
- 8) South 89°44'09" West 1,258.9 feet;
- 9) South 89°59'53" West 130.27 feet;
- 10) North 89°44'38" West 214.15 feet;
- 11) South 0°41'53" East 30.0 feet;
- 12) North 89°44'38" West 385.05 feet;
- 13) North 0°41'53" West 30.0 feet;
- 14) North 89°44'38" West 326.05 feet;
- 15) South 0°22'26" East 6.8 feet;
- 16) North 89°44'38" West 30.0 feet;
- 17) North 0°41'53" West 6.8 feet;
- 18) North 89°44'38" West 326.05 feet;
- 19) South 0°41'53" East 30.0 feet;
- 20) North 89°44'38" West 1,303.21 feet;
- 21) North 0°15'22" East 10.0 feet;
- 22) North 89°44'38" West 970.35 feet;
- 23) South 0°17'53" East 15.0 feet;
- 24) North 89°44'38" West 164.16 feet;
- 25) North 0°17'53" West 15.0 feet;
- 26) North 89°44'38" West 172.3 feet;
- 27) South 0°35'44" East 10.0 feet;
- 28) North 89°44'38" West 637.69 feet;
- 29) North 0°35'44" West 10.0 feet;
- 30) North 89°44'38" West 396.34 feet;
- 31) North 0°35'44" West 10.0 feet;

ON 10-22-91

Approved to description

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO

thence North $89^{\circ}44'38''$ West 264.57 feet; to a point on the centerline of Oakdale Rd.; thence South $0^{\circ}28'12''$ East 40.01 feet to the point of beginning of this description.

CONTAINING: 1758 Acres

Approved as to description

ON 10-2-91
W.T. [Signature]

MODESTO CITY COUNCIL
RESOLUTION NO. 92-297

A RESOLUTION ACKNOWLEDGING RECEIPT OF THE CONTRIBUTION TO THE CLAUS ROAD PEDESTRIAN OVERCROSSING PROJECT BY THE EMPIRE UNION SCHOOL DISTRICT.

WHEREAS, at the time the Claus Road Pedestrian Overcrossing project at Johansen High School became a reality, the Empire Union School District realized that their constituents would benefit from the project as well, therefore, the Board of Trustees of the Empire Union School District took the position of wanting to contribute toward the cost of said project, and

WHEREAS, the division of funds follows the cost sharing agreement entered into between the City of Modesto and Modesto City Schools, and

WHEREAS, the Empire Union School District has contributed \$12,000 to Modesto City Schools and \$8,000 to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby acknowledges the participation in the Claus Road Pedestrian Overcrossing project at Johansen High School by the Empire Union School District by its donation of \$12,000 to Modesto City Schools and \$8,000 to the City of Modesto for a total contribution of \$20,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-298

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92
ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE
ADDITIONAL REVENUE AND RESERVES TO THE
COFFEE/ORANGEBURG TRAFFIC SIGNAL MODIFICATION
PROJECT.

WHEREAS, this project is 80% federally funded with
Federal Aid Funds, and

WHEREAS, the project is nearly complete, however, staff
costs were underestimated, and

WHEREAS, it is now necessary to estimate additional
revenue and appropriate funds from reserve to have enough funding
to complete this project,

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

CFF STREETS FUND (141)

<u>Fund/Agy/Organization</u>		<u>Increase (Decrease)</u>
<u>Expenditures</u>		
141-160-P959-6000	Coffee/Orangeburg T/S Modification	\$7,000
141-800-8000-8003	CFF-Streets Contingency Reserve	(1,400)
<u>Revenues</u>		
141-430- -3504	Federal Participation	\$5,600

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-299

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FINE 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 26th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-300

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FINE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

WHEREAS, Resolution No. 898-459 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 26th day of May, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-301

AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND LEEDSHILL-
HERKENHOFF FOR ENGINEERING SERVICES AND CONSTRUCTION ADMINISTRATION FOR
DESIGN FOR A NEW WATER/SEWER SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Leedhill-Herkenhoff for engineering services and construction administration for design for a new water/sewer supervisory control and data acquisition 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 26th day of May 1992, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-302

A RESOLUTION ACCEPTING IMPROVEMENTS IN MOUNTAINVIEW TERRACE NO. 4 SUBDIVISION
AS COMPLETE

WHEREAS, the Director of Public Works in a memorandum dated May 18, 1992, indicates that all work required by the subdivision agreement has been completed by Aquarian Homes, Inc., 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the improvements in Mountainview Terrace No. 4 Subdivision are hereby accepted as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1992, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-303

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FMC CORPORATION
FOR LEASE OF THEIR PROPERTY FOR A CITY WELL SITE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and FMC Corporation for lease of their property for a City well 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 26th day of May 1992, 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. 92-304

A RESOLUTION APPOINTING RICHARD LANG TO THE CITIZENS HOUSING & 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
& Community Development Committee:

Richard Lang

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the new member of the Citizens Housing & 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 May , 1992 ,
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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

RESOLUTION NO. 92-305

A RESOLUTION APPOINTING DAVID DILL AS ALTERNATE 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 as alternate
to the Housing Rehabilitation Loan Committee.

David Dill - term to expire 6/30/93

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 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 May

1992, 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. 92-306

A RESOLUTION APPOINTING MEMBER OF THE HOUSING REHABILITATION LOAN COMMITTEE
(DAVID COGDILL)

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 :

David Cogdill

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 26th day of May , 1992 , 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:

AYFS:	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. 92-307

A RESOLUTION APPOINTING MEMBER OF THE ECONOMIC DEVELOPMENT LOAN COMMITTEE
(RICHARD PATTERSON)

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

SECTION 1. The following person is hereby appointed to the Economic
Development Loan Committee :

Richard Patterson

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Economic Development
Loan 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 May , 1992 ,
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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-308

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE MISCELLANEOUS SEWER REPAIR PROJECT - ORANGEBURG AND BUENA VISTA AVENUE

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

SECTION 1. The plans and specifications for the miscellaneous sewer repair project - Orangeburg and Buena Vista Avenue, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 25, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1992, 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, Muratore, Patterson,
Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-309

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ANNUAL SEWER REHABILITATION BLOCK NO. 1 PROJECT - SANITARY SEWER AND STORM SEWER REPLACEMENT AND CONSTRUCTION

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

SECTION 1. The plans and specifications for the annual sewer rehabilitation Block No. 1 Project - sanitary sewer and storm sewer replacement and construction copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 25, 1992, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 2nd day of June, 1992, 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, Muratore, Patterson, Acting Mayor Friedman

ABSENT: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-310

A RESOLUTION ACCEPTING THE FLOYD NEIGHBORHOOD PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Floyd Neighborhood Park

has been completed by George Reed, Inc.

in accordance with the contract agreement dated April 23, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Floyd Neighborhood Park

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 \$435,297.54 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 June ,
19 92, 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, Muratore, Patterson,
Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-311

A RESOLUTION APPROVING A GRANT AGREEMENT FOR \$1,500 TO MARY STAVRIANOUDAKIS FOR A PROGRAM DOCUMENTING THE CULTURAL IDENTITY AND TRANSITION OF PORTUGUESE IMMIGRANTS TO THIS COUNTY FROM THE AZORES FOR A CABLE TELEVISION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and Mary Stavrianoudakis for a program documenting the cultural identity and transition of Portuguese immigrants to this county from the Azores, in the amount of \$1,500 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 2nd day of June, 1992, 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, Muratore, Patterson,
Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.

92-312

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:

- 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 1992-93.

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 16th day of June, 1992, 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 2nd day of June, 1992, 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, Dibbs, Muratore, Patterson, Acting Mayor Friedman
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-313

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 1992-93.

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 16th day of June, 1992, 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 2nd day of June, 1992, 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, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-314

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 FROM CONTINGENCY RESERVE TO PURCHASE A REPLACEMENT HEATING, VENTILATION, AND AIR CONDITIONING UNIT FOR THE PASSENGER TERMINAL AT THE AIRPORT

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

FROM: Airport Contingency Reserve \$20,000
 (631 800 8000 8003)

TO: Passenger Terminal HVAC \$20,000
 (631 480 5412)

Funds needed to purchase a replacement heating, ventilation, and air conditioning unit for the passenger terminal at the Airport. The unit will replace a 15-20 year old existing 4-ton unit .

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1992, 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, Muratore, Patterson, Acting Mayor Friedman

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** Mayor Lang

ATTEST: *Norrine Coyle*
 NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-315

A RESOLUTION APPOINTING ALICE BEAMISH TO THE CULTURE 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 appointed to the Culture Commission for the respective term as indicated:

Alice Beamish
917 Woodrow Avenue
Modesto, Ca. 95350

Term to expire: 1/1/96

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June 1992, 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, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-316

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE 1992 RESIDENTIAL STREET OVERLAYS

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

SECTION 1. The plans and specifications for the 1992 residential street overlays, 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 2, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1992, by Councilmember Muratore, 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: None

ABSENT: Councilmembers: Friedman

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-317

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE CONSTRUCTION OF AQUEDUCT PARK

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

SECTION 1. The plans and specifications for the construction of
Aqueduct Park , 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 2 , 1992, at 11:05 a .m. and the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council 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 June , 1992, by
Councilmember Muratore , 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: None
- ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-318

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE CARPENTER ROAD - MAZE BOULEVARD TO KANSAS AVENUE PROJECT

WHEREAS, Resolution No. 92-188 , adopted by the Council of the City of Modesto on April 28 , 1992 , approved the plans and specifications for the Carpenter Road - Maze Boulevard to Kansas Avenue project

and authorized the calling for bids; and

WHEREAS, the bids received for the Carpenter Road - Maze Boulevard to Kansas Avenue project were opened at 11:00 a.m. on May 28, 1992 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of George Reed, Inc. in the amount of \$933,837.70

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$933,837.70 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 9th day of June , 1992, by Councilmember Muratore , 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: None
- ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-319

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF TWO RELOCATABLE HAZARDOUS MATERIALS STORAGE BUILDINGS FROM ENVIRONMENTAL COMPLIANCE PRODUCTS

WHEREAS, the Parks & Recreation Department has requested this purchase because present storage facilities are inadequate for the storage of agricultural chemicals used by the City; and

WHEREAS, anticipating bids to fall below \$20,000, specifications were developed and informal bids were obtained from all known manufacturers; and

WHEREAS, of five vendors responding, the bid of Environmental Compliance Products was the lowest bid meeting specifications with a bid of \$29,966.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of two relocatable hazardous materials storage buildings is hereby waived.

BE IT FURTHER RESOLVED that purchase of two relocatable hazardous materials storage buildings from Environmental Compliance Products for \$29,966 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1992, by Councilmember Muratore, 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: None
- ABSENT: Councilmembers: Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-320

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND ROADWAY MODIFICATIONS AT THE INTERSECTION OF SISK ROAD AND PELANDALE AVENUE

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

SECTION 1. The plans and specifications for traffic signals and roadway modifications at Sisk and Pelandale , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16 , 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June , 1992, by Councilmember Muratore , 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: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-321

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS AND THE YOSEMITE COMMUNITY COLLEGE DISTRICT FOR THE BUILDING AND MANAGEMENT OF A REGIONAL FIRE TRAINING CENTER IN MODESTO

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and County of Stanislaus and the Yosemite Community College District for the building and management of a regional fire training center in 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 9th day of June 1992, by Councilmember Muratore, 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: None
ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-322

A RESOLUTION ACCEPTING IMPROVEMENTS IN NUNES FARMS SUBDIVISION
AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Regal Contracting, subdividers of Nunes Farms Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$ 298,300.00 and \$149,150.00 respectively to guarantee improvements in Nunes Farms Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated June 2, 1992, 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 Irrevocable Commitment/ of Funds upon expiration of the statutory period.

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

1. The improvements in Nunes Farms Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for faithful performance in the amount of \$ 298,300.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of \$ 149,150.00 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 9th day of June, 1992, by Councilmember Muratore, 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:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-323

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO TRANSFER \$30,000 FROM THE CAPITAL IMPROVEMENT PROGRAM TO THE STREETS DIVISION OPERATING BUDGET.

WHEREAS, the Streets Division in the Public Works and Transportation Department is responsible for a variety of maintenance activities within the public right of way, including the maintenance of street surfaces and sidewalks. Funding for these activities comes from a variety of sources, one of which is the Gas Tax Fund, and

WHEREAS, the 0360 Materials account in Streets showed a negative balance of \$178 as of June 1, 1992. Additional funds are needed to allow crews to continue their maintenance efforts on City streets and sidewalks, and

WHEREAS, a transfer of funds will provide the required funds to continue street maintenance,

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

<u>Fund/Agy/Organization</u>		<u>Increase (Decrease)</u>
<u>Expenditures</u>		
070-430-B009-6000	Street Cape Seals	(\$30,000)
070-700-7000-7010	Transfer out to General Fund	30,000
010-460-4612-0360	Materials and Supplies	30,000
<u>Revenues</u>		
010-700-7000-9070	Transfer in from Gas Tax Fund	30,000

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 9th day of June, 1992, by Councilmember Muratore, 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: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

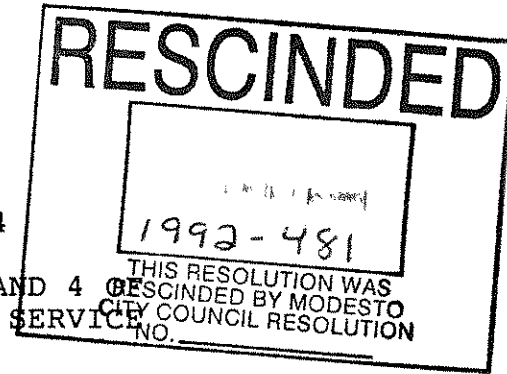
(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-324

A RESOLUTION AMENDING SECTIONS 2, 3, AND 4 OF
RESOLUTION NO. 92-84 TO REVISE SEWER SERVICE
CHARGES.



WHEREAS, Section 5-6.02 and 5-6.24 of the Modesto Municipal Code authorizes the Council to establish sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established sewer service charges, and

WHEREAS, on June 16, 1992, the Council held a public hearing to consider the recommended sewer rate revisions for all user rates and fines to cover the most urgently needed major repairs and provide the means to master plan the treatment and collection systems,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 2, 3 and 4 of Council Resolution No. 92-84 are hereby amended to revise sewer service charges as follows:

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	\$9.74
Each dwelling unit in a duplex	7.60

One additional dwelling unit or mobile home on a lot 7.60
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park 6.27

- (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 of 135% of the charges set forth 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:

Sewer Service Charges
Per 1000 Gals.
of Water Used

Group 1 \$1.61

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

Group 2 1.87

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

Group 3 2.28

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

Group 4 2.74

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

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate of 135% of the charges 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	\$20.22
Group 2	23.30
Group 3	28.56
Group 4	34.27

(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 50/100ths (\$1.50) 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 \$657.74 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 \$77.79 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 \$71.61 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 of 135% of

the charges set forth in subsections (a), (b), (c),
and (d) above.

BE IT FURTHER RESOLVED that this resolution shall become
effective August 1, 1992.

BE IT FURTHER RESOLVED that all other terms and
conditions of Resolution No. 92-84 not in conflict with this
resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-325

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

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1992-93, and

WHEREAS, the Council has adopted Resolution No. 92-312 on June 2, 1992, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1992-93 and to set a public hearing to be held on June 16, 1992, 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. 1 and hereby levies the assessment set forth therein for fiscal year 1992-93.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1992, 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, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-326

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 1992-93, and

WHEREAS, the Council has adopted Resolution No. 92-313 on June 2, 1992, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1992-93 and to set a public hearing to be held on June 16, 1992, 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 1992-93.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1992, 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, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL

RESOLUTION NO. 92-327

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE CLAUS ROAD PEDESTRIAN ACCESS AND WATERLINE INSTALLATION PROJECT

WHEREAS, Resolution No. 92-227 , adopted by the Council of the City of Modesto on May 12 , 1992 , approved the plans and specifications for Claus Road pedestrian access and waterline installation project

and authorized the calling for bids; and

WHEREAS, the bids received for the Claus Road pedestrian access and waterline installation project

were opened at 11:00 a.m. on June 2, 1992 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of George Reed, Inc. in the amount of \$114,766

be accepted as the lowest responsible bid.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$114,766 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June , 19 92, 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, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION 92-328**

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE STATE REVENUE FOR AN EXISTING PROJECT, TRAFFIC SIGNAL CENTRAL CONTROL SYSTEM.

WHEREAS, this project was included in the State-Local Transportation Partnership Program- Cycle 2.

WHEREAS, the State reimbursement ratio or 30.02% is to be applied to the lowest of three costs:

1. The Application Estimate
2. The award amount plus 10% Construction engineering and contingencies
3. The final cost of the project

WHEREAS, the application estimate for this project was \$1,224,000. The award amount plus 10% equals \$ 378,738.25, therefore the amount eligible for reimbursement would be \$113,697.

WHEREAS, the amount listed in the memo states \$138,685 would be reimburseable from the state, in fact the best estimate for reimbursement is \$113,697.

WHEREAS, the actual reimbursment amount will not be known until the project is complete.

WHEREAS, this is an existing project with a budget of \$734,000; funded 100% with Capital Facility Fee Funds.

WHEREAS, it is necessary to estimate the additional revenue from the State.

THEREFORE, the following adjustment is necessary:

CFF STREETS FUND (141)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
141-160-P854-6000 Traffic Signal Central Control Systems	\$113,697
Revenues	
141-430- ____-3138 State Share of Project	\$113,697

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 16th day of June, 1992, 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, Friedman,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-329

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS FOR THE CONSTRUCTION OF THE INTERCONNECT CONDUIT ON STANDIFORD/SYLVAN AVENUE AND BRIGGSMORE AVENUE

WHEREAS, Resolution No. 92-274 , adopted by the Council of the City of Modesto on May 19 , 1992 , approved the plans and specifications for the interconnect conduit on Standiford/Sylvan Avenue and Briggsmore Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the interconnect conduit on Standiford/Sylvan Avenue and Briggsmore Avenue were opened at 11:00 a.m. on June 9, 1992 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Richard A. Heaps in the amount of \$344,307.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richard A. Heaps in the amount of \$344,307.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June , 1992 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, Friedman, Patterson,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-330

A RESOLUTION ACCEPTING THE SONOMA PARK GAME COURTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Sonoma Park game courts

has been completed by Ragsdale & Son, Inc.

in accordance with the contract agreement dated November 5, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Sonoma Park game courts

be accepted from said contractor, Ragsdale & Son, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$32,872.79 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 June _____,
1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muretore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

13
MODESTO CITY COUNCIL
RESOLUTION NO. 92-331

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF
REPLACEMENT PARTS FOR FAIRBANKS MORSE PUMPS FROM PUMP REPAIR SERVICE

WHEREAS, the Sewerage Section of the Public Works and Transportation Department has requested this purchase for the replacement of Fairbanks Morse Pump parts at the Sewer Treatment Plant; and

WHEREAS, anticipating bids to fall below \$20,000, specifications were developed and informal bids were obtained from all known manufacturers; and

WHEREAS, of the vendors responding, Pump Repair Service was the lowest responsive and responsible bidder with a bid of \$27,462.44.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of replacement parts for Fairbanks Morse Pumps is hereby waived.

BE IT FURTHER RESOLVED that purchase of replacement parts for Fairbanks Morse pumps from Pump Repair Service in the amount of \$27,462.44 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-332

A RESOLUTION AUTHORIZING SEVERANCE PAY AND
INTERVIEW LEAVE FOR EMPLOYEES SUBJECT TO
LAYOFF.

WHEREAS, the City of Modesto is facing a budget crisis
which may result in employee layoffs, and

WHEREAS, current Personnel Rules provide that employees
who are laid off receive only those benefits to which any
departing employee would be entitled: Cash out of accrued
leaves, withdrawal of retirement contributions and refund of
deferred compensation funds, and

WHEREAS, City staff is recommending to the Council that
laid off employees should receive Severance Pay equivalent to a
minimum of four (4) weeks of the employee's salary upon the
effective date of the layoff and thereby provide a limited cash
payment to assist the laid off employee who is faced with loss of
job and income, and

WHEREAS, City staff is also recommending that employees
who are notified of pending lay off should receive Interview
Leave which would provide paid leave time for employees to seek
other employment prior to their date of layoff, and

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

SECTION 1. Eligibility for Severance Pay. City
employees who are laid off due to an authorized reduction in
force shall be eligible to receive severance benefits subject to

the terms and conditions as set forth below. All severance benefit entitlements shall be in addition to any other benefits to which the employee would otherwise be entitled pursuant to the City's Personnel Rules or appropriate Memorandum of Understanding.

SECTION 2. Eligibility for One Hundred and Sixty (160) Work Hours of Severance Pay: All regular non-safety employees in the classified service who are laid off due to a reduction in force and who have completed at least six (6) months continuous City service shall be entitled to receive upon separation from service, severance pay equivalent to One Hundred Sixty (160) work hours. Severance pay shall be calculated based upon the employee's regular base pay, excluding acting pay, assignment pay or shift differential.

If a regular non-safety employee in the classified service has completed at least six (6) months continuous City service volunteers to be laid off, and is in the classification or the approved bumping chain of a position authorized for layoff, the City Manager may authorize said employee to be laid off, with all rights to receive severance benefits as provided herein.

SECTION 3. Eligibility for Additional Severance Pay: All regular non-safety employees in the classified service who are laid off due to a reduction in force and who have six (6) or more complete years of continuous service are eligible for

additional severance pay as follows:

1. Severance pay equivalent to forty (40) work hours of salary for each completed year of service in excess of five (5) completed years of service, up to a maximum of one hundred and sixty (160) work hours. Additional severance pay shall be calculated based upon the employee's regular base pay, excluding acting pay, assignment pay, or shift differential.

SECTION 4. Severance Pay Options: At the time of separation, an employee may elect to receive severance pay in a lump sum payment or in the form of a contribution to the employee's deferred compensation plan or a combination thereof subject to all appropriate IRS regulations and limitations.

SECTION 5. Eligibility for Interview Leave: All regular non-safety employees in the classified service who are provided notice by his/her department director that the employee may be laid off due to a reduction in force, and who has completed at least six (6) months continuous City service shall be entitled, prior to separation, to a maximum of fifteen (15) work hours of paid leave time for purposes of participating in employment interviews or examinations with any other employer.

Authorized interview leave shall be subject to prior written approval of the employee's supervisor and the needs of the City. Written verification of scheduled interviews or examinations may be required by the employee's supervisor. Interview leave in excess of fifteen (15) work hours may be

granted with the prior written approval of the employee's department director.

Interview leave shall not be subject to cashout or conversion to any other benefit.

The City Manager may authorize any regular non-safety employee in the classified service who has completed at least six (6) months continuous City service and volunteers to be laid off, and is in the classification or the approved bumping chain of a position authorized for layoff, to be laid off, with all rights to receive interview leave as provided herein.

SECTION 6. Term: Severance benefits as set forth in this Resolution shall terminate effective June 30, 1993, unless otherwise sooner amended by resolution of the Modesto City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-333

A RESOLUTION DIRECTING THE FINANCE DIRECTOR/TREASURER OF THE CITY OF MODESTO TO INVEST SURPLUS CITY FUNDS AS A LOAN TO THE GENERAL FUND AND AUTHORIZING THE PURCHASE OF OUTSTANDING CDBG LOANS FROM THE GENERAL FUND.

WHEREAS, the City of Modesto must close the open findings made during the United States Department of Housing and Urban Development (HUD) 1991-1992 monitoring of the City's Community Development Block Grant (CDBG) program, and

WHEREAS, in accordance with HUD's periodic review of the CDBG program, certain loans have been suggested to be reclassified in order to comply with HUD regulations on meeting a national objective of HUD's economic development loan program and on determining that the loans were necessary and appropriate, and

WHEREAS, the Community Development and Housing Committee met on June 1, 1992, to consider this matter and has recommended that the City Council direct the Finance Director/Treasurer of the City of Modesto to invest surplus City Funds in an amount not exceeding \$336,131 as a loan to the General Fund, and that authorization be granted for the purchase of outstanding CDBG loans in an amount not exceeding \$336,131 from the General Fund of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Finance Director/Treasurer of the City of Modesto is hereby directed to invest surplus City Funds in an amount not exceeding \$336,131 as a loan to the General Fund, and

that the Finance Director is hereby directed to make subsequent purchases of outstanding CDBG economic development loans in an aggregate amount not exceeding \$336,131 from the General Fund 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 16th day of June, 1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-334

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSALS TO QUALIFIED AIR
QUALITY TESTING FIRMS CONSULTANTS FOR THE
PREPARATION OF THE AB 2588 TOXIC EMISSIONS
INVENTORY PLAN (TEIP) AND REPORT (TEIR).

WHEREAS, the Air Toxics "Hot Spots" information and Assessment Act was passed by the State of California legislature in 1987, and said Act establishes a program to inventory routine emissions of 400 toxic substances into the air and to assess their risk to public health, and

WHEREAS, said Act requires any facility emitting any of said toxic substances to prepare site-specific emission inventory plans and reports, and

WHEREAS, in December 1991, the Air Board indicated that the City should commence the toxic emissions inventory, and thereafter the City did submit the initial screening forms which process initiated the County's task of selecting which of the 400 potential air pollutants must be inventoried for the Water Quality Control Plant site, and

WHEREAS, the toxic emissions inventory plan (TEIP) and toxic emissions inventory report (TEIR) will take about eight months to complete for submission to the Air Board, after which the County will then evaluate the impact; the County may at a later date require risk assessment and a mitigation plan, depending on the results of this study, and

WHEREAS, it is the recommendation of City staff that

the Council authorize City staff to issue a request for proposals to qualified consultants for the purpose of developing a plan for testing all toxic emissions required by AB 2588, performing the required tests, and compiling the test results into a final report to be submitted to the local Air Resources Board,

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 for the preparation of the AB 2588 Toxic Emissions Inventory Plan and Report for the Water Quality Control Plant site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1992, 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, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-335

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
THE CITY OF LATHROP REGARDING THEIR USE OF THE CITY OF MODESTO PROPERTY
AGENT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and the City of Lathrop regarding
their use of the City of Modesto Property Agent

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 June 1992, 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, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-336

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER TEN THOUSAND SIX HUNDRED EIGHTY (\$10,680) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Ten Thousand Six Hundred Eighty (\$10,680) 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 the acquisition of a Sobriety Checkpoint Trailer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget as amended as follows:

General Fund (Fund 010)

Revenue

010-190-0000-7202 Asset Seizures \$10,680

Expenditure

010-190-1961-5068 DUI Trailer \$10,680

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 16th day of June, 1992, 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, Friedman, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-338

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-O. (GARY TURNER)

WHEREAS, on June 23, 1992, the City Council introduced Ordinance No. 2813-C.S. giving approval to a project relating to an amendment to Section Map 17-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northeast corner of Granger and Timothy Avenues, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 17-3-9 of the Zoning Map of the City of Modesto to reclassify from Low

Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northeast corner of Granger and Timothy Avenues.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, by Councilmember Muratore, 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, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Deck

MODESTO CITY COUNCIL
RESOLUTION NO. 92-339

A RESOLUTION GRANTING THE APPEAL OF MID-
VALLEY ENGINEERING, INC., TO A BOARD OF
ZONING ADJUSTMENT DECISION RELATING TO
CERTAIN CONDITIONS IMPOSED FOR THE EXPANSION/
RECONSTRUCTION OF MODESTO JUNK COMPANY CO.
AT 1403-1425 NINTH STREET.

WHEREAS, an application for a conditional use permit
for expansion/reconstruction of a nonconforming use in the M-1
Zone to allow replacement of an existing warehouse building with
a new recycling center at 1403-1425 Ninth Street was filed by
Mid-Valley Engineering, Inc., on behalf of Modesto Junk Co. on
February 13, 1992, and

WHEREAS, Sections 10-1.202(a) and 10-2.2503 of the
Municipal Code authorize the Board of Zoning Adjustment to grant
conditional use permits, and

WHEREAS, a public hearing was held by the Board of
Zoning Adjustment on May 28, 1992, in the City Council Chambers,
City Hall, 801 11th Street, Modesto, California, at which hearing
evidence both oral and documentary was received and considered,
and

WHEREAS, after holding said public hearing, the Board
of Zoning Adjustment adopted Resolution No. 1483 on May 28, 1992,
which granted, subject to certain conditions set forth in said
resolution, a conditional use permit for expansion/
reconstruction of a nonconforming use in the M-1 Zone to allow

replacement of an existing warehouse building with a new recycling center at 1403-1425 Ninth Street, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's requirement for a five-foot landscape strip along the entire Ninth Street frontage (as contained in Condition No. 2 of Resolution No. 1483) was filed by Patricia A. Casey of Mid-Valley Engineering, Inc. by letter dated May 29, 1992, (applicant's letter references a ten-foot landscape strip), 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 June 23, 1992, at 4:00 p.m., at which time said hearing was held and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment as it relates only to that portion of Condition No. 2 requiring a five-foot landscape strip along the entire Ninth Street frontage as well as the five-foot planting easement along the Ninth Street frontage (as set forth in Condition No. 3 of Resolution No. 1483) should be granted in that the application constitutes a simple reconstruction of a long-standing business establishment in existence for upwards of 70 years, and the proposed five-foot

landscape strip and five-foot planting easement infringe on the applicant's ability to fully utilize the site,
and

WHEREAS, the City Council certifies that it has 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 project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Mid-Valley Engineering, Inc., only as it relates to that portion of Condition No. 2 requiring a five-foot landscape strip along the entire Ninth Street frontage and Condition No. 3 relating to a five-foot planting easement along the Ninth Street frontage are hereby granted, and the decision of the Board of Zoning Adjustment is overruled for the reasons set forth above.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, 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, Friedman, Patterson

NOES: Councilmembers: Dobbs, Muratore

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-340

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR KANSAS AVENUE REPAIRS AND CHIP SEAL

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

SECTION 1. The plans and specifications for the Kansas Avenue repairs and chip seal _____, 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 16, 1992, at 11:10 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION 92-340A

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE COUNTY REVENUE FOR A NEW CIP PROJECT, KANSAS AVENUE REPAIRS AND CHIP SEAL.

WHEREAS, the County has collected developer fees in the amount of \$44,364 for the repair of Kansas Avenue between Carpenter Road and Morse Avenue. Although most of the properties on the south side of the street are in the County, the right of way (and maintenance thereof) belongs to the City.

WHEREAS, the south side of the street is in fair condition. This project will dig out the badly failed areas and install 6" of new asphalt concrete. A chip seal will then be placed over the entire street.

WHEREAS, it is necessary to estimate the revenue and appropriate the project.

THEREFORE, the following adjustment is necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
130-430-B956-6000 Kansas Avenue Repair/Seal	\$44,365
Revenues	
130-510-9510-3310 County Share of Project	\$44,365

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 23rd day of June, 1992, 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, Muratore, Patterson, Vice Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-341

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE COFFEE/SYLVAN INTERSECTION RECONSTRUCTION AND TRAFFIC SIGNAL MODIFICATION

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

SECTION 1. The plans and specifications for the Coffee/Sylvan intersection reconstruction and traffic signal , 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 16 , 1992, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 23rd day of June , 1992, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST:


NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION 92-342**

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE A DEVELOPER CONTRIBUTION AN EXISTING CIP PROJECT, SYLVAN/COFFEE INTERSECTION RECONSTRUCTION AND TRAFFIC SIGNAL MODIFICATION.

WHEREAS, this project will reconstruct the Coffee/Sylvan Intersection including 300 feet of the West and North leg of the intersection. The project will also construct a median on the West, North and East legs of the intersection and modify the existing traffic signal by adding double left turn lanes and emergency vehicle detectors.

WHEREAS, there has been a developer contribution for this project of \$70,000 made by Star Enterprises for improvements at the intersection of Coffee and Sylvan Avenue, namely Signals and Striping work, and medians.

WHEREAS, this project is currently budgeted in two projects: Sylvan/Coffee Intersection, and Varoius medians. This resolution will consolidate the project into Sylvan/Coffee Intersection for ease of accounting.

WHEREAS, it is necessary to estimate and appropriate the additional revenue.

THEREFORE, the following adjustment is necessary:

SPECIAL GAS TAX FUND

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
070-430-B901-6000 Sylvan/Coffee Intersection	\$ 89,931
070-430-P154-6000 Medians	\$(19,931)
Revenues	
070-510-9510-4057 Developer Share of Project	\$70,000

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 23rd day of June, 1992, 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, Muratore, Patterson, Vice Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-343

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF THE DOWNTOWN TRANSPORTATION CENTER

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

SECTION 1. The plans and specifications for the construction of the Downtown Transportation Center , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 4 , 1992, at 2:00 p .m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June , 1992, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-344

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND ROADWAY MODIFICATIONS AT THE INTERSECTION OF SISK ROAD AND PELANDALE AVENUE

WHEREAS, Resolution No. 92-320 , adopted by the Council of the City of Modesto on June 9 , 1992 , approved the plans and specifications for construction of traffic signals and roadway modifications at the intersection of Sisk Road and Pelandale Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the construction of traffic signals and roadway modifications at the intersection of Sisk Road and Pelandale Avenue were opened at 11:00 a.m. on June 16, 1992 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Richard A. Heaps in the amount of \$129,940

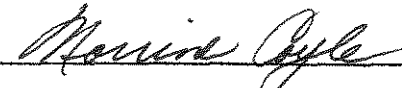
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richard A. Heaps in the amount of \$129,940 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 23rd day of June , 1992, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST:



NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION 92-345**

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE STATE REVENUE FOR AN EXISTING PROJECT, SISK/PELANDALE TRAFFIC SIGNAL.

WHEREAS, this project was included in the State-Local Transportation Partnership Program- Cycle 2.

WHEREAS, the State reimbursement ratio or 30.02% is to be applied to the lowest of three costs:

1. The Application Estimate
2. The award amount plus 10% C.E. and contingencies
3. The final cost of the project

WHEREAS, the application estimate for this project was \$130,000. The amount eligible for reimbursement would be \$39,000.

WHEREAS, the actual reimbursment amount will not be known until the project is complete.

WHEREAS, this is an existing project with a budget of \$130,000: \$104,000 CFF; \$26,000 County contribution.

WHEREAS, it is necessary to estimate the additional revenue from the State.

THEREFORE, the following adjustment is necessary:

CFF STREETS FUND (141)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
141-160-G951-6000 Sisk/Pelandale Traffic Signal	\$39,000
Revenues	
141-430- ____-3138 State Share of Project	\$39,000

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 23rd day of June, 1992, 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, Muratore,
Patterson, Vice Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-346

A RESOLUTION APPROVING A REDUCTION IN RETENTION MONIES RELATING TO THE CLAUS ROAD/SCENIC ROAD AND SISK ROAD/RUMBLE ROAD TRAFFIC SIGNALS PROJECT FROM 10% TO 5% OF THE TOTAL CONTRACT AMOUNT.

WHEREAS, the City has received a request from Richard A. Heaps, Inc., Electrical Contractor, to reduce the retention of monies in relation to the Traffic Signal and Street Improvement Project at the Claus Road/Scenic Road and Sisk Road/Rumble Road Intersections, and

WHEREAS, a reduction of retention monies to 5% is permissible under Section 9203 of the Public Contract Code when it is deemed that satisfactory progress is being made on the work, and

WHEREAS, all work has been completed on said project by the Contractor and no Stop Notices are on file in the City Clerk's Office, and

WHEREAS, the only item remaining is the review and approval of three change orders by CalTrans due to Federal funding on the project, and

WHEREAS, the City has received verbal approval from the State, however, said project cannot be closed-out and processed for acceptance by the City Council until CalTrans returns to the City of Modesto the above-mentioned change orders executed by the State, and

WHEREAS, currently, the City is retaining \$26,610.10 in relation to said project, and the requested reduction in the retention monies would reduce the amount retained by the City to \$13,805.05,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request received from Richard A. Heaps, Inc., Electrical Contractor, to reduce the retention of monies relating to the Traffic Signal and Street Improvement Project at the Claus Road/Scenic Road and Sisk Road/Rumble Road Intersections, is hereby approved, said reduction in the retention of monies shall consist of a 5% reduction which is permissible under Section 9203 of the Public Contract Code reducing the amount retained by the City from \$27,610.10 to \$13,805.05.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, 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, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

D. R.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-347

A RESOLUTION ESTABLISHING PRICE AND
POPULATION FACTORS TO BE USED IN DETERMINING
THE 92-93 "APPROPRIATIONS LIMIT" ACCORDING TO
ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

WHEREAS, adoption of the fiscal year 1992-93 budget requires that Council also establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for fiscal year 1992-93, and

WHEREAS, Article XIII B 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 XIII B (Proposition 4) for the State Constitution for 1992-93 is estimated at \$126,767,793, said limitation pertains only to appropriations financed from tax proceeds, and

WHEREAS, by a memorandum dated June 19, 1992, 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 IX attached to said report shows the preferred price and population factors

to be used; 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 IX 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 92-93 "Appropriations Limit" according to Article XIII B 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 23rd day of June, 1992, 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, Patterson,
Vice Mayor Friedman

NOES: Councilmembers: Dobbs, Muratore

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

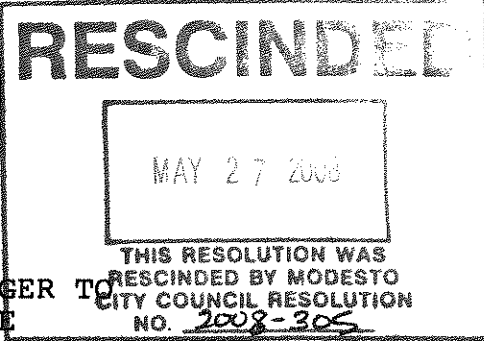
APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

City of Modesto
 Appropriation Limit Recalculation
 Fiscal year 92-93

FY 91-92 Appropriation Limit	\$123,978,282
<u>Adjustment factors:</u>	
Population:	
Modesto	1.0235
County	1.0291
Price:	
Per Capita Income (State)	0.9936
Local non-residential new construction	Unavailable
Total adjustment percentage	2.25%
Annual adjustment	2,789,511
Other adjustments (unknown until October 1992)	0
FY 1992-93 Appropriation Limit	\$126,767,793

Exhibit "A"



MODESTO CITY COUNCIL
RESOLUTION NO. 92-348

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT MONTHLY VEHICLE ALLOWANCES TO THE DEPUTY CITY MANAGER AND PUBLIC WORKS AND TRANSPORTATION DIRECTOR.

WHEREAS, as part of the proposed 1992-93 budget, City staff has recommended that the Council provide authority for the City Manager to designate car allowances in lieu of providing vehicles where the allowance would be more appropriate, and

WHEREAS, current Council policy, as enacted in previous budgets, provides for a number of vehicles to be assigned to certain positions, and

WHEREAS, the City Manager has advised the Council that the Deputy City Manager and Public Works and Transportation Director, as part of their employment conditions were promised monthly vehicle allowances of Three Hundred Fifty and no/100ths (\$350) Dollars per month, and

WHEREAS, the Council believes that the Deputy City Manager and Public Works and Transportation Director relied, in good faith, upon the promises made, and

WHEREAS, the Council does not desire to cause further hardship upon the Deputy City Manager or Public Works and Transportation Director, and

WHEREAS, the Council desires to authorize the City Manager to grant monthly vehicle allowances to the Deputy City Manager and Public Works and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to grant vehicle allowances in an amount not to exceed Three Hundred Fifty and no/100ths (\$350) Dollars per month to each of the positions designated below:

Deputy City Manager

Public Works and Transportation Director

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, 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, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

RESCINDED

MAY 27 2008

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2008-305

MODESTO CITY COUNCIL
RESOLUTION NO. 92-349

A RESOLUTION SETTING MILEAGE RATES FOR USE OF
PERSONAL VEHICLES BY CITY EMPLOYEES WHILE
PERFORMING CITY BUSINESS, SETTING A MONTHLY
RATE FOR USE OF PERSONAL VEHICLES FOR CERTAIN
DESIGNATED CITY POSITIONS, AND RESCINDING
RESOLUTION NO. 79-415.

WHEREAS, by Resolution No. 79-415 adopted by the
Council of the City of Modesto on May 1, 1979, the Council
established mileage rates for use of City vehicles while
performing City business and set a monthly rate for Recreation
Supervisors for use of personal vehicles while performing City
business, and

WHEREAS, the Council desires to authorize two
additional positions designated as the Assistant Director of
Parks and Recreation - Community Centre Plaza, and the Parks and
Recreation Youth Services Coordinator to receive monthly mileage
reimbursement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes a mileage rate of 23¢
per mile for use of personal vehicles during the course of
conducting City of Modesto business, up to 1,000 miles per month.
Mileage recorded over 1,000 miles in any one month shall be
reimbursed at a mileage rate of 19¢ per mile.

BE IT FURTHER RESOLVED by the Council that it hereby
authorizes a monthly rate of \$70.00 per month for the following
positions for use of personal vehicles during the course of

conducting City of Modesto business.

Recreation Supervisors

Assistant Director of Parks and Recreation -
Community Centre Plaza

Parks and Recreation Youth Services Coordinator

BE IT FURTHER RESOLVED that Resolution No. 79-415 is hereby rescinded upon adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, 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, Muratore, Patterson,
Acting Mayor Friedman

NOES: Councilmembers: Nobbs

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-350

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1991-92 TO PROVIDE FOR THE ESTABLISHMENT OF VARIOUS RESERVES AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE THE NECESSARY APPROPRIATION ADJUSTMENTS TO ESTABLISH SAID RESERVES PRIOR TO CLOSING THE BOOKS OF THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1992.

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 1991-92,

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 1991-92 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 1991-92 fiscal year books are closed.

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

Reserve for Capital Contingencies - A reserve established to provide for potential capital adjustments arising from needs for which specific financing has not been provided. The reserve is established in the amount of \$768,452.

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 1991-92 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 fiscal year.

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

Fund No. 090 - Downtown Improvement District

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 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 1991-92 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 fiscal year.

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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 fiscal year but which will be reappropriated in the 1992-93 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 1991-92 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 1991-92 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 1991-92 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 1992-93 fiscal year, and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, by Councilmember Cogdill, 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, Muratore, Patterson,
Acting Mayor Friedman
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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MODesto CITY COUNCIL
RESOLUTION NO. 92-351

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND VISION SERVICE PLAN TO ESTABLISH VSP AS THIRD PARTY ADMINISTRATOR

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Vision Service Plan to establish VSP as third party administrator

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 June 1992, 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-352

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES E. AND SUSANN A. COLEMAN FOR LEASE OF CITY PROPERTY ALONG DRY CREEK BETWEEN RIVERSIDE DRIVE AND LINCOLN DRIVE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and James E. and Susann A. Coleman for lease of City property along Dry Creek between Riverside Drive and Lincoln 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 23rd day of June 1992, 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, Patterson,
Mayor protem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-353

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 9 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 9 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 861,200.00 and \$ 430,600.00 respectively to guarantee improvements in Dry Creek Meadows No. 9 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated June 15, 1992, 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 Dry Creek Meadows No. 9 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$861,200 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 \$430,600.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-354

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 10 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 10 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 1,801,700.00 and \$ 900,850.00 respectively to guarantee improvements in Dry Creek Meadows No. 10 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated June 15, 1992 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 Dry Creek Meadows No. 10 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of \$ 1,801,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bonds for labor and materials in the amount of \$ 900,850.00 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 23rd day of June, 1992, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-355

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$37,500.00 FOR REPLACING INDICATOR AND ALARM WIRING AT THE WASTEWATER TREATMENT FACILITY

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

FROM:	Storage Rack (621 480 5213 5393)	\$ 4,870.00
	Mandown Alarm (621 480 5213 5380)	14,450.00
	Thickener Modification (621 480 P987 6000.04)	18,180.00
TO:	Quality Circle Indicator and alarm wiring	\$37,500.00

These funds are from savings on projects completed in FY 1991-92. The money is to be transferred to an account for a Quality Circle Project. This will upgrade and integrate the present alarm and indicator system with the new Supervisory Control and Data Acquisition system (SCADA).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1992, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST:


MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-356

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHN KENEALY FROM THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, EFFECTIVE JUNE 23, 1992

WHEREAS, John Kenealy was appointed a member of the Citizens Housing and Community Development Committee on November 19, 1985; and

WHEREAS John Kenealy has tendered his resignation from the Citizens Housing and Community Development Committee, effective June 23, 1992; and

WHEREAS, John Kenealy 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 Kenealy from the Citizens Housing and Community Development 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 Kenealy 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 23rd day of June, 1992, 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
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-357

A RESOLUTION DECLARING A POSITION ON THE
CULTURE COMMISSION AS VACANT.

WHEREAS, a Culture Commission member has recently moved
out of the City of Modesto, and

WHEREAS, the Modesto Municipal Code specifies that
Commission members must be registered electors of the City of
Modesto and/or County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City
of Modesto that it hereby declares a position on the Culture
Commission as a vacant position.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 23rd day
of June, 1992, 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, Muratore,
Patterson, Vice Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-358

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ACCEL (AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY) FOR RENEWAL OF EXCESS LIABILITY INSURANCE COVERAGE FROM 7/1/92 - 7/1/93

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and ACCEL (Authority for California Cities Excess Liability) for renewal of Excess Liability Insurance coverage from 7/1/92 - 7/1/93 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 June 1992, 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-359

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL UNION/SEDGWICK JAMES FOR RENEWAL OF CITY'S EXCESS WORKER'S COMP INSURANCE FROM 7/1/92 - 7/1/93

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and National Union/Sedgwick James for renewal of City's Excess Worker's Comp insurance from 7/1/92 - 7/1/93 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 June 1992, 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
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-360

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
AFFILIATED FM INSURANCE COMPANY/HAMILTON MERIDIAN FOR PROPERTY INSURANCE
FROM 7/1/92 - 7/1/93

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Affiliated FM Insurance Company/
Hamilton Meridian for property insurance from 7/1/92 - 7/1/93

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 June 1992, 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
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-361

A RESOLUTION APPOINTING DONNA HUCKABAY, DENISE FONTAINE AND KARL MASON TO THE AFFIRMATIVE ACTION/DISABILITY COMMISSION, TO BE EFFECTIVE UPON THE EXPANSION OF THE 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 persons are hereby appointed to the Affirmative Action/Disability Commission for the respective term as indicated:

Donna Huckabay
Denise Fontaine
Karl Mason

Terms to expire 1/1/94

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

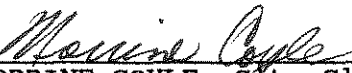
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

Boards and Commissions

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-362

A RESOLUTION APPOINTING JOHN LEHNE 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 person is appointed to the Board of Building Appeals for the respective term as indicated:

John Lehne
2217 Stagecoach Circle
Modesto, Ca. 95351

Term to expire 1/1/96

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June 1992, by Councilmember Dobbs, 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, Acting Mayor Friedman
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: *Horrine Coyle*
HORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-363

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING
(ROCCI LAMANTIA)

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

SECTION 1. The following person is hereby appointed to the Citizens
Advisory Committee on Recycling for the respective term as indicated:

Rocci Lamantia

Term expires 1/1/96


SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Citizens Advisory
Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 23rd day of June , 1992 ,
by Councilmember Dobbs , 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,
Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-364

A RESOLUTION REAPPOINTING MARTHA BAUTISTA 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 reappointed to the Human Relations Commission for the respective term as indicated:

Martha Bautista

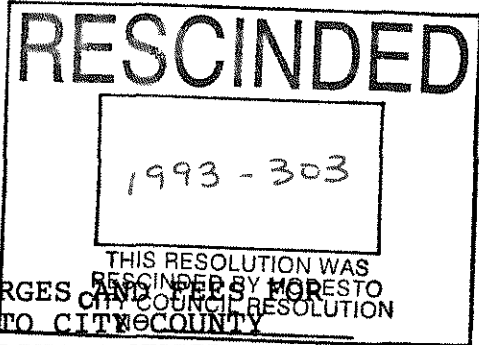
Term to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 23rd day of June 1992, by Councilmember Dobbs, 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, Acting Mayor Friedman
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 92-365

A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR
ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY
AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL
RESOLUTION NO. 91-360.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

Hangar No. A	\$88.00 per unit per month
End Units	\$104.00 per unit per month
Hangar No. B	\$109.00 per unit per month
End Units	\$132.00 per unit per month
Hangar No. C	\$113.00 per unit per month
End Units	\$137.00 per unit per month
Hangar No. D	\$102.00 per unit per month
End Units	\$119.00 per unit per month
Hangar No. E	\$149.00 per unit per month
End Units	\$174.00 per unit per month
Hangar No. F	\$149.00 per unit per month

End Units \$174.00 per unit per month
 Hangar No. G \$149.00 per unit per month
 Hangar No. H \$149.00 per unit per month
 Hangar No. J \$149.00 per unit per month
 Portable Land Rent . . \$ 44.00 per unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 . . . \$1,760.00 per month
 Hangar No. 2 . . . \$ 905.00 per month
 Hangar No. 3 . . . \$ 478.00 per month
 Hangar No. 4 . . . \$ 810.00 per month
 Hangar No. 5 . . . \$ 807.00 per month
 Hangar No. 6 . . . \$ 473.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) \$34.00 per month.
- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$70.00 per month.
- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.03 per square foot per month.
- (d) Taxi-in Tie-Down - Transient, light single-engine aircraft (under 12,500 lbs) \$4.00 per day.

- (e) Taxi-in Tie-Down - Transient, light multi-engine aircraft (under 12,500 lbs) \$6.00 per day.
- (f) Taxi-in Tie-Down - Transient, large multi-engine aircraft (over 12,500 lbs) \$10.00 per day.
- (g) Taxi-in Tie-Down - Transient, large four-engine aircraft (over 12,500 lbs) \$10.00 per day.

A five (5%) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

- (a) Old Administration Building \$.60 per square foot
- (b) Office Building No. 1 \$.60 per square foot

- (c) Office Building No. 2,
Suite A \$.60 per square
foot
- (d) Office Building No. 2,
Suite B \$.60 per square
foot
- (e) Hangar Office Space \$.285 per square
foot per month

SECTION 4. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters, \$10.00 per landing.
- (b) All large single and multi-engine aircraft, \$.60 per 1,000 pounds of gross weight, but not less than \$10.00 per landing.
- (c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 5. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title VI of the Modesto Municipal Code, except

that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 6. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents (\$.07) per gallon of fuel sold or dispensed on the Airport, increasing to eight cents (\$.08) on January 1, 1988, shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases. (Amended by Resolution 92-366, 7-7-92)

SECTION 7. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 8. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a

time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 9. PENALTIES. A five (5%) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable.

SECTION 10. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 11. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on August 1, 1992.

SECTION 12. SUPERSEDE. This resolution rescinds Council Resolution No. 91-360.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-366

A RESOLUTION AMENDING SECTION 6 OF RESOLUTION NO. 92-365 ENTITLED IN PART "A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD" AND APPROVING AN AMENDMENT TO AGREEMENT WITH HENDLEY-SKYTREK AVIATION FUEL, INC.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, on July 7, 1992, the Council adopted Resolution No. 92-365 establishing rental charges and fees for activities and services at said airport, and

WHEREAS, the Council desires to amend Section 6 of Resolution No. 92-365 to reduce the airport's regular fuel flowage fee from \$.08 to \$.06 per gallon, and

WHEREAS, the Council desires to approve an amendment to agreement between the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc., to eliminate the fuel surcharge of \$.039 per gallon for airport capital improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 6 of Resolution No. 92-365 entitled "A Resolution Establishing Rental Charges and Fees for Activities and Services at the Modesto City-County Airport/Harry Sham Field,

MODESTO CITY COUNCIL
RESOLUTION NO. 92-366

A RESOLUTION AMENDING SECTION 6 OF RESOLUTION NO. 92-365 ENTITLED IN PART "A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD" AND APPROVING AN AMENDMENT TO AGREEMENT WITH HENDLEY-SKYTREK AVIATION FUEL, INC.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, on July 7, 1992, the Council, by Resolution No. 92-365, adopted Resolution No. 92-365 establishing rental charges and fees for activities and services at said airport, and

WHEREAS, the Council desires to amend Section 6 of Resolution No. 92-365 to reduce the airport's regular fuel flowage fee from \$.08 to \$.06 per gallon, and

WHEREAS, the Council desires to approve an amendment to agreement between the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc., to eliminate the fuel surcharge of \$.039 per gallon for airport capital improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 6 of Resolution No. 92-365 entitled "A Resolution Establishing Rental Charges and Fees for Activities and Services at the Modesto City-County Airport/Harry Sham Field, and Rescinding Council Resolution No. 91-360" is hereby amended to read as follows:

SECTION 6. FUEL FLOWAGE FEES. Effective July 7, 1992, a fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

BE IT FURTHER RESOLVED that the amendment to agreement between the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc., is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1992, by Councilmember Dobbs, 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: Friedman

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-367

A RESOLUTION ESTABLISHING FILING FEES FOR ALL PROJECTS SUBJECT TO DEPARTMENT OF FISH AND GAME FEES, ESTABLISHING CRITERIA FOR EXEMPTING PROJECTS FROM THE STATE DEPARTMENT OF FISH AND GAME FILING FEES, AND RESCINDING RESOLUTION NOS. 90-925 AND 91-182.

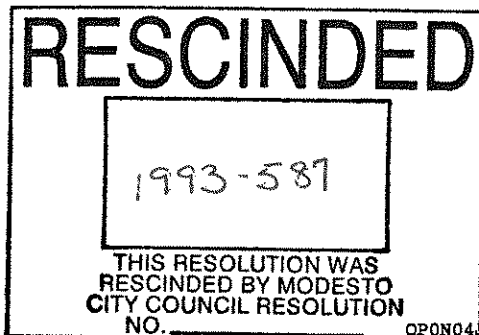
WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and 10-2.2803 of the Modesto Municipal Code provide that the Council by resolution, shall establish filing fees for each application filed pursuant to Chapter 2 of Title X of said Code, and

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, the Council, by Resolution No. 90-925, established filing fees for Environmental Review as well as fees for other purposes, and

WHEREAS, Resolution No. 91-182 amended Section 1 of Resolution No. 90-925 to revise the Environmental Assessment initial study fee, and

WHEREAS, Fish and Game Code Section 711.4 requires payment of "filing fees" to the State Department of Fish and Game of \$850 for EIRs and \$1250 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, on January 1, 1992, the County Clerk-Recorder raised its administration fees from \$25 to \$50 as specifically authorized, thus, virtually all projects that go before the Environmental Assessment Committee will be subject to said increased fee, and

WHEREAS, if a lead agency 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

WHEREAS, in order to ensure that no City projects are delayed, an amendment to the City's Environmental Assessment fees schedule is necessary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a revision to the Environmental Assessment Fees schedule is hereby authorized 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 Nos. 90-925 and 91-182 are 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 7th day of July, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

EXHIBIT "A"

(a)	P-D Zoning	\$885.00
(b)	Amend P-D Zone pursuant to Sec. 10-2.1709(b)	885.00
(c)	Amend P-D Zone pursuant to Sec. 10-2.1709(a)	635.00
(d)	Rezoning	800.00
(e)	Plot Plan Review	
	- for a satellite antenna for a single-family house	110.00
	- for a second-story addition to a single-family house	245.00
	- all other plot plan reviews	440.00
(f)	Conditional Use Permit	635.00
(g)	Variance	
	- on a lot with a single family house in the R-A, R-1, R-2 or R-3 zone	165.00
	- all others	675.00
(h)	Administrative Approval of Revised Plans	20% of applicable filing fee
(i)	Letter of Verification - Zoning	25.00
(j)	Tentative Subdivision Map	585.00
(k)	Tentative Parcel Map	530.00
(l)	Reversion to Acreage	515.00
(m)	Parcel Map Waiver	515.00
(n)	Lot Line Adjustment	120.00
(o)	Time Extension	125.00
(p)	Environmental Assessment	
	- initial study	
	1. City Processing Fee	390.00
	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	Actual Cost of Consultant Contract
	2. City Processing Costs	Actual Staff Costs (initial deposit of \$2000 required)
	3. State Department of Fish and Game Filing Fee	850.00
	- staff evaluation of special studies	380.00

- (q) Appeals
 - of Planning Commission of Board of Zoning Adjustment 100.00
 - of administrative decisions 100.00

- (r) Annexation 435.00 plus
State Board of
Equalization fee

- (s) Documents
 - Planning Commission Minutes 27.00/year
 - Planning Commission Agendas 42.00/year
 - Board of Zoning Adjustment Minutes 18.00/year
 - Board of Zoning Adjustment Agendas 18.00/year
 - Other Reports and Documents, as Established
by the Planning and Community Development
Director from time to time

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.
3. Building remodeling.
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).

RESOLUTION NO. 92-368

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF
MODESTO VARIABLE RATE MULTIFAMILY HOUSING REFUNDING
REVENUE BONDS (SHADOWBROOK APARTMENTS), 1992 ISSUE A,
AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF
TRUST, LOAN AGREEMENT, AMENDED AND RESTATED REGULATORY
AGREEMENT, OFFICIAL STATEMENT, REMARKETING AGREEMENT,
PURCHASE CONTRACT, AGREEMENT REGARDING REDEMPTION,
DEFEASANCE AND PAYMENT OF 1985 BONDS, AND AUTHORIZING THE
EXECUTION AND DELIVERY OF AND APPROVING OTHER RELATED
DOCUMENTS AND APPROVING OTHER RELATED ACTIONS IN
CONNECTION THEREWITH**

WHEREAS, Article 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, commencing with Section 53580 (the "Act") authorizes local agencies to incur indebtedness for the purpose of refunding any revenue bonds of the local agency, and the Act provides a complete, additional and alternative method for such financing;

WHEREAS, the City of Modesto (the "City") hereby finds and declares that it is necessary, essential and a public purpose for the City to engage in a program (the "Program") of refunding certain revenue bonds of the City issued to finance the construction and development of multifamily rental housing (the "1985 Bonds"), and has determined to borrow money for such purpose by the issuance of revenue bonds as authorized by the Act;

WHEREAS, the City hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act;

WHEREAS, Shadowbrook Properties, a California Limited Partnership (the "Borrower") has requested that the City issue and sell the Bonds (hereinafter defined) for the purpose of refunding outstanding revenue bonds of the City previously issued to finance the construction and development of a multifamily rental housing project located at the southwest corner of Standiford Drive and Hahn Drive (the "Project"); and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

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

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture (hereinafter defined), refunding revenue bonds of the City, designated as "City of Modesto Variable Rate

Multifamily Housing Refunding Revenue Bonds (Shadowbrook Apartments), 1992 Issue A" in an aggregate principal amount not to exceed \$8,800,000 (the "Bonds"), are hereby authorized to be issued. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal or facsimile of the seal of the City shall be reproduced thereon and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with the Indenture.

Section 3. The indenture of trust (the "Indenture") between the City and First Trust of California, National Association, as trustee (the "Trustee") in the form presented to this meeting, is hereby approved. The Mayor, Mayor Pro Tem, City Manager and the Finance Director (the "Designated Officers") are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Indenture, and the City Clerk or any Deputy City Clerk is hereby authorized and directed, for and in the name and on behalf of the City, to attest the Designated Officer's signature on the Indenture, in substantially said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, including such additions or changes as are necessary or advisable in accordance with Section 10 hereof (provided that no additions or changes shall authorize an aggregate principal amount of Bonds in excess of \$8,800,000, result in an initial true interest cost on the Bonds in excess of 7% per annum or result in an underwriter's discount or fee in excess of 2% of the aggregate principal amount of the Bonds), the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Indenture. The date, maturity dates, interest rate or rates, interest payment dates, denominations, form registration privileges, manner of execution, place of payment, terms of redemption, the right of the owners of the Bonds to tender their Bonds for repurchase, and other terms of the Bonds shall be as provided in the Indenture as finally executed.

Section 4. The loan agreement (the "Loan Agreement") among the Trustee, the City and the Borrower, in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Loan Agreement in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City including such additions or changes as are necessary or advisable in accordance with Section 10 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Loan Agreement.

Section 5. The amended and restated regulatory agreement and declaration of restrictive covenants (the "Regulatory Agreement") among the City, the Trustee and the Borrower, and the agreement regarding redemption, defeasance and payment of 1985 bonds (the "1985 Bonds Agreement") among the City, the Borrower and the Trustee, as trustee for the 1985 Bonds, each in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed for and in the name of and on behalf of the City, to execute and deliver the Regulatory Agreement and the 1985 Bonds Agreement and in said forms, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City including such additions or changes as are necessary or advisable in accordance with Section 10 hereof, the approval of such changes to be conclusively evidenced by the execution and delivery by the City of such Agreements.

Section 6. The bond purchase agreement (the "Purchase Contract") among the City, the Borrower and Sutro & Co. Incorporated (the "Underwriter"), in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to accept the offer of the Underwriters to purchase the Bonds contained in the Purchase Contract (when such offer is made and if such offer is consistent with Section 3 hereof) and to execute and deliver said Purchase Contract in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Contract.

Section 7. The preliminary official statement relating to the Bonds (the "Preliminary Official Statement") and the remarketing agreement among the City, the Borrower and Sutro & Co. Incorporated (the "Remarketing Agreement"), in the form presented to this meeting, are hereby approved. The Designated Officers are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to bring to final form the Preliminary Official Statement (the "Official Statement") upon sale of the Bonds and to execute the Official Statement and the Remarketing Agreement in said forms, with such addition thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Official Statement and the Remarketing Agreement. The Underwriter is hereby authorized to distribute copies of the preliminary Official Statement to persons who may be interested in the purchase of the Bonds and are directed to deliver copies of the Official Statement to all actual purchasers of the Bonds.

Section 8. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Underwriter in accordance with written instructions executed on behalf of the City by one of the Designated Officers, which instructions such officers are, and each of them is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Underwriters in accordance with the Purchase Contract, upon payment of the purchase price therefor.

Section 9. The first supplemental indenture between the City and First Trust of California, National Association, as successor trustee (the "1985 Trustee") (the "Supplemental Indenture"), amending that certain indenture of trust, dated as of March 1, 1985, by and between the City and the 1985 Trustee and the first amendment to loan agreement by and among the City, the Borrower and the 1985 Trustee (the "First Amendment"), amending that certain loan agreement, dated as of March 1, 1985, among the City, the 1985 Trustee and the Borrower executed in connection with the issuance and delivery of the 1985 Bonds, in the forms presented to this meeting are hereby approved. The Designated Officers are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Supplemental Indenture and the First Amendment, and the City Clerk or any Deputy City Clerk is hereby authorized and directed, for and in the name and on behalf of the City, to attest the Designated Officer's signature on the Supplemental Indenture and the First Amendment, in substantially said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, including such additions or changes as are necessary or advisable in

accordance with Section 10 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Supplemental Indenture and the First Amendment.

Section 10. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Designated Officers, 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 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 Bonds in accordance with this Resolution and resolutions heretofore adopted by the City and in order to carry out the Program, including but not limited to those certificates, agreements and other documents described in the Indenture, the Loan Agreement, the Regulatory Agreement, the 1985 Bonds Agreement, the Purchase Contract and the other documents herein approved and any certificates, agreements or documents as may be necessary to further the purpose hereof, evidence credit support or additional security for the Bonds, or evidence the obligation to purchase Bonds upon tender by the Bondholders (including a tender agent agreement or an Intercreditor agreement), but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Bonds.

Section 11. This resolution shall take effect immediately upon its adoption.

On motion of Councilmember Dobbs, seconded by Councilmember Patterson, the foregoing Resolution was passed and adopted 7th day of July, 1992, by the following vote:

AYES: Councilmembers Bird, Dobbs, Friedman, Muratore, Patterson and Mayor Lang.

NOES: None

ABSENT: Councilmember Cogdill

ATTEST:



CITY CLERK

Approved as to Form:

By: 

City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-369

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PELTON AVENUE IMPROVEMENT PROJECT

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

SECTION 1. The plans and specifications for the Pelson Avenue improvement 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 30, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July , 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-370

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE RESIDENTIAL ALLEY PAVING PROJECT NO. 17

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

SECTION 1. The plans and specifications for the residential alley paving Project No. 17, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 30, 1992, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 July, 1992, 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, Patterson, Mayor pro tem Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-371

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WOODLAND AVENUE PUMP STATION SLUICE GATE

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

SECTION 1. The plans and specifications for the Woodland Avenue Pump Station sluice gate , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 30, 1992 , at 11:10 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July , 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-372

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SECONDARY WASTEWATER TREATMENT PLANT ROADS REHABILITATION

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

SECTION 1. The plans and specifications for the Secondary Wastewater Treatment Plant roads rehabilitation, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 30, 1992, at 11:15 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-373

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE ANNUAL SEWER REHABILITATION - BLOCK 1

WHEREAS, Resolution No. 92-309 , adopted by the Council of the City of Modesto on June 2 , 1992, approved the plans and specifications for the annual sewer rehabilitation - Block 1

and authorized the calling for bids; and

WHEREAS, the bids received for the annual sewer rehabilitation - Block 1 were opened at 11:05 a.m. on July 25, 1992, 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 Joe Martin Pipeline, Inc. in the amount of \$32,352 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$32,352 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 July , 1992, 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,
- NOES: Councilmembers: Patterson, Mayor Lang
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-374

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR MISCELLANEOUS SEWER REPAIRS - ORANGEBURG AND BUENA VISTA AVENUES

WHEREAS, Resolution No. 92-308 , adopted by the Council of the City of Modesto on June 2 , 1992, approved the plans and specifications for miscellaneous sewer repairs - Orangeburg and Buena Vista Avenues

and authorized the calling for bids; and

WHEREAS, the bids received for miscellaneous sewer repairs - Orangeburg and Buena Vista Avenues were opened at 11:00 a.m. on July 25, 1992, 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 Joe Martin Pipeline, Inc. in the amount of \$73,000.75

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$73,000.75

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 July , 1992, 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,
NOES:	Councilmembers:	Patterson, Mayor Lang
ABSENT:	Councilmembers:	None
		None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-375

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE SCENIC, GRAPHICS AND PARKLAWN WATERLINES

WHEREAS, Resolution No. 92-226 , adopted by the Council of the City of Modesto on May 12 , 1992, approved the plans and specifications for the Scenic, Graphics and Parklawn waterlines

and authorized the calling for bids; and

WHEREAS, the bids received for the Scenic, Graphics and Parklawn waterlines were opened at 11:00 a.m. on May 29, 1992, 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 Rolfe Construction in the amount of \$147,738

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction in the amount of \$147,738

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 July , 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-376

A RESOLUTION ACCEPTING THE REROOFING OF FIRE STATION NO. 5 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public works & Transportation that the reroofing of Fire Station No. 5

has been completed by C.W. Delta Roofing, Inc.

in accordance with the contract agreement dated August 13, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the reroofing of Fire Station No. 5

be accepted from said contractor, C.W. Delta Roofing, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$45,162.88 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 7th day of July 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-377

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF SIX AUTOMATIC VALVE ACTUATORS FROM ANGLE-TECH

WHEREAS, the Wastewater Treatment Plant Division of the Public Works and Transportation Department has requested the purchase and installation of six automatic valve actuators; and

WHEREAS, anticipating bids to fall below \$20,000, specifications were developed and informal bids were obtained; and

WHEREAS, of the vendors responding, Angle-Tech was the lowest responsive and responsible bidder with a bid of \$27,662.77.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase and installation of six automatic valve actuators is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of six automatic valve actuators from Angle-Tech for the total price of \$27,662.77 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 July, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-378

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE FISCAL YEAR 1992-93

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of bulk gasoline and diesel fuels for the fiscal year 1992-93 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 7th day of July, 1992, 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

**MODESTO CITY COUNCIL
RESOLUTION 92-379**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A CIP PROJECT.

WHEREAS, when the 1992-93 annual budget was adopted, portions of the Capital Improvement Program (CIP) budget were postponed for further review.

WHEREAS, the revenue associated with the proposed CIP projects was estimated and appropriated in the Contingency Reserve of the respective fund.

WHEREAS, it has been determined that five projects proposed in the CIP document are essential and should be appropriated without further delay.

WHEREAS, due to a potential conflict of interest with individual Council members and each project, there are five separate resolutions to appropriate these projects.

WHEREAS, one of these projects is the Abatement of Asbestos at the Maddux Building and Coldwell City Offices. A complete description of this project is included in the 1992-93 proposed CIP document.

THEREFORE, the following adjustment is necessary:

PARKS FUND (140)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
140-310-C306-6010 Asbestos Abtmt-Maddux Bldg/Coldwell Office	\$ 5,000
140-310-C306-6040 Asbestos Abtmt-Maddux Bldg/Coldwell Office	\$43,000
140-310-C306-6050 Asbestos Abtmt-Maddux Bldg/Coldwell Office	\$ 1,000
140-310-C306-6060 Asbestos Abtmt-Maddux Bldg/Coldwell Office	\$ 1,000
170-800-8000-8003 State Parks & Recreation Fund	(\$50,000)
170-700-7000-7140 Transfer out to Fund 140	\$50,000
Revenue	
140-700-7000-9170 Transfer in from Fund 170	\$50,000

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 7th day of July, 1992, 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: Dobbs, Cogdill, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION 92-380**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A CIP PROJECT.

WHEREAS, when the 1992-93 annual budget was adopted, portions of the Capital Improvement Program (CIP) budget were postponed for further review.

WHEREAS, the revenue associated with the proposed CIP projects was estimated and appropriated in the Contingency Reserve of the respective fund.

WHEREAS, it has been determined that five projects proposed in the CIP document are essential and should be appropriated without further delay.

WHEREAS, due to a potential conflict of interest with individual Council members and each project, there are five separate resolutions to appropriate these projects.

WHEREAS, one of these projects is the Repave Parking Lot at McHenry Museum project. A complete description of this project is included in the 1992-93 proposed CIP document.

THEREFORE, the following adjustment is necessary:

PARKS FUND (140)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
140-310-C289-6010 Repave Parking Lot-McHenry Museum	\$ 2,000
140-310-C289-6040 Repave Parking Lot-McHenry Museum	\$10,000
140-310-C289-6050 Repave Parking Lot-McHenry Museum	\$ 1,000
140-310-C289-6060 Repave Parking Lot-McHenry Museum	\$ 1,000
140-800-8000-8003 Park Fund Contingency Reserve	(\$14,000)

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 7th day of July, 1992, 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, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION 92-381**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A CIP PROJECT.

WHEREAS, when the 1992-93 annual budget was adopted, portions of the Capital Improvement Program (CIP) budget were postponed for further review.

WHEREAS, the revenue associated with the proposed CIP projects was estimated and appropriated in the Contingency Reserve of the respective fund.

WHEREAS, it has been determined that five projects proposed in the CIP document are essential and should be appropriated without further delay.

WHEREAS, due to a potential conflict of interest with individual Council members and each project, there are five separate resolutions to appropriate these projects.

WHEREAS, one of these projects is the Complete McClure House Site Improvements. A complete description of this project is included in the 1992-93 proposed CIP document.

THEREFORE, the following adjustment is necessary:

PARKS FUND (140)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
140-310-C294-6010 Complete McClure House Site Improvement	\$ 2,000
140-310-C294-6040 Complete McClure House Site Improvement	\$42,000
140-310-C294-6050 Complete McClure House Site Improvement	\$ 2,000
140-310-C294-6060 Complete McClure House Site Improvement	\$ 5,000
140-310-C294-6070 Complete McClure House Site Improvement	\$ 4,000
140-800-8000-8003 Park Fund Contingency Reserve	(\$55,000)

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 7th day of July, 1992, 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: Dobbs, Cogdill, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION 92-382**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A CIP PROJECT.

WHEREAS, when the 1992-93 annual budget was adopted, portions of the Capital Improvement Program (CIP) budget were postponed for further review.

WHEREAS, the revenue associated with the proposed CIP projects was estimated and appropriated in the Contingency Reserve of the respective fund.

WHEREAS, it has been determined that five projects proposed in the CIP document are essential and should be appropriated without further delay.

WHEREAS, due to a potential conflict of interest with individual Council members and each project, there are five separate resolutions to appropriate these projects.

WHEREAS, one of these projects is the Addition of low cost Traffic Improvements at Scenic/Oakdale/El Vista. A complete description of this project is included in the 1992-93 proposed CIP document.

THEREFORE, the following adjustment is necessary:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
070-160-C302-6010 Scenic/Oakdale/El Vista Intersection	\$ 5,000
070-160-C302-6040 "	\$ 49,000
070-160-C302-6050 "	\$ 2,000
070-160-C302-6060 "	\$ 4,000
070-800-8000-8003 Gas Tax Contingency Reserve	(\$ 60,000)

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 7th day of July, 1992, 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, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION 92-383**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A CIP PROJECT.

WHEREAS, when the 1992-93 annual budget was adopted, portions of the Capital Improvement Program (CIP) budget were postponed for further review.

WHEREAS, the revenue associated with the proposed CIP projects was estimated and appropriated in the Contingency Reserve of the respective fund.

WHEREAS, it has been determined that five projects proposed in the CIP document are essential and should be appropriated without further delay.

WHEREAS, due to a potential conflict of interest with individual Council members and each project, there are five separate resolutions to appropriate these projects.

WHEREAS, one of these projects is the Asphalt Concrete Overlay on Actual from Scenic to Briggsmore. A complete description of this project is included in the 1992-93 proposed CIP document.

THEREFORE, the following adjustment is necessary:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
070-160-C303-6010 Actual-Scenic/Briggsmore -Overlay	\$ 21,000
070-160-C303-6040 "	\$ 429,000
070-160-C303-6050 "	\$ 21,000
070-160-C303-6060 "	\$ 23,000
070-800-8000-8003 Gas Tax Contingency Reserve	(\$ 494,000)

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 7th day of July, 1992, 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, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-384

A RESOLUTION SUPPORTING THE MITIGATION
MONITORING PROGRAM FOR THE CLARATINA-COFFEE
REORGANIZATION.

WHEREAS, by Resolution No. 90-398 adopted by the Council on April 3, 1990, the City Council advised the Local Agency Formation Commission (LAFCO) that City services could be provided to the proposed Claratina-Coffee Reorganization Area, which resolution also advised that LAFCO require a tiered or phased Environmental Impact Report (EIR) for the proposed annexation with the understanding, in the event such annexation occurs, that City reserves the right to conduct further environmental review upon submittal of specific development proposals for the area to the City, and

WHEREAS, by Resolution No. 91-133 adopted by the Council on March 5, 1991, the City Council advised the Local Agency Formation Commission (LAFCO) that City services could be provided to the proposed North Beyer Park Reorganization Area, which resolution also advised that LAFCO require a tiered or phased Environmental Impact Report (EIR) for the proposed annexation with the understanding, in the event such annexation occurs, that City reserves the right to conduct further environmental review upon submittal of specific development proposals for the area to the City, and

WHEREAS, the proponents subsequently submitted reorganization applications to LAFCO, a copy of the project

location map is attached hereto and marked Exhibit "A"; an EIR was required and prepared covering both projects referred to above; copies of the draft and final EIR have previously been distributed to the City Council; a public hearing was held by LAFCO on June 24, 1992, to consider both proposed reorganizations referred to above, Sphere of Influence amendments, and certification of the EIR, and

WHEREAS, City staff recommended continuance of both applications to the July LAFCO meeting to allow the City Council to review the Mitigation Monitoring Program, as the City would be responsible or impacted by most of the mitigation measures, and

WHEREAS, by Resolution No. 91-05 adopted on June 24, 1992, the North Beyer Reorganization was approved by LAFCO as the proponents agreed with all the mitigation measures and did not want a continuance of said Reorganization; the Claratina-Coffee Reorganization has been continued to the July 22, 1992, LAFCO meeting as the main proponent for the Claratina-Coffee Reorganization concurred with the continuance to allow the City Council to respond on the Mitigation Monitoring Program, and

WHEREAS, LAFCO proposed three mandatory mitigation measures: The first is B.4., modifying the boundaries to include full widths of boundary streets. City Council supports the boundary modification because it is consistent with the annexation policies. The second mandatory mitigation measure is D.1, requiring full mitigation of school impacts. City Council

agrees that school impacts should be mitigated and that Modesto High and Sylvan Elementary School Districts are responsible for working out the mitigation measures with the proponent. The third required mitigation measure is D.9, requiring negotiations between the City and County regarding the mitigation of impacts on County services. The City Council agrees to discuss with the County the mitigation of impacts on County services.

WHEREAS, the remaining mitigation measures with exception of D(2)(a) (Fire Protection) must be considered when actual development proposals are reviewed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Mitigation Monitoring Program as modified for the Claratina-Coffee Reorganization is hereby approved, a copy of which Mitigation Monitoring Program as modified is as set forth on Exhibit "B" 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 7th day of July, 1992, 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: Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: Bird, Cogdill

ABSENT: Councilmembers: None

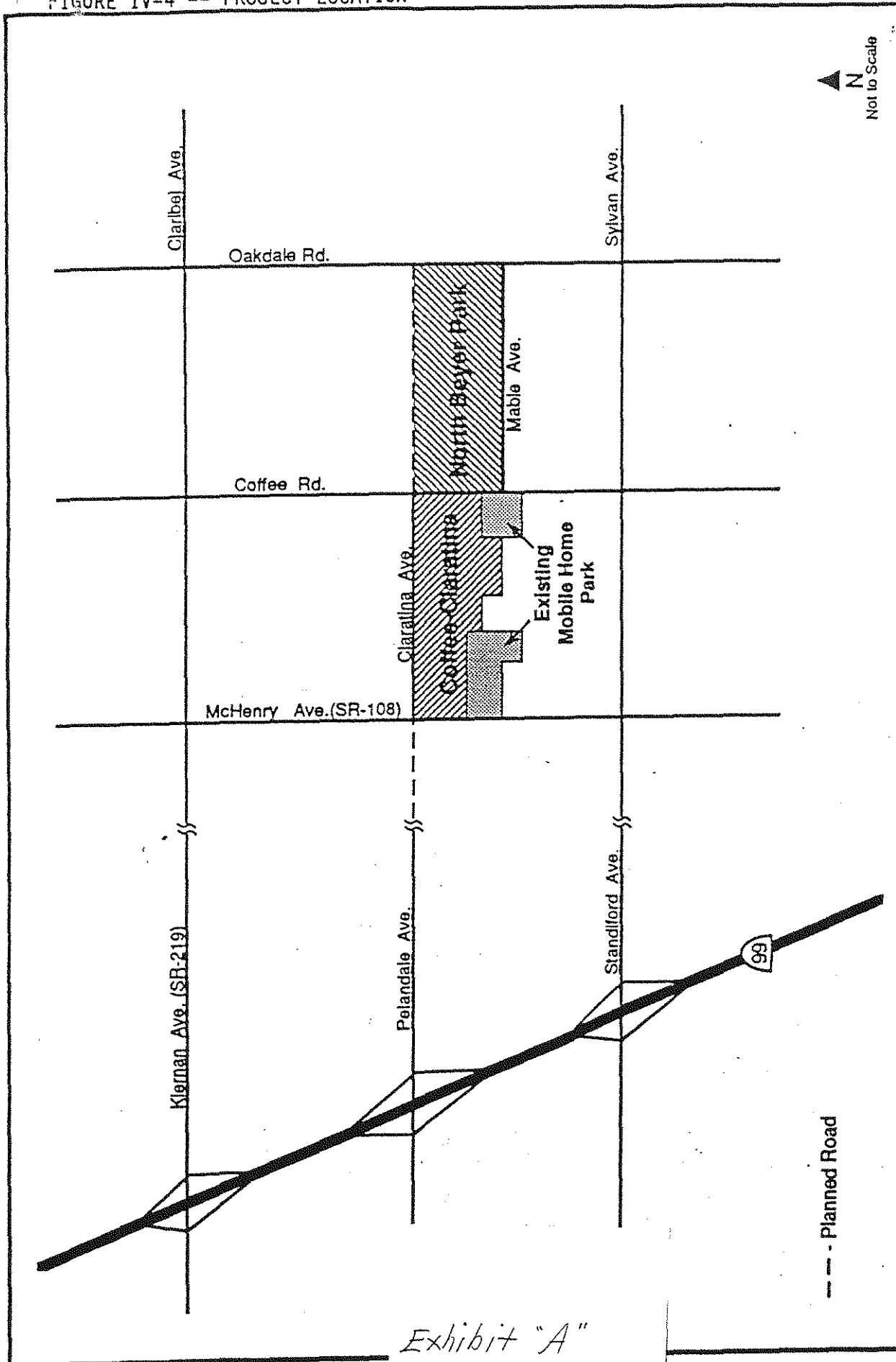
ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

FIGURE IV-4 -- PROJECT LOCATION



Fehr & Peers Associates, Inc.
 Transportation Consultants

PROJECT LOCATION

Exhibit "A"

CLARATINA-COFFEE/NORTH BEYER PARK EIR

PROPOSED MITIGATION MEASURES *(Mitigation Monitoring Program)*

*Considered to be a significant impact

1

The Modesto City Council reviewed this Mitigation Monitoring Program as it applies to the Claratina-Coffee Reorganization. Comments are shown in italics for additions and dashed lines thru existing wording as deletions. A summary and explanation of the City Council's comments are also provided at the end of each Mitigation Measure.

A. AGRICULTURAL IMPACTS * (Unmitigatable significant impact)

The loss of prime agricultural land to development is essentially an irreversible, long-term adverse impact.

City Council Comments: We agree with the conclusion.

B. TRAFFIC IMPACTS (Long-term) *

1. FEIR Table I pg. 7 (attached *The table shall be as amended in Joe Holland's memo dated June 18, 1992.*)
(Agency Responsible for Implementation: City of Modesto)
2. An additional public transportation bus route should be created to run through Claratina Avenue and serve the northern boundary of the two sites.
(Agency Responsible for Implementation: City of Modesto)
3. All employers of 50 or more employees at any work site shall annually submit to the district a trip reduction plan.
(Agency Responsible for Implementation: City of Modesto)
4. Boundary modifications
(Agency Responsible for Implementation: LAFCO)
 - a. ~~Inclusion of the Claratina Avenue right-of-way to the north line of the approved "Official Plan Line", not just the present right-of-way.~~
 - b. Inclusion of all of the McHenry/Pelandale/Claratina Avenue intersection.
 - c. Inclusion of all of the McHenry Avenue right-of-way adjacent to the project.
 - d. Inclusion of all of the Coffee Road right-of-way adjacent to the project.
 - e. Inclusion of all of the Claratina/Coffee intersection.

~~f. Inclusion of all of the Oakdale Road right-of-way adjacent to the project.~~

~~g. Inclusion of all of the proposed Claratina/Oakdale Road intersection.~~

~~h. Inclusion of all of the Mable/Oakdale Road intersection.~~

2

i. Inclusion of all of the Coffee/Mable intersection *and to include existing right-of-way extending south to the existing City limits including east and west of the centerline of Coffee Road.*

City Council Comments: On 1, 2, and 3, we agree with the conclusion but reserve the right to make modifications when actual development is reviewed. Include amended FEIR Table 1, pg 7, from Joe Holland's memo dated June 18, 1992. LAFCO staff recommends deleting 4a and therefore should be deleted. 4f, g, and h, applies to the North Beyer Reorganization and should be deleted. 4i confirms all of Coffee Road right-of-way south of Mable Avenue would be included.

C. AIR QUALITY * (Unmitigatable significant impact)

1. The City would need to apply current mitigation requirements for dust during construction and aid the Stanislaus APCD in enforcing travel reduction programs. (Agency Responsible for Implementation: City of Modesto)

City Council Comments: We agree with the conclusion but reserve the right to make modifications when actual development is reviewed.

D. PUBLIC SERVICES

1. Schools *

(Agency Responsible for Implementation: Modesto City School District and Sylvan School District.)

a. The developers are required to provide full school mitigations to the school districts prior to the issuance of building permits for the residential units.

2. Fire Protection *

(Agency Responsible for Implementation: City of Modesto)

a. Provide adequate fire flow and spacing of hydrants in accordance with city codes and the Uniform Fire Code. The fire flow and spacing of hydrants will apply to both new and existing construction within either of the territories. *The fire flow and the spacing of hydrants shall be upgraded or any other acceptable option shall be provided prior to effective date of annexation for the existing construction as approved by the Fire Department*

b. Sprinklers should be required in commercial buildings.

- c. Provide adequate access for emergency vehicles. The adequacy of access (street widths, turn-arounds, location of dead-end streets etc.) will be reviewed by the Fire Department at the time a Specific Plan or site development plan for either site is submitted.
 - d. The use of fire-resistant building materials such as stucco walls and asphalt or tile roofs is to be encouraged.
 - e. Vegetation should not be planted directly up to the walls of structures or under overhanging roof lines or eaves.
 - f. New development would pay Capital Facilities Fees for new fire fighting equipment.
3. Police Services *
(Agency Responsible for Implementation: City of Modesto)
- a. Payment of Capital Facilities Fees.
4. Water Supply *
(Agency Responsible for Implementation: City of Modesto)
- a. The developer of *the* each project will be required to install all water distribution lines within the project areas *except including 10" and 12" mains, pump stations and fire hydrants on 10" and 12" mains* or to pay the lineal foot fee to the City.
 - b. All new water connections are required to be metered, *ex including* those designed to serve fire suppression requirements.
 - c. Available water conservation measures should be incorporated into the development plans for the actual project including, but not limited to: drought-tolerant landscaping and groundcovers as opposed to conventional turf lawns, drip irrigation for trees and plantings, with timed release. For interior water use, standard conservation measures include low-flow shower heads and faucets, and low-flush toilets.
5. Wastewater Treatment Facilities *
(Agency Responsible for Implementation: City of Modesto)
- a. Payment of Capital Facilities Fees for Wastewater facilities.
 - b. ~~Each dwelling unit in either project, including the individual mobile homes within the Silverwood and Modesto Mobile Home Parks would have to pay a \$500 sewer hook-up bond redemption fee. A \$500 sewer hook-up and bond redemption fee will be required for each dwelling unit in the project, including each mobile home within the Silverwood and Modesto Mobile Home Parks.~~ The commercial development would pay \$2,000 per net acre of the lot. *Other sewer related fees are also required consistent with adopted City standards. The property owner in all cases is responsible for paying the fees.*

6. Parks *
(Agency Responsible for Implementation: City of Modesto)
 - a. Payment of Capital Facilities Fees.
- 4 7. Electrical Service
(Agency Responsible for Implementation: Modesto Irrigation District)
 - a. A 10-foot public utility easement along all street frontages, and a 20-foot MID easement centered on existing overhead distribution lines must be dedicated as public utilities easements or granted to the MID as private easements prior to final map recording.
8. Solid Waste
(Agency Responsible for Implementation: City of Modesto)
 - a. Payment of user fees (utility bills).
9. County Services *
(Agency Responsible for Implementation: Stanislaus County)
 - a. Voter approved increase in tax rate to raise revenues.
 - b. Direct mitigation negotiations between the City of Modesto and the County (*The City agrees to discuss with the County the mitigation of impacts on County Services*); or
Conditions imposed by LAFCO that will provide a revenue and cost neutral position for ongoing County services.

City Council Comments: On item 1, we agree the proponent should work with the Modesto City High School District and the Sylvan Elementary School District to mitigate the school impacts.

Item 2a needs to clarify that the fire flow and the spacing of hydrants shall be upgraded or any other acceptable option shall be provided prior to effective date of annexation for the existing construction as approved by the Fire Department. The Fire Marshall explains that the City cannot provide sufficient fire protection because of the inadequate water flow and the lack of water trucks.

4a and 4b should be corrected to be consistent with City polices.

5b shall clarify that aside from the sewer hook-up bond redemption fee, other sewer related fees are also required consistent with adopted City standards. The property owner is required to pay the fee.

On item 9, The City agrees to discuss with the County the mitigation of impacts on County Services

On the remaining items we agree with the conclusion but reserve the right to make modifications when actual development is reviewed.

E. VISUAL QUALITY *
(Agency Responsible for Implementation: City of Modesto)

5

1. Planting a large number of fast-growing street trees along the perimeter of the proposed developed area. Additional trees and tall shrubs within the lots will improve the vegetated quality of the landscape.
2. Sound walls, if built, should be screened with taller vegetation planted at the minimum, on the property side of the wall, but preferably on both sides, if right-of-way allows.
3. Signage and lighting in commercial areas should provide adequate advertising value, nighttime safety and security, while minimizing visual intrusion and glare on residential neighbors.

City Council Comments: We agree with the conclusion but reserve the right to make modifications when actual development is reviewed.

F. HYDROLOGY/STORM DRAINAGE *
(Agency Responsible for Implementation: City of Modesto)

1. A positive drainage system that incorporates best management practices to reduce run-off potential pollution of groundwater. All of the run-off will have to be contained on-site rather than flowing to street storm sewers, unless the neighborhoods become part of a subregional storm drainage plan.

City Council Comments: We agree with the conclusion but reserve the right to make modifications when actual development is reviewed.

* Considered to be a significant impact.




CITY OF MODESTO

MEMORANDUM

June 18, 1992

TO: John Mayer, Assistant Planner

FROM: Joseph Holland, Transportation Planner 

SUBJECT: Comments on Claratina/Coffee - North Beyer Park FEIR

After review of the subject FEIR's responses to my comments on the DEIR, I find it necessary to make the following additional comments:

1. The information provided in Table 1 in response to my comment numbered 9-15 is not entirely correct. The text of the response for comment 9-15 implies that everything shown under the "Funded Added Lanes" column is included in the City's Capital Facilities Fees program, but in fact there are projects shown in that column which are not included in the CFF program. The attached copy of Table 1 shows corrections required to properly represent the extent of CFF funding for the projects shown. Also shown is an indication of which of the "Non-Funded Added Lanes" projects might be the responsibility of fronting property owners as development occurs or which might be included in future public facilities improvement districts not yet established. Also shown is an indication of the added lanes projects recommended by the EIR which have questionable feasibility because of existing abutting development which limits right of way availability.
2. The response to comment 9-15 states that "*funding sources for the non-scheduled mitigations could include future adjustments to City of County fees, assessment districts or other special districts, and/or enactment of local sales taxes for transportation purposes*". The County has recently reduced its PFF program, primarily by deleting improvement projects on State Highways. The City is also evaluating its CFF program to determine what if any steps can be taken to reduce the level of fees charged to new development. The implication is clearly that additions to the CFF and PFF program are not likely in the foreseeable future. If a local sales tax is implemented in Stanislaus County, it is likely that the projects which would be funded by the revenues so generated will have to be of regional importance, and there are numerous regionally significant candidate projects which have already been identified for possible sales tax funding. Improvements such as those identified in Table 1 are unlikely to be funded by a future sales tax, unless they are a part of a regional expressway system. This would apply only to the Kiernan Avenue projects in Table 1.
3. The need for Specific Plan studies is mentioned in the responses to comments 9-15, 9-16, and 9-17. The requirement for specific plans should be made a mitigation requirement if the proposed annexations are approved, and should be included in the mitigation measures and monitoring plan of the FEIR.

cc: Edwin W. von Borstel, Deputy Director Public Works - Transportation

TABLE 1 -- SUMMARY OF LONGTERM MITIGATION MEASURES

<u>ROADWAY</u>	<u>LOCATION</u>	<u>Existing Lanes</u>	<u>Funded Added Lanes</u>	<u>Non-Funded Added Lanes</u>	<u>Total Future Lanes</u>
KIERNAN	SR 99 - DALE	2		4	6
KIERNAN	DALE - MCHENRY	2	2	2	6
CLARIBEL	W/O MCHENRY	2	2	2	6
CLARIBEL	E/O MCHENRY	2	2	2	6
CLARIBEL	W/O COFFEE	2	2	2	6
CLARIBEL	E/O COFFEE	2	2		4
CLARIBEL	W/O OAKDALE	2	2		4
CLARIBEL	E/O OAKDALE	2	2		4
CLARATINA	W/O MCHENRY	0	*2	2*	4
CLARATINA	E/O MCHENRY	2	*	2*	4
CLARATINA	W/O COFFEE	2	*	2*	4
CLARATINA	E/O COFFEE	0	*2	2*	4
CLARATINA	W/O OAKDALE	0	*2	2*	4
CLARATINA	E/O OAKDALE	0	2	2*	4
STANDIFORD	E/O SR-99	4		2	6
SYLVAN	E/O OAKDALE	2	*	2*	4
MCHENRY	N/O CLARIBEL	2		2	4
MCHENRY	N/O CLARATINA	4	2	*	6
MCHENRY	S/O CLARATINA	4	2		6
COFFEE	S/O CLARIBEL	2	*	2*	4
COFFEE	N/O CLARATINA	2	*	2*	4
COFFEE	S/O CLARATINA	2	*	2*	4
COFFEE	N/O SYLVAN	4		2	6
OAKDALE	N/O CLARIBEL	2	*	2*	4
OAKDALE	S/O CLARIBEL	2	*	2*	4
OAKDALE	N/O CLARATINA	2	*	2*	4
OAKDALE	S/O CLARATINA	2	*	4*	6
OAKDALE	N/O SYLVAN	4	*	2*	6
OAKDALE	S/O SYLVAN	4		2*	6

* MAY BE RESPONSIBILITY OF FRONTING LAND OWNERS, OR MAY BE PART OF A FUTURE PUBLIC FACILITIES IMPROVEMENT DISTRICT

2 THIS PROJECT HAS QUESTIONABLE FEASIBILITY DUE TO EXISTING ADJUTING DEVELOPMENT

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-385

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES R. PARKAY FOR THE PURCHASE OF 875 SQUARE FEET OF RIGHT OF WAY NEEDED TO WIDEN SISK ROAD ADJACENT TO HERITAGE FORD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charles R. Parkay for the purchase of 875 square feet of right of way needed to widen Sisk Road adjacent to Heritage Ford

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 July , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-386

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT FOR THE PURCHASE OF RIGHT OF WAY ON IMPROVEMENT
DISTRICT NO. 29

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Modesto Irrigation District
for the purchase of right of way on Improvement District No. 29

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 7th day of July ,
1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-387

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD F. MONACO AND CHARLES THOMPSON FOR THE LEASE OF A CORPORATE AIRCRAFT PLOT AT 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 Donald F. Monaco and Charles Thompson for the lease of a corporate aircraft plot at 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 July , 1992, 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

A TTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-388

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT D. MANGUM FOR SUBDIVISION INSPECTION SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert D. Mangum for subdivision inspection services

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-389

A RESOLUTION AMENDING RESOLUTION NO. 87-237,
AS AMENDED BY RESOLUTION NOS. 87-1183 AND
88-317, TO REVISE THE AFFIRMATIVE ACTION
PROGRAM WITH RESPECT TO MODIFYING THE
COMPOSITION OF THE MEMBERSHIP OF THE
AFFIRMATIVE ACTION COMMISSION.

WHEREAS, by Resolution No. 87-237 adopted on April 7,
1987, the City of Modesto adopted a revised Affirmative Action
Program dated March 1987 for the City of Modesto, and

WHEREAS, by Resolution Nos. 87-1183 and 88-317 adopted
on November 10, 1987, and April 26, 1988, respectively, the City
of Modesto amended Resolution No. 87-237 and revised the
Affirmative Action Commission membership listed on page 5 of the
revised Affirmative Action Program dated March 1987, and

WHEREAS, the Council desires to amend the Affirmative
Action Program to increase the membership of the Affirmative
Action Commission from nine (9) members to eleven (11) members
appointed by the City Council including a member from the Human
Relations Commission and ten (10) members selected from the
community-at-large. The recommendation to increase the
membership by two commissioners is based on a desire to provide
for increased focus on issues impacting disabled individuals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Affirmative Action Commission membership
listed on page 5 of the revised Affirmative Action Program dated
March 1987, is amended to read as follows:

Affirmative Action Commission

The Commission shall consist of eleven (11) members appointed by the City Council including a member from the Human Relations Commission. Representation shall include members of protected classes: females, minorities, the disabled and workers over 40 years of age.

Membership on the Commission shall be for a term of two (2) years except that four of the initial appointments made by the City Council shall be for one (1) year and thereafter shall be for two (2) year terms.

At the first meeting of each calendar year, the Commission shall designate a chair and vice-chair from among its members to serve for a one (1) year period.

When an interim vacancy occurs on the Commission, an appointment may be made by the City Council to fill the unexpired term of the membership vacated. All members serve at the discretion of the City Council and serve without compensation.

The Affirmative Action Officer shall serve as staff/secretary for the Commission keeping all minutes of all meetings and providing necessary assistance for the functioning of the Commission.

From time to time, Department Affirmative Action Coordinators may be appointed by department heads, as required, and shall attend Commission meetings as directed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-390

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC BELL TO PERFORM THE WORK NECESSARY TO INSTALL UTILITY CABLE IN UNDERGROUND CONDUIT AT THE PROPOSED TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Bell to perform the work necessary to install utility cable in underground conduit at the proposed 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 7th day of July , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-391

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT TO PERFORM THE WORK NECESSARY TO INSTALL UTILITY
CABLE IN UNDERGROUND CONDUIT AT THE PROPOSED TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Modesto Irrigation District
to perform the work necessary to install utility cable in underground conduit
at the proposed 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 7th day of July ,
1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-392

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND G.S. DODSON & ASSOCIATES CONSULTING ENGINEERS TO PERFORM AN ENGINEERING ANALYSIS AT THE EXISTING THOUSAND OAKS LIFT STATION

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 Consulting Engineers to perform an engineering analysis at the existing Thousand Oaks Lift Station

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 July , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-393

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
WYATT & BURNS FOR LEGAL SERVICES FOR WORKERS' COMPENSATION LITIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Wyatt & Burns for legal
services for workers' compensation litigation

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 July ,
1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-394

A RESOLUTION AUTHORIZING THE FILING OF AN AMENDMENT TO GRANT CA 90-X482 WITH THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA, 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:

1. That the City Manager of the City of Modesto 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 Amended Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

2. That the City Manager of the City of Modesto 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.

3. 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.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto 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.

6. 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 July, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

FY 1991/92
SECTION 9
PROGRAM OF PROJECTS
Amendment #1 - July 1992

Urbanized Area: Modesto, California	Apportionment for FY 91/92:	\$1,916,345
Designated Recipient: Stanislaus Area Association of Governments	Carryover funds:	100,203*
Grantee: City of Modesto	Transfer funds:	-0-
	Total Federal Funds Available	\$2,016,548

* Assumes deobligation of \$183,140 in operating funds from CA-90-X265, \$159,082 in operating funds and \$60,000 in capital funds from CA-90-X351.

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
I. <u>CAPITAL PROJECTS</u>			
1. Replace wheelchair lifts on 5 Gillig Phantoms	\$ 5,225	\$ 99,275	\$ 104,500
2. Replace 24 fareboxes with electronic fareboxes	\$ 22,522	\$ 90,086	\$ 112,608
3. Purchase computer and software	\$ 1,235	\$ 4,940	\$ 6,175
4. Associated capital bus maintenance items**	\$ 20,000	\$ 80,000	\$ 100,000
ORIGINAL SUBTOTAL	\$ 28,982	\$ 194,301	\$ 223,283
NEW SUBTOTAL	\$ 48,982	\$ 274,301	\$ 323,283

** Item to be added with this amendment.

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
II. <u>OPERATING ASSISTANCE</u> for period of 7/1/91 to 6/30/92			
ORIGINAL SUBTOTAL	\$2,686,691	\$1,046,937	\$3,733,628
NEW SUBTOTAL	\$2,709,648	\$1,023,980	\$3,733,628
<u>ORIGINAL TOTAL</u>	\$2,715,673	\$1,241,238	\$3,956,911
<u>NEW TOTAL</u>	\$2,758,630	\$1,298,281	\$4,056,911

RESOLUTION NO. 92-395 UNUSED

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.

92-396

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(32), AS AN ADDITION AND AN AMENDMENT TO P-D(32). (JAMES OAK, APPLICANT FOR DOWNEY PARK PROFESSIONAL CENTER)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by James Oak on April 17, 1992, to rezone from Low Density Residential Zone, (R-1), to Planned Development Zone, P-D, as an addition and an amendment to P-D(32), to allow a 59-space parking lot, property located on the southwest corner of Coffee Road and Gloria Way, described as follows:

R-1 to P-D(32)

All that certain property situated in a portion of the northeast 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 Lot 2 of Block 1112 as shown on Amended Map of El Vecino Gardens #2, filed in the Office of the Recorder of Stanislaus County, California, on May 26, 1952, in Volume 17 of Maps, at Page 35, Stanislaus County Records; thence north 0° 18' 10" west 149.69 feet to the center line of Gloria Way; thence south 89° 41' 50" east 215 feet to the center line of original 50.00 foot wide Coffee Road; thence along said center line south 0° 36' east 163.71 feet to the eastern prolongation of the south line of the 14.00 foot wide alley in aforementioned Block 1112; thence along said eastern prolongation and south alley line north 89° 41' 50" west 294.65 feet to the southern prolongation of the west property line of Lot 1 of said Block 1112; thence along southern prolongation, north 0° 40' 00" west 14.00 feet to the southwest corner of said Lot 1; thence along the north line of said 14.00 foot wide alley south 89° 41' 50" east 77.76 feet to the point of beginning.

WHEREAS, after a public hearing on June 15, 1992, 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. 92-24, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 6, 1992 should be certified as adopted.
2. The proposed office zoning conforms to the General Plan in that it will enhance an existing medical facility and its location as a transition between the Coffee Road office strip and the residential area to the west.
3. The trend of approvals for office facilities on lower Coffee Road make this request consistent with recent approvals.

WHEREAS, after a public hearing held on July 14, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of James Oak for an addition and an amendment to 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. 92-24 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2815 -C.S. on the 14th day of July, 1992, reclassifying the above-described property from Low Density Residential Zone, R-1,

to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32).

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(32), as an addition and an amendment to P-D(32), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Addition to P-D(32) proposed parking lot alternate - Plan "B" 59 spaces" as amended in red, stamped approved by the Planning Commission on June 15, 1992.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot-six-inch-high, double-alternating board wood fence with decorative masonry pilasters at 16 foot on centers along the east and south property lines of the adjacent parcel immediately to the west.
 - b. Six-foot-high, decorative masonry wall along the north property line in conformance to all zoning setback and development standards.
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. 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.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. All 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.
9. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
10. Prior to the issuance of a building permit for the parking lot, abandonment and vacation of the adjacent alley right-of-way shall be completed.
11. Prior to the filing of the final parcel map creating office condominiums, the developer shall submit evidence in a form satisfactory to the City Attorney that there has been created an Office Association to guarantee common facility and private property maintenance in accordance with the approved plans.
12. All conditions of Modesto City Council Resolution No. 91-677 not in conflict with this action shall remain in full force and effect.
13. 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.
14. 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 1092.6 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.

15. 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.
16. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
17. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan prior to the issuance of a building permit.
18. 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.
19. All signs shall comply with the sign requirements of the P-O Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32):

The entire construction program be accomplished in one phase, construction to begin on or before June 15, 1993, and completion to be not later than June 15, 1994.

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 Zone 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(32), as an addition and an amendment to P-D(32), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Dobbs, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Drubba
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO.

92-397

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(32), AS AN ADDITION AND AN AMENDMENT TO P-D(32). (JAMES OAK, APPLICANT FOR DOWNEY PARK PROFESSIONAL CENTER)

WHEREAS, on July 14, 1992, the City Council introduced Ordinance No. 2815-C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32), property located on the southwest corner of Coffee Road and Gloria Way, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low

Density Residential Zone, R-1, to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32), property located on the southwest corner of Coffee Road and Gloria Way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ~~14th~~ day of July, 1992, by Councilmember ~~Dobbs~~, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO.92-398

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LALOMA LIFT STATION REMODEL

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

SECTION 1. The plans and specifications for the LaLoma lift station remodel, 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 11, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore , 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: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-399

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE DRY CREEK EROSION REPAIR - BEARD BROOK PARK

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

SECTION 1. The plans and specifications for the Dry Creek erosion repair - Beard Brook Park, 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 6, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore , 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:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-400

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE 1992
RESIDENTIAL STREET OVERLAY PROJECT

WHEREAS, Resolution No. 92-316, adopted by the Council of the City of Modesto on June 9, 1992, approved the plans and specifications for the 1992 residential street overlay project and authorized the calling for bids; and

WHEREAS, the bids received for the 1992 residential street overlay project were opened at 11:00 a.m. on July 2, 1992, 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 \$418,655.21 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$418,655.21 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 14th day of July, 1992, by Councilmember Muratore, 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: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-401

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING, INC. FOR CONSTRUCTION OF AQUEDUCT PARK

WHEREAS, Resolution No. 92-317 , adopted by the Council of the City of Modesto on June 9 , 1992, approved the plans and specifications for construction of Aqueduct Park

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Aqueduct Park

were opened at 11:05 a.m. on July 2 , 1992, 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 Grover Landscaping, Inc. in the amount of \$278,363.60

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Grover Landscaping, Inc. in the amount of \$278,363.60 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 14th day of July, 1992, by Councilmember Muratore , 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-402

A RESOLUTION ACCEPTING THE TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT
CLAUS ROAD AND SCENIC DRIVE AND AT SISK ROAD AND RUMBLE ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works &
Transportation that the traffic signals and street improvements at Claus
Road and Scenic Drive and at Sisk Road and Rumble Road has been
completed by Richard A. Heaps Electrical Contractor in accordance with
the contract agreement dated August 6, 1991.

NOW, THEREFORE, BE IT RESOLVED that the traffic signals and street
improvements at Claus Road and Scenic Drive and at Sisk Road and Rumble
Road be accepted from said contractor, Richard A. Heaps Electrical
Contractor; that notice of completion be filed with the Recorder of
Stanislaus County and that payment of amounts due in the amount of
\$276,100.96 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 14th day of July

1992, by Councilmember Muratore , 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:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-403

A RESOLUTION MODIFYING THE FORMAL BID
PROCEDURES FOR THE SUPERVISORY CONTROL AND
DATA ACQUISITION SYSTEM (SCADA) BY
AUTHORIZING A TWO-STEP PROCUREMENT PROCESS.

WHEREAS, the proposed City of Modesto SCADA System consists of the procurement, installation, and integration of a complex of radios, computers, transmitters, equalizers, CPU's, color monitors, printers, and remote terminal units, and

WHEREAS, the SCADA System is a unique and highly technical complex system in that all of the electronic components must be integrated and functioning together, and

WHEREAS, the process of narrowing the bid list is referred to as the "two-step procurement process", and

WHEREAS, a two-step procurement process is recommended for vendor selection as part of the quality control function by narrowing the bid list to those vendors who have in-depth experience in SCADA development, installation, integration, after market service and administration, and

WHEREAS, the two-step bid process was developed by the Federal Government to help contain costs, improve quality, and get the best qualified vendors to bid on complex procurements, and it will eliminate bidders through a technical evaluation without the benefit of comparing costs, and

WHEREAS, pre-qualification packages will be sent out to all vendors who request them through both advertising and buyer generated bid lists, and

WHEREAS, following the scheduled bid proposal opening, a committee will evaluate all submittals for technical and financial ability and develop a list of vendors who will receive a Request For Proposal, and

WHEREAS, the City will benefit from this two-step procurement process in that all vendors on the pre-qualified list can technically and financially perform the requirements of the Request For Proposal, and it provides a true representation of the cost,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that due to the need for a unique and highly technical complex system, the Council does hereby approve the two-step procurement process as set forth herein for the proposed SCADA System for 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 July, 1992, by Councilmember Muratore, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-404

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA)

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

SECTION 1. The plans and specifications for the Supervisory Control and Data Acquisition System (SCADA), copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk will be 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, at a time and place to be determined later.

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 July, 1992, by Councilmember Muratore , 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: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-405

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES FOR SWORN POLICE OFFICERS

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore , 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-406

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE SYLVAN UNION SCHOOL DISTRICT TO PROVIDE A DRUG ABUSE PREVENTION EDUCATION PROGRAM THROUGH THE MODESTO POLICE DEPARTMENT FOR FISCAL YEAR 1992-93.

WHEREAS, the County of Stanislaus is eligible for State funds through the Comprehensive Alcohol Drug Prevention Education Program (CADPE) for drug abuse prevention education programs, and

WHEREAS, funds are available to California school districts only, not to municipal governmental agencies, and

WHEREAS, through a grant application the County has received said State funds, a portion of which funds are earmarked for the Sylvan Union School District, and

WHEREAS, a memorandum of understanding with local law enforcement is one of the requirements to participate in a State program through the Comprehensive Alcohol Drug Prevention Education Program (CADPE) for drug abuse prevention education, and

WHEREAS, the Council desires to enter into a memorandum of understanding to formalize the arrangement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding between the City of Modesto and the Sylvan Union School District for the purpose of jointly sponsoring the Comprehensive Alcohol and Drug Prevention Educational program.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said Memorandum of Understanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, 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,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-407

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF BOILER AND MACHINERY INSURANCE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Giddings, Corby, Hynes, Inc. for renewal of Boiler and Machinery Insurance for policy year July 15, 1992, to July 15, 1993 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 July 1992, by Councilmember Muratore, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-408

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KREINES & KREINES, INC. TO PREPARE AN ECONOMIC DEVELOPMENT STRATEGY 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 Kreines & Kreines, Inc. to prepare an economic development strategy 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 14th day of July 1992, by Councilmember Muratore, 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-410

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCKS 37, 2130, 6736, AND 6828)

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Superintendent of Streets did, on May 21, 1992, order the construction of alleys in certain blocks in the City of Modesto, giving notice requiring the construction of such improvements; and

WHEREAS, the Superintendent of Streets did set the 21st day of July, 1992, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be posted and mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing the protests and objections to the proposed work, the said Council proceeded to hear the same.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices on file in the office of the City Clerk, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notices in accordance with the provisions of Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Muratore, 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, Muratore,
Mayor pro tem Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Friedman, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

100-10-7
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MODESTO CITY COUNCIL
RESOLUTION NO. 92-411

A RESOLUTION ADOPTING THE CITY OF MODESTO
AMERICANS WITH DISABILITIES ACT COMPLEMENTARY
PARATRANSIT PLAN.

WHEREAS, pursuant to the requirements of the Federal
Transit Administration, staff prepared the City of Modesto
Americans With Disabilities Act Complementary Paratransit Plan,
and

WHEREAS, a public hearing was held on July 21, 1992, to
accept public comments on the draft plan,

NOW, THEREFORE, BE IT RESOLVED that the City Council of
the City of Modesto does hereby adopt the plan entitled "The City
of Modesto Americans With Disabilities Act Complementary
Paratransit Plan", 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 21st day of July, 1992, 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: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-412

A RESOLUTION ACCEPTING THE KANSAS AVENUE SEWERLINE FROM 8TH STREET TO 99
FREEWAY AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works &
Transportation that the Kansas Avenue sewerline from 8th Street to 99
Freeway has been completed by Joe Martin Pipeline, Inc. in accordance
with the contract agreement dated January 7, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Kansas Avenue sewerline
from 8th Street to 99 Freeway be accepted from said contractor,
Joe Martin Pipeline, Inc.; that notice of completion be filed with the
Recorder of Stanislaus County and that payment of amounts due in the
amount of \$83,498.22 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 21st day of July, 1992,
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. 92-413

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,250 TO COMPLETE THE KANSAS AVENUE SEWERLINE FROM 8TH STREET TO 99 FREEWAY

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

FROM: Annual Sewer Rehabilitation \$1,250
(621 480 C603 6000)

TO: Replace Kansas Sewerline \$1,250
(621 480 B069 6000)

Unanticipated construction time was spent pursuing a satisfactory traffic control plan from the contractor in order to minimize inconvenience to the public. This expenditure resulted in a shortfall to the approved budget, requiring a transfer of funds. Funds are available in the Annual Sewer Rehabilitation account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, 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, dMuratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-414

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF SOFTWARE AND HARDWARE FROM THE DAVID CORPORATION FOR THE RISK MANAGEMENT DIVISION

WHEREAS, the City has previously purchased software from the David Corporation for the administration of the Workers' Compensation self-insurance program, because the company is located in San Francisco and is readily available for system maintenance; and

WHEREAS, the acquisition of the liability insurance programs is an extension of the existing software and will retain the overall system architecture that Risk Management employees are familiar with and will be compatible with their current procedures.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of software and hardware for the Risk Management Division is hereby waived.

BE IT FURTHER RESOLVED that purchase of software and hardware from the David Corporation for an amount not to exceed \$25,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, 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. 92-415

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 FROM
CONTINGENCY RESERVE TO PURCHASE SOFTWARE FOR RISK MANAGEMENT

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

FROM:	Contingency Reserve (733 800 8000 8003)	\$25,000
TO:	David Corp. Software (733 030 6611 5000)	\$25,000

To provide for purchase of David Corporation software for
Risk Management administration of liability insurance.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 21st day of
July, 1992, 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. 92-416

A RESOLUTION APPROVING THE SUBORDINATION OF A
LIEN ON PROPERTY OPERATED BY THE CHILDREN'S
CRISIS CENTER AT 1244 FIORI AVENUE.

WHEREAS, in 1987 the Children's Crisis Center received a grant of \$40,000 in Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development for the purpose of renovation/rehabilitation of the facility at 1244 Fiori Avenue, to be used for the Children's Crisis Center, and

WHEREAS, in order to ensure the continued use of the facility for the intended grant-eligible purpose, a lien in the amount of the \$40,000 grant was placed on the property, and

WHEREAS, the Children's Crisis Center is currently seeking to establish an equity line of credit in the amount of \$25,000 to provide flexibility to balance its cash flow, and

WHEREAS, there is a mortgage on the property of \$30,000, and

WHEREAS, in order to establish the equity line of credit, the Children's Crisis Center is requesting that the CDBG Program subordinate its \$40,000 lien, and

WHEREAS, the property has recently been appraised for \$115,800 in conjunction with this loan, and

WHEREAS, the loan to equity ratio is good in that the first \$30,000, the proposed line of credit of \$25,000, and the lien of \$40,000 total \$95,000, and

WHEREAS, the proposed line of credit will facilitate the continued operation of the Children's Crisis Center without jeopardizing any security interest,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the subordination of the \$40,000 lien against the Children's Crisis Center property located at 1244 Fiori Avenue to a \$25,000 line of credit on said property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, 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, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-417

A RESOLUTION AGREEING TO ACCEPT SEWAGE FROM
AREA 4.

WHEREAS, the City of Modesto and the City of Ceres entered into the North Ceres Sewer Service Area Agreement (hereinafter referred to as the "Agreement") on December 18, 1979, and

WHEREAS, paragraph 5 of said agreement provided for the City of Modesto to accept sewage from certain designated areas within the City of Ceres, and

WHEREAS, paragraph 5 of said agreement provides that the City of Modesto will accept sewage from the area designated as Area 4 when so requested by the City of Ceres, subject to availability as determined by the City of Modesto's wastewater treatment facilities to handle sewage flows from said area, and

WHEREAS, the City of Ceres has, by its Resolution No. 90-211, requested the City of Modesto to accept sewage from Area 4, and

WHEREAS, the City of Modesto has determined that treatment capacity is available in Modesto's wastewater treatment facilities to handle sewage from Area 4,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby agree to accept sewage from Area 4 pursuant to said Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-418

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$150,000 TO
FINANCE WASTEWATER TESTING NOW REQUIRED BY THE STATE

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

FROM:	Digester #6 Design (137 480 B017)	\$30,000
	Digester #6 Design (621 480 B071)	\$89,386
	Parallel Outfall R/W Acquisition(621 480 P989)	\$30,614
TO:	Professional Services (621 480 5217 0235.50)	\$150,000

Wastewater Testing at the wastewater treatment plant and upstream at point and nonpoint sources. In accordance with U.S. Environmental Protection Agency CFR 403, City of Modesto is required to obtain lab data to derive concentrations in wastewater to develop local limits. California Regional Water Quality Control Board has mandated the City to commence sampling by May, 1992, and continue sampling June, 1992, and October, 1992 through May, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1992, 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, Dobbd, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Usher

MODESTO CITY COUNCIL
RESOLUTION NO. 92-419

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1992-93 TRANSFERRING TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS (\$2,795) FROM THE GENERAL FUND RESERVE TO THE AFFIRMATIVE ACTION COMMISSION BUDGET.

WHEREAS, the Affirmative Action Commission budget was reduced as part of the Phase I Budget adopted by the City Council on June 23, 1992, and

WHEREAS, the Commission has asked the Council to reconsider the reductions in light of the Council's recent decision to expand the Commission to include representatives of the disabled community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Affirmative Action Commission Budget of the City of Modesto for the Fiscal Year 1992-93 be restored as follows:

General Fund (Fund 010)

Expenditures

010-800-8000-8003	Contingency Reserve	(\$2,795)
010-030-0310-0207	Conference Expense	\$1,845
010-030-0310-0208	Business Expense	750
010-030-0310-0301	Office Supplies	200

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 July, 1992, 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, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH
Acting City Attorney

Clark 19)

MODESTO CITY COUNCIL
RESOLUTION NO. 92-420

A RESOLUTION IN SUPPORT OF PROPOSITION 155.

WHEREAS, the City of Modesto finds that rail transportation results in cleaner air, less energy use, more transportation opportunities for those who cannot drive, and less congestion on already overcrowded streets and highways, and

WHEREAS, in 1989, the State Legislature provided for three \$1 billion rail transportation bond measures on the ballot as part of the \$18.5 billion Transportation Blueprint for the Twenty First Century, and

WHEREAS, Proposition 108, the Passenger Rail and Clean Air Bond Act of 1990, which the voters approved in June, 1990 was the first of these three measures, and

WHEREAS, the second \$1 billion bond measure will appear on the November 3, 1992, ballot, and

WHEREAS, Proposition 155, the Passenger Rail and Clean Air Bond Act of 1992, would provide \$1 billion to improve and expand intercity, commuter and light rail transit throughout California, and

WHEREAS, the act would benefit the region by providing funds vitally needed to improve intercity service on Amtrak's "San Joaquin" line, and

WHEREAS, failure to approve the bond measure would cause "county minimum" transportation funding from the state to

Stanislaus County to be reduced by \$14.3 million, placing much needed local transportation improvement projects at risk, and

WHEREAS, California's overall transportation funding would be dramatically reduced should the bond measure fail to be approved, jeopardizing hundreds of local projects and causing major reprogramming and delays in both highway and rail transportation programs, and

WHEREAS, tens of thousands of jobs will be created with passage of this bond act,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby endorses Proposition 155, the Passenger Rail and Clean Air Bond Act of 1992, on the November 3, 1992, ballot.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-421

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (VIRGINIA GLESER)

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
1420 Montclair Drive
Modesto, Ca. 95350

Term to expire: 6/30/93

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 7th day of July, 1992, 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, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-422

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THERMOPLASTIC APPLICATOR, TRAILER AND KETTLES

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

SECTION 1. The plans and specifications for purchase of thermoplastic applicator, trailer and kettles , 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 24 , 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

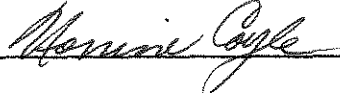
SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July , 1992, 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

5

MODESTO CITY COUNCIL
RESOLUTION NO. 92-423

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE COFFEE AND SYLVAN INTERSECTION RECONSTRUCTION

WHEREAS, Resolution No. 92-341 , adopted by the Council of the City of Modesto on June 23 , 1992, approved the plans and specifications for the Coffee and Sylvan intersection reconstruction

and authorized the calling for bids; and

WHEREAS, the bids received for the Coffee and Sylvan intersection reconstruction

were opened at 11:05 a.m. on July 16, 1992, 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 Western Stone Products, Inc. in the amount of \$299,449.50

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products, Inc. in the amount of \$299,449.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-424

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93
ANNUAL BUDGET TO ESTIMATE A DEVELOPER
CONTRIBUTION TO AN EXISTING CIP PROJECT,
SYLVAN/COFFEE INTERSECTION RECONSTRUCTION AND
TRAFFIC SIGNAL MODIFICATION.

WHEREAS, this project will reconstruct the
Coffee/Sylvan Intersection including 300 feet of the West and
North leg of the intersection. The project will also construct a
median on the West, North and East legs of the intersection and
modify the existing traffic signal by adding double left turn
lanes and emergency vehicle detectors, and

WHEREAS, there was a total developer contribution made
for this project in the amount of \$90,388 by Star Enterprises.
In Resolution No. 92-342, \$70,000 of this contribution was
estimated and appropriated to this project, and

WHEREAS, it is now necessary to estimate and
appropriate the remainder of this contribution to the project
which is \$20,388,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following adjustment is necessary:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
070-430-B901-6040 Sylvan/Coffee Intersection	\$20,388
Revenues	
070-510-9510-4057 Developer Share of Project	\$20,388

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 July, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-425

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE KANSAS AVENUE REPAIRS AND CHIP SEAL

WHEREAS, Resolution No. 92-340 , adopted by the Council of the City of Modesto on June 23 , 1992, approved the plans and specifications for the Kansas Avenue repairs and chip seal

and authorized the calling for bids; and

WHEREAS, the bids received for the Kansas Avenue repairs and chip seal

were opened at 11:10 a.m. on July 16 , 1992, 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 \$46,109.32 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 \$46,109.32 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 July , 1992, 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

9/2/92

MODESTO CITY COUNCIL
RESOLUTION NO. 92-426

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93
ANNUAL BUDGET TO PROVIDE ADDITIONAL FUNDING
FOR AN APPROVED PROJECT.

WHEREAS, the County collected developer fees for repair
of Kansas Avenue in the amount of \$43,398, the right of way (and
maintenance thereof) belongs to the City, therefore the County
forwarded the fees to the City. A resolution was adopted on
June 23, 1992, appropriating the revenue and the CIP project -
Kansas Avenue Repair/Chip Seal, and

WHEREAS, the bids for this project came in 19.52% above
the engineer's estimate. It is necessary to provide additional
funding in order to complete the project, and

WHEREAS, there are funds available in the Street Cape
Seals project 070-430-B009-6000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following adjustment is necessary:

GAS TAX FUND (070)

<u>Fund/Agcy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
070-430-B009-6040 Cape Seal Project	(\$8,706)
070-700-7000-7130 Transfer out to Fund 130	8,706
130-430-B956-6040 Kansas Avenue Repair/Chip Seal	8,706
Revenues	
130-700-7000-9070 Transfer in from Fund 070	\$8,706

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 July, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-427

A RESOLUTION ACCEPTING THE 8" SANITARY SEWER REHABILITATION - BLOCK 727
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the 8" sanitary sewer rehabilitation - Block 727

has been completed by Gelco Services, Inc.

in accordance with the contract agreement dated April 21, 1992 .

NOW, THEREFORE, BE IT RESOLVED that the 8" sanitary sewer
rehabilitation - Block 727

be accepted from said contractor, Gelco Services, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$50,200.00 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 28th day of July _____,
19 92, 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

2/26/92

MODESTO CITY COUNCIL
RESOLUTION NO. 92-428

A RESOLUTION DECLARING SURPLUS AND OBSOLETE A
SMITH & WESSON .38 CALIBER REVOLVER AND 85
POLICEMAN BADGES.

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unused or surplus personal property of the City with the approval of the City Council, and

WHEREAS, Corporal Richard Simas of the Police Department will be retiring on September 30, 1992, and has requested that he be allowed to purchase his .38 caliber Smith & Wesson revolver which was assigned to him in March, 1961, and

WHEREAS, the current market value of the revolver is \$125.00, and Corporal Simas is willing to purchase the revolver for said amount, and

WHEREAS, 85 replacement badges have been ordered for the Police Department with the new wording "Police Officer" rather than the old wording "Policeman", and

WHEREAS, some of the officers have expressed an interest in purchasing the old badges, and

WHEREAS, the estimated fair market value for the old badges is \$21.00 each, and

WHEREAS, any badges which are not purchased by the officers presently wearing them will be destroyed, and

WHEREAS, the Purchasing Office has reviewed the proposed sale price for items proposed for sale and concurs that the price offered is fair and reasonable and of market value, and

WHEREAS, the estimated revenue to be received from the sale of the Police badges and revolver is \$1,910,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the .38 caliber Smith & Wesson revolver and the 85 "Policeman" badges referred to above are hereby declared surplus and obsolete personal property for the purpose of the sale of said property to authorized city employees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-429

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING CERTAIN CITY PERSONNEL TO PURCHASE A REVOLVER AND POLICE BADGES DECLARED SURPLUS PROPERTY

WHEREAS, a revolver and eighty-five police badges have been declared surplus, and Section 801 of the City Charter authorizes the City Manager to sell obsolete, unused or surplus personal property of the City with approval of the City Council; and

WHEREAS, a police officer who will be retiring, wishes to purchase his weapon which has been assigned to him since March, 1961; and several officers wish to purchase outdated badges which otherwise will be destroyed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a surplus revolver and police badges is hereby waived.

BE IT FURTHER RESOLVED that purchase of a revolver and police badges by certain City employees at fair market value is hereby approved.

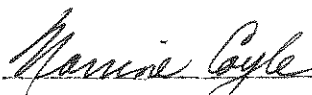
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the 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. 92-430

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO DECLARING INTENTION TO REIMBURSE
EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS
TO BE ISSUED BY THE CITY AND DIRECTING
CERTAIN ACTIONS.

WHEREAS, the City proposes to undertake the project
referenced below, to issue debt for such project and to use a
portion of the proceeds of such debt to reimburse expenditures
made for the project prior to the issuance of the debt, and

WHEREAS, United States Income Tax Regulations section
1.103-18 provides generally that proceeds of tax-exempt debt are
not deemed to be expended when such proceeds are used for
reimbursement of expenditures made prior to the date of issuance
of such debt unless certain procedures are followed, among which
is a requirement that (with certain exceptions), prior to the
payment of any such expenditure, the issuer must declare an
intention to reimburse such expenditure, and

WHEREAS, it is in the public interest and for the
public benefit that the City declare its official intent to
reimburse the expenditures referenced herein,

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

1. The City intends to issue obligations (the
"Obligations") for the purpose of paying the costs of
improvements to its municipal water system (the "Project").

2. The City hereby declares that it reasonably expects to use a portion of the proceeds of the Obligations for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations.

3. The maximum amount of proceeds of the Obligations to be used for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations is \$2,000,000.

4. The foregoing declaration is consistent with the budgetary and financial circumstances of the City in that there are no funds (other than proceeds of the Obligations) that are reasonably expected to be (i) reserved, (ii) allocated or (iii) otherwise set aside, by or on behalf of the City or any entity controlled by the City, for the expenditures for the Project that are expected to be reimbursed from the proceeds of the Obligations.

5. Within not more than thirty (30) days following the date of adoption of this Resolution, the City Clerk is directed to make this Resolution available to the public at the customary location of public records of the City. The City Clerk is hereby further directed to assure such public availability until the date of issuance of the Obligations.

6. This resolution is a declaration of official intent under Income Tax Regulations section 1.103-18.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution was duly 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-431

A RESOLUTION AMENDING THE 1992-93 ANNUAL BUDGET OF THE CITY OF
MODESTO TO TRANSFER FIFTEEN THOUSAND FOUR HUNDRED FIFTY FOUR
(\$15,454) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Fifteen Thousand Five Hundred Fifty Four (\$15,454) 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 the acquisition of 12 cellular phones and 1 forensic light source,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the 1992-93 Annual Budget be amended as follows:

General Fund (Fund 010)

Revenue

010-190-1901-7202	Asset Seizures	\$15,454.
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Expenditure

010-190-1901-5071	12 cellular phones	\$ 4,183.
010-190-1901-5073	1 Forensic light source	\$ 4,071.
010-190-1901-0210	Air time charges 1 yr	\$ 7,200.

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 28th day of July, 1992, 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, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-432

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
NANCY M. YOUNG FOR CONTINUED PROFESSIONAL SERVICES AS DOWNTOWN
IMPROVEMENT DISTRICT EXECUTIVE DIRECTOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Nancy Young for continued
professional services as Downtown Improvement District Executive
Director be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of July, 1992,
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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-433

A RESOLUTION ADOPTING AN INJURY AND ILLNESS PREVENTION PROGRAM IN COMPLIANCE WITH THE PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS AND THE CALIFORNIA LABOR CODE, AND RESCINDING RESOLUTION NO. 91-413

WHEREAS, Senate Bill 198, the California Code of Regulations, Title 8, Section 1509(2) of the Construction Orders, Section 3203 of the General Safety Orders and Labor Code Section 6401-7 requires the City to adopt an injury and illness prevention program; and

WHEREAS, the City Council did, on June 18, 1991, by Resolution No. 91-413, adopt an Injury and Illness Prevention Program, and designated William L. Livingston, Risk Manager, as the designated person responsible for developing and maintaining the program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the injury and illness prevention program entitled, "Injury and Illness Prevention Program - Policy Statement", designating Donald N. Norris, Risk Manager, and Benet E. Bankard, Assistant Risk Manager, as Safety Officers.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it does hereby rescind Resolution No. 91-413.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, 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

CITY OF MODESTO

INJURY AND ILLNESS PREVENTION PROGRAM

POLICY STATEMENT

Purpose

To define the City's Injury and Illness Prevention Program for compliance with the provisions of the California Code of Regulations and the California Labor Code.

Policy

It is the Policy of the City Council of the City of Modesto to establish guidelines and procedures for the maintenance of an ongoing Injury and Illness Prevention Program, in compliance with the California Code of Regulations. This is accomplished through safety and health inspections, accident investigations, employee training, departmental safety committees and other safety oriented activities. Response to safety concerns will be given the highest priority at every level of the City.

Authorities

The California Code of Regulations, Title 8, Section 1509(2) of the Construction Orders, Section 3203, of the General Industry Safety Orders, and Labor Code Section 6401.7 (SB 198).

Appointment of Safety Officer

The City Council hereby designates Donald N. Norris, Risk Manager, and Benet E. Bankard, Assistant Risk Manager, to develop and maintain an effective Injury and Illness Prevention Program for the City of Modesto.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-434

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATTORNEY CARL WAGGONER AS OUTSIDE LEGAL COUNSEL FOR MISCELLANEOUS MATTERS RELATING TO THE HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Attorney Carl Waggoner as outside legal counsel for miscellaneous matters relating the Housing 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 28th day of July, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-435

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF WEST SIDE PARK BASKETBALL COURT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the reconstruction of the West Side Park basketball court has been completed by Cunningham & Sons in accordance with the contract agreement dated May 12, 1992.

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of West Side Park basketball court be accepted from said contractor, Cunningham & Sons;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$20,277 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 4th day of August, 1992, by Councilmember Muratore, who moved its adoption, w hich 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. 92-436

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ARKHON CORP. FOR PROFESSIONAL SERVICES ON THE UNITS 2 & 3 WASTEWATER TREATMENT PLANT EXPANSION PROJECT FOR THIRD PARTY CLAIMS ANALYSIS


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the arkhon corp. For professional services on the units 2 & 3 Wastewater Treatment Plant expansion project for third party claims analysis be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1992, 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. 92-437

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$18,000 FROM CONTINGENCY RESERVE TO FINANCE COSTS ASSOCIATED WITH UNIT 2 & 3 WASTEWATER TREATMENT PLANT EXPANSION PROJECT - THIRD PARTY CLAIMS ANALYSIS

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

FROM:	Sewer Fund Contingency Reserve (621 800 8000 8003)	\$18,000
TO:	Unit 2 & 3 Construction (625 480 G761 6010)	\$18,000

The third party consultant analyzing the claim on this project is being required to do additional work beyond that which the original agreement calls for. This transfer will finance an amendment to the original agreement plus pay for staff costs associated with working on the claim.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 19 92, 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. 92-438

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 1993 ROCKWELL STORM DRAIN REPLACEMENT PROJECT

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

SECTION 1. The plans and specifications for the 1993 rockwell storm drain replacement 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 27, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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, Muratore, Patterson,
Mayor Pro tem Dobbs
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-439

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE MODIFICATION OF SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE

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

SECTION 1. The plans and specifications for the modification of signals at Maze Boulevard and Emerald Avenue, copies of which are on file, are hereby accepted and approved.

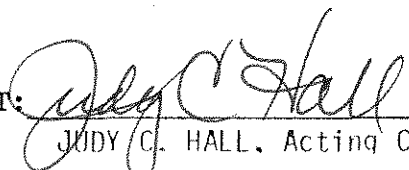
SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 1, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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:


JUDY C. HALL, Acting City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 92-440

A RESOLUTION AMENDING THE FISCAL YEAR 1992-
93 ANNUAL BUDGET TO APPROPRIATE A CIP PROJECT

WHEREAS, based on Planning Commission Resolution 81-
86, the City is committed to modifying the signals at Maze
Boulevard and Emerald Avenue as development occurs on the
Northwest corner of the intersection, and

WHEREAS, the modification includes new signal standards
to accommodate the widened intersection and new vehicle detector
loops, and

WHEREAS, funds for this project were not included in
the 92/93 CIP because the timing of the project was developer
dependent, and

WHEREAS, funds will be appropriated from the Gas Tax
Contingency Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following adjustment is necessary:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
070-430-C325-6010 Maze/Emerald Traffic	
Signal Modification	\$ 0
070-430-C325-6040 "	\$ 35,000
070-430-C325-6050 "	\$ 1,750
070-430-C325-6060 "	\$ 5,250
070-800-8000-8003 Gas Tax Contingency Reserve	\$ (42,000)

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 11th day of August, 1992, 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
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH
Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-441

A RESOLUTION ACCEPTING THE BID OF RAGSDALE & SON, INC. FOR THE PELTON AVENUE CONSTRUCTION PROJECT

WHEREAS, Resolution No. 92-369, adopted by the Council of the City of Modesto on July 7, 1992, approved the plans and specifications for the Pelton Avenue construction project and authorized the calling for bids; and

WHEREAS, the bids received for the Pelton Avenue construction project were opened at 11:00 a.m. on July 30, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

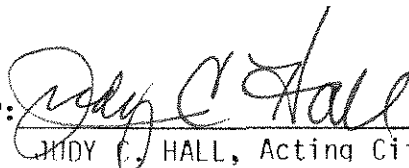
WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ragsdale & Son, Inc. in the amount of \$26,111.75 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale & Son, Inc. in the amount of \$26,111.75 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 11th day of August, 1992, 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:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-442

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS FOR THE
SECONDARY WASTEWATER TREATMENT PLANT ROADS REHABILITATION PROJECT

WHEREAS, Resolution No. 92-372, adopted by the Council of the City of Modesto on JULY 7, 1992, approved the plans and specifications for the secondary wastewater treatment plant roads rehabilitation project and authorized the calling for bids; and

WHEREAS, the bids received for the secondary wastewater treatment plant roads rehabilitation project were opened at 11:15 a.m. on July 30, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

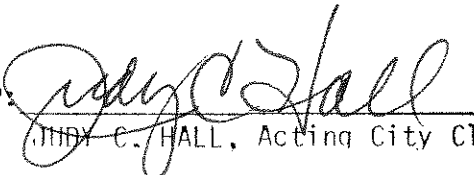
WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Western Stone Products in the amount of \$113,315.58 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products in the amount of \$113,315.58 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 11th day of August, 1992, 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:


JIMMY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-443

A RESOLUTION ACCEPTING THE BID OF RAGSDALE & SON, INC. FOR THE ALLEY PAVING PROJECT NO. 17

WHEREAS, Resolution No. 92-370, adopted by the Council of the City of Modesto on July 7, 1992, approved the plans and specifications for the alley paving project No. 17 and authorized the calling for bids; and

WHEREAS, the bids received for the alley paving project No. 17 were opened at 11:05 a.m. on August 30, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

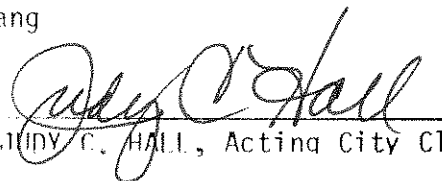
WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ragsdale & Son, Inc. in the amount of \$66,737.75 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale & Son, Inc. in the amount of \$66,737.75 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 11th day of August, 1992, 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, Muratore, Patterson, Mayor Pro tem Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman, Mayor Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-443 A

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO INCREASE A CURRENT PROJECT BY TRANSFERRING FUNDS FROM FUND 621 FOR SEWER MANHOLE WORK.

WHEREAS, a CIP project, Residential Alley Paving Project #17 is currently underway, and

WHEREAS, it has been determined by City Staff that minor sewer manhole work needs to be done in conjunction with the alley paving project, and

WHEREAS, funds for the manhole work will be provided by the Sewer Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is necessary:

SEWER FUND (621)

<u>Fund/Agcy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
621-800-8000-8003 Sewer Fund Contingency Reserve	\$ (7,119)
621-700-7000-7130 Transfer out to Fund 130	\$ 7,119

SPECIAL FUND FOR CAPITAL OUTLAYS

<u>Fund/Agcy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
130-430-B517-6040 Residential Alley Project #17	\$7,119
Revenue	
130-700-7000-9621 Transfer in from Fund 621	\$7,119

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 11th day of August, 1992, 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, Muratore, Patterson, and Mayor Pro Tem Dobbs

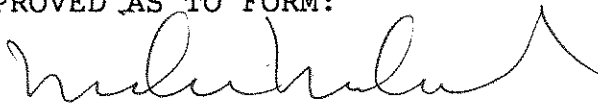
NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH
Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-444

A RESOLUTION OFFERING DISCOUNT GARBAGE RATES
TO ELIGIBLE SENIOR AND DISABLED CITIZENS.

WHEREAS, on December 17, 1991, the Council adopted Resolution No. 91-768 which established rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, at a public hearing held on December 17, 1991, discussing garbage rates, the Council asked staff to bring back a report on variable garbage rates and the possibility of discount garbage rates for senior, disabled, and low income citizens, and

WHEREAS, the Council Utility Services and Franchise Committee has met with City staff and they have recommended to the Council that a utilities discount for garbage service should be offered to eligible senior and disabled citizens similar to the discounts presently allowed on water and storm drain utilities, which discounts are based on total household income and range from 10% to 25%, and

WHEREAS, eligible senior and disabled citizens would be required to furnish the necessary documentation on total household income to the Senior Opportunity Services Program (SOSP) to determine the amount of the discount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that garbage service discounts for eligible senior and disabled citizens are hereby approved ranging from 10% to 25% and shall apply as follows:

ANNUAL INCOME LEVELS	DISCOUNT
\$ 7,560 OR LESS	25%
\$ 7,561 To \$10,394	15%
\$10,395 TO \$13,230	10%

Criteria to receive the discount is as follows:

1. Must be 60 years old.
2. Must live alone or with spouse.
3. Living with children will not qualify the household for a discount.
4. Must be able to prove the qualifying income level.
5. If living with a spouse, the combined income level will determine the level of discount.
6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.
7. All applicants must complete an application.

BE IT FURTHER RESOLVED that this resolution shall become effective September 1, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-445

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY ECONOMIC DEVELOPMENT CORPORATION (SCEDCO) TO JOINTLY DEVELOP AN ECONOMIC DEVELOPMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Economic Development Corporation (SCEDCO) to jointly develop an Economic Development 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 11th day of August, 1992 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-446

A RESOLUTION APPOINTING ASSISTANT CITY
ATTORNEY MICHAEL D. MILICH ACTING CITY
ATTORNEY EFFECTIVE SEPTEMBER 8, 1992, AND
AUTHORIZING FIFTEEN (15%) PERCENT ADDITIONAL
COMPENSATION.

BE IT HEREBY RESOLVED by the Council of the City of
Modesto that Michael D. Milich, Assistant City Attorney, is
hereby appointed Acting City Attorney effective September 8,
1992.

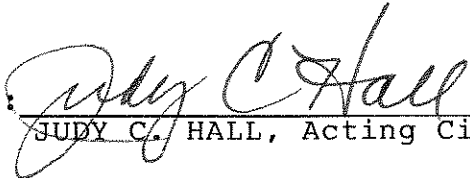
BE IT FURTHER RESOLVED that during the period of said
appointment, Michael D. Milich shall receive as compensation as
Acting City Attorney an additional fifteen (15%) percent over his
normal base pay.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

RESOLUTION NO. 92-447**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE REISSUANCE, REMARKETING AND DELIVERY OF CITY OF MODESTO MULTIFAMILY HOUSING REVENUE BONDS (FIRST NATIONWIDE BANK PROGRAM), 1987 SERIES A, AUTHORIZING THE EXECUTION AND DELIVERY OF A REMARKETING STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF AND APPROVING OTHER RELATED DOCUMENTS AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH**

WHEREAS, Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act") authorizes local agencies to incur indebtedness for the purpose of financing the construction and development of multifamily rental housing projects;

WHEREAS, the City of Modesto issued its Multifamily Housing Revenue Bonds (First Nationwide Bank Program) 1987 Series A in original aggregate principal amount of \$9,040,000 (the "Bonds") to finance the construction and development of multifamily rental housing in the City as authorized by the Act;

WHEREAS, L. O. Associates, a California Limited Partnership (the "Borrower") has requested that the City reissue and remarket the Bonds as provided for in the Indenture, dated as of August 1, 1987 by and between the City and State Street Bank and Trust Company of California, N.A., as Trustee (the "Indenture");

WHEREAS, the City hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act; and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the reissuance and remarketing of the Bonds as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

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

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture the Bonds are hereby authorized to be reissued and remarketed. The reissued Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal or facsimile of the seal of the City shall be reproduced thereon and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with the Indenture.

Section 3. The preliminary remarketing statement relating to the Bonds (the "Preliminary Remarketing Statement") in the form presented to this meeting, is hereby approved. The Mayor, Mayor Pro Tem, City Manager and Finance Director (the "Designated Officers") are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to bring to final form the

Preliminary Remarketing Statement (the "Remarketing Statement") upon remarketing of the Bonds and to execute the Remarketing Statement in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Remarketing Statement. PaineWebber Incorporated, as remarketing agent, (the "Remarketing Agent") is hereby authorized to distribute copies of the Preliminary Remarketing Statement to the existing holders of the Bonds and to persons who may be interested in the purchase of the Bonds upon remarketing and are directed to deliver copies of the Remarketing Statement to all actual purchasers of the remarketed Bonds.

Section 4. The reissued Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Remarketing Agent in accordance with written instructions executed on behalf of the City by one of the Designated Officers, which instructions such officers are, and each of them is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Remarketing Agent in accordance with the Indenture.

Section 5. All actions heretofore taken by the officers and agents of the City with respect to the remarketing and reissuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Designated Officers, 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 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 reissuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City, including but not limited to those certificates, agreements and other documents described in the Indenture.

Section 6. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Muechler
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-448

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND FOSTER POULTRY FARMS FOR THEIR LEASE OF A CORPORATE HANGAR PLOT AT THE AIRPORT

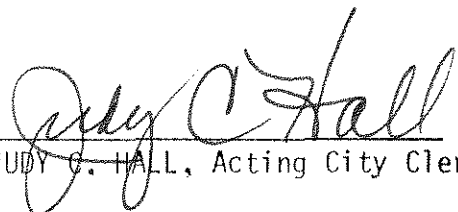
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Foster poultry Farms for their lease of a corporate hangar plot at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992 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:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-449

A RESOLUTION ACCEPTING TWO QUITCLAIMS, ACCEPTING PROPERTY FROM MODESTO IRRIGATION DISTRICT CONSISTING OF FORMER M.I.D. LATERAL NO. 2 WEST OF McCLURE ROAD TO ITS CONCLUSION IN THE LALOMA AREA

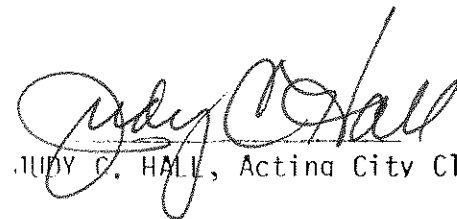
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the quitclaims accepting property from Modesto Irrigation District consisting of former M.I.D. Lateral No. 2 west of McClure Road to its conclusion in the LaLoma area be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-450

A RESOLUTION APPROVING AN EASEMENT DEED TO MODESTO IRRIGATION DISTRICT
GRANTING ELECTRICAL EASEMENTS THROUGH CREEKSIDE GOLF COURSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement deed between the City of Modesto and Modesto Irrigation District granting electrical easements through Creekside Golf Course be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-451

A RESOLUTION APPROVING A RIGHT OF WAY CERTIFICATION FOR EL VECINO AVENUE
AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT PROJECT

WHEREAS, the right of way certification assures the State that necessary right of way has been secured to construct the Lateral No. 4 bridge replacement project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of way certification for El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project be, and it is hereby approved.

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

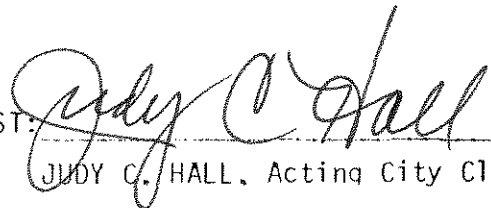
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AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-452

A RESOLUTION APPROVING A COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR EL VECINO AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the consent to common use agreement with the Modesto Irrigation District for El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project be, and it is hereby approved.

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

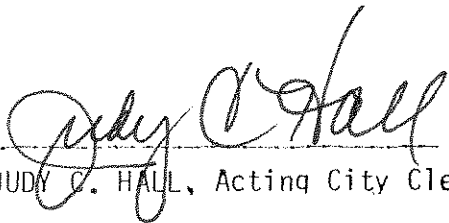
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AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-453

A RESOLUTION APPROVING THE REQUEST OF LAWSON PROFESSIONAL COUNSELING FOR REFUND OF \$1,042.39 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Lawson Professional Counseling for refund of \$1,042.39 for overpayment of Business License Tax is hereby approved.

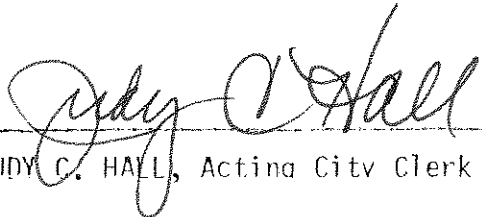
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AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-454

A RESOLUTION APPROVING THE REQUEST OF RADIO STATION KHOP FOR REFUND OF \$3,393.64 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Radio Station KHOP for refund of \$3,393.64 for overpayment of Business License Tax is hereby approved.

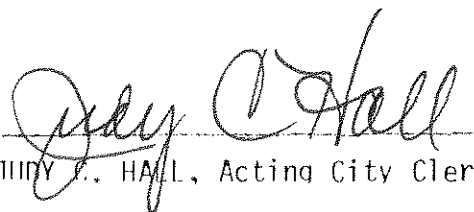
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-455

A RESOLUTION APPROVING THE REQUEST OF I.J. LARSEN, INC. FOR REFUND OF \$567.92 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of I.J. Larsen, Inc. for refund of \$567.92 for overpayment of Business License Tax is hereby approved.

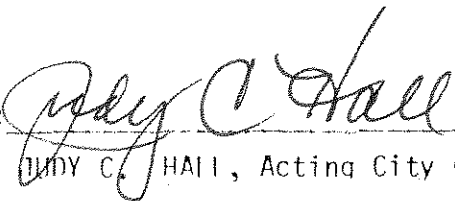
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AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-456

A RESOLUTION APPROVING THE REQUEST OF THOMPSON-HYSELL, INC. FOR REFUND OF \$708.61 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Thompson-Hysell, Inc. for refund of \$708.61 for overpayment of Business Improvement Area Tax is hereby approved.

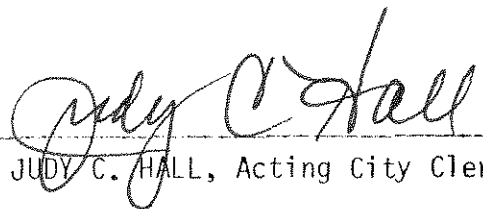
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-457

A RESOLUTION APPROVING A SEVERANCE PAY
BENEFIT AND AUTHORIZING THE CITY MANAGER TO
ENTER INTO AGREEMENTS WITH NEW DEPARTMENT
HEADS TO PROVIDE A SEVERANCE PAY BENEFIT.

WHEREAS, in order to attract top candidates for
department head positions with the City of Modesto it is becoming
increasingly common for cities to provide a severance pay benefit
in order to provide a measure of security, and

WHEREAS, authority to provide severance pay has been
previously granted by Council for other positions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that a severance pay benefit up to a three month
period of time is hereby approved for Department head positions
upon involuntary termination within two years of initial
appointment with the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager is hereby
authorized to enter into severance pay agreements when appointing
new Department Heads for the purpose of providing a severance pay
benefit to not exceed three months should an involuntary
termination be imposed within two years of initial appointment to
the position.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-458

A RESOLUTION APPROVING THE SITE
IDENTIFICATION AND DESCRIPTION OF THE GILTON
RESOURCE RECOVERY COMPOSTING FACILITY.

WHEREAS, Gilton Resource Recovery has proposed siting a yard waste composting project at their Resource Recovery Facility located at 800 S. McClure Road, Modesto, and

WHEREAS, the proposed project is located in an area zoned M (industrial) which allows such a facility without a use permit, and

WHEREAS, the site is located in a land use area designated or authorized for solid waste facilities in the Stanislaus County General Plan, and

WHEREAS, approval of the site identification and description is for the purpose of Public Resources Code (PRC) Section 50000 only and does not expressly imply or warrant that the City of Modesto will direct its compostable refuse to the Gilton Resource Recovery Composting Facility, and

WHEREAS, the Local Task Force Committee established by AB 939, a committee represented by all nine cities within the County as well as representatives from Stanislaus County and private business representatives, unanimously approved this same request at its monthly meeting held on June 11, 1992, and

WHEREAS, Section 50000 et seq. of the PRC requires that a certification must be made by the Local Enforcement Agency

(LEA) that a solid waste facility has been approved by the County and by a majority of the cities within the County which contains a majority of the population of the incorporated area of the County, before the facility can be established, when said facility has not previously been identified or described in a County Solid Waste Management Plan or in a county-wide Integrated Waste Management Plan approved by the California Integrated Waste Management Board, and

WHEREAS, the proposed Gilton Resource Recovery Composting Facility at 800 S. McClure Road, Modesto, was not previously identified or described in the approved Stanislaus County Solid Waste Management Plan, and

WHEREAS, the April 1986 Stanislaus County Solid Waste Management Plan was approved and adopted by resolution of the Stanislaus County Board of Supervisors on June 3, 1986, and said Plan was approved by the California Waste Management Board on June 12, 1986, and

WHEREAS, the California Integrated Waste Management Act of 1989 (Public Resources Code, Sections 40000, et seq.) requires each county to prepare and submit to the California Integrated Waste Management Board, a Countywide Integrated Waste Management Plan to replace the existing Stanislaus County Solid Waste Management Plan but that process has not yet been completed for Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the site identification and description of the Gilton Resource Recovery Composting Facility as set forth in Exhibit "A" which is attached hereto and made a part of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

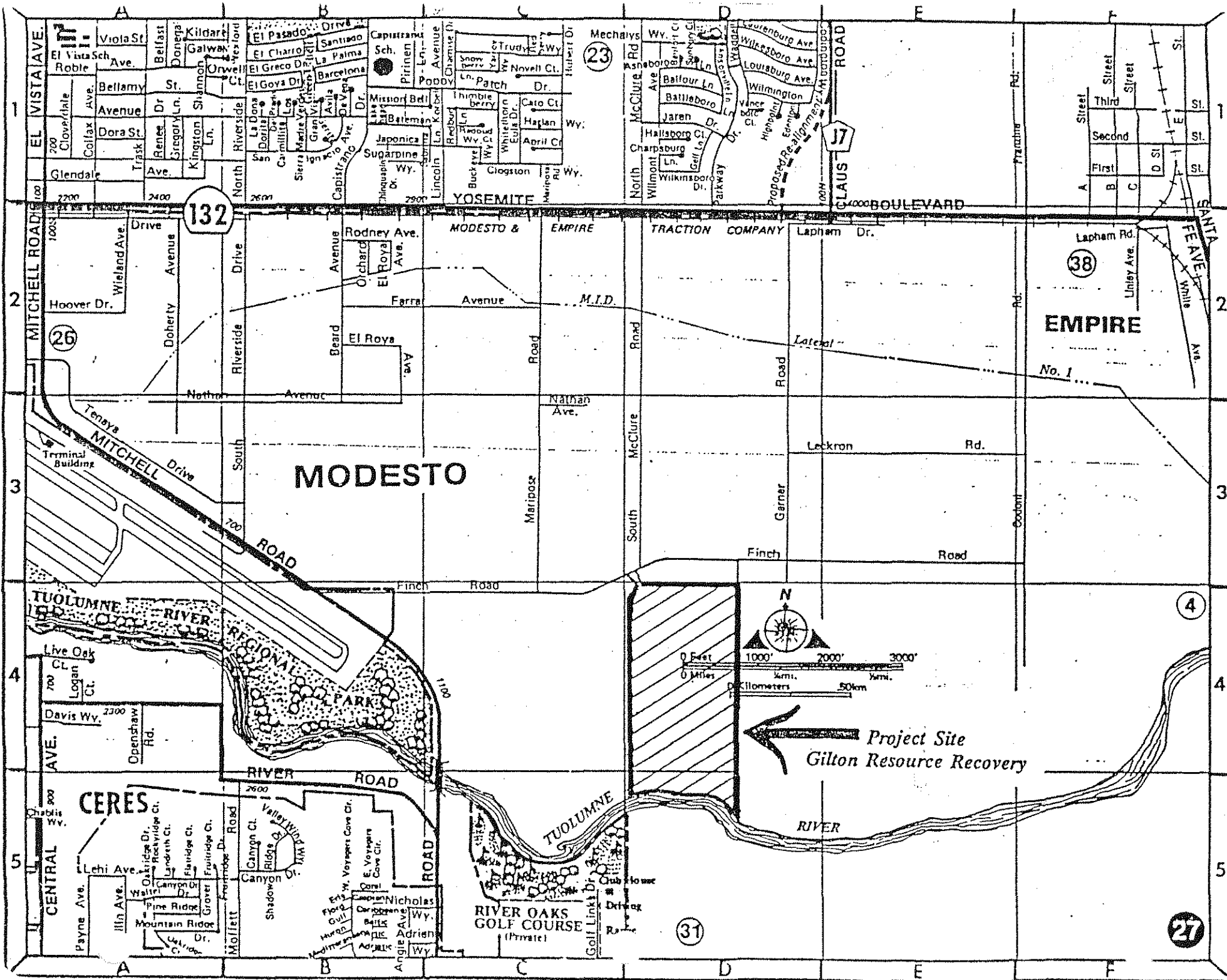


EXHIBIT "A"

Clark
26

MODESTO CITY COUNCIL
RESOLUTION NO. 92-459

A RESOLUTION APPROVING THE SITE
IDENTIFICATION AND DESCRIPTION OF THE GROVER
ENVIRONMENTAL PRODUCTS COMPOSTING FACILITY.

WHEREAS, Grover Environmental Products has proposed siting a yard waste composting project at 6131 Hammett Road, Modesto, and

WHEREAS, the proposed project has a use permit which was approved by the Stanislaus County Planning Commission on May 7, 1992, and

WHEREAS, the site has the General Plan designation of agriculture, and

WHEREAS, approval of the site identification and description is for the purpose of Public Resources Code (PRC) Section 50000 only and does not expressly imply or warrant that the City of Modesto will direct its compostable refuse to the Grover Environmental Products Composting Facility, and

WHEREAS, Section 50000 et seq. of the PRC requires that a certification must be made by the Local Enforcement Agency (LEA) that a solid waste facility has been approved by the County and by a majority of the cities within the County which contains a majority of the population of the incorporated area of the County, before the facility can be established, when said facility has not previously been identified or described in a County Solid Waste Management Plan or in a county-wide Integrated

Waste Management Plan approved by the California Integrated Waste Management Board, and

WHEREAS, the proposed Grover Environmental Products Composting Facility at 6131 Hammett Road, Modesto, was not previously identified or described in the approved Stanislaus County Solid Waste Management Plan, and

WHEREAS, the April 1986 Stanislaus County Solid Waste Management Plan was approved and adopted by resolution of the Stanislaus County Board of Supervisors on June 3, 1986, and said Plan was approved by the California Waste Management Board on June 12, 1986, and

WHEREAS, the California Integrated Waste Management Act of 1989 (Public Resources Code, Sections 40000 et seq.) requires each county to prepare and submit to the California Integrated Waste Management Board, a Countywide Integrated Waste Management Plan to replace the existing Stanislaus County Solid Waste Management Plan but that process has not yet been completed for Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the site identification and description of the Grover Environmental Products Composting Facility as set forth in Exhibit "A" which is attached hereto and made a part of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

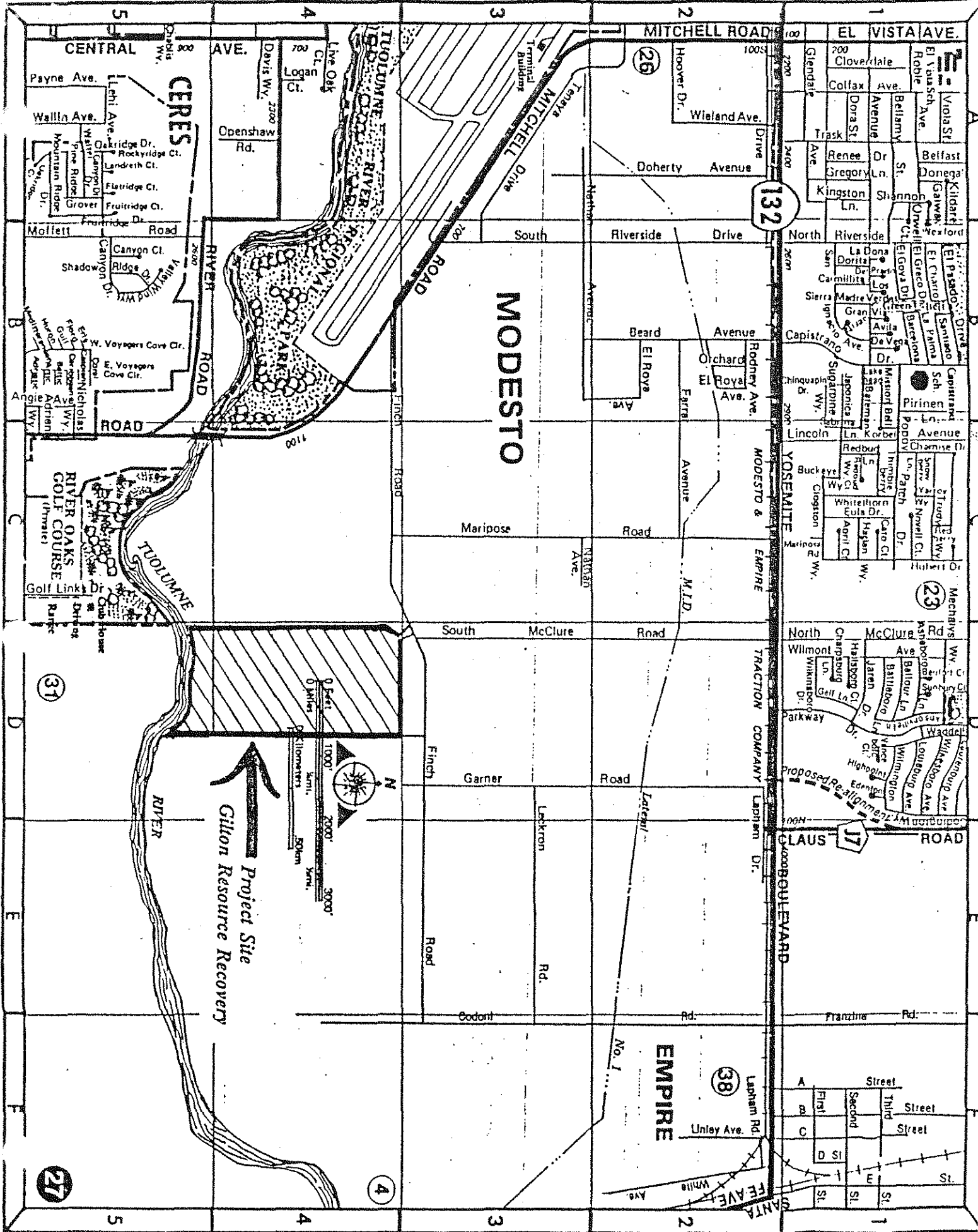


EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 92-460

A RESOLUTION OF THE MODESTO CITY COUNCIL
PURSUANT TO THE TREATMENT AND DELIVERY
AGREEMENT ESTABLISHING A TRUE INTEREST COST
(TIC) AND AUTHORIZING THE CITY MANAGER TO
PROVIDE WRITTEN AUTHORIZATION TO PROCEED WITH
CONSTRUCTION AND CONSTRUCTION ADMINISTRATION
CONTRACTS, SUBJECT TO CERTAIN CONDITIONS, TO
THE MODESTO IRRIGATION DISTRICT.

WHEREAS, the City of Modesto ("City") entered into a
Treatment and Delivery Agreement ("the agreement") among the
Modesto Irrigation District ("MID"), the City of Modesto, and the
Del Este Water Company ("DEW"), and

WHEREAS, said Agreement was entered into to finance,
construct, and operate the Modesto Domestic Water Project, and

WHEREAS, said Agreement provides for City of Modesto
and DEW approval of Project Milestones (Sec. 18.3), and

WHEREAS, MID has notified the City and DEW pursuant to
section 18.5.1 of the Agreement that City and DEW provide the
Modesto Irrigation District with a "not to exceed" true interest
cost (TIC) to proceed with the financing, and

WHEREAS, MID has notified the City and DEW pursuant to
section 18.3.4 of the Agreement that written authorization from
City and DEW is needed to proceed with construction contracts,
and

WHEREAS, section 8.1 of the Agreement states that "The
Construction Phase (Phase II) shall consist of finalization of

the Financing and the construction of the Project. Prior to the commencement of the Construction Phase (Phase II) all necessary agreements for the Financing, construction, purchase, and sale of water, and operation and maintenance of the Project shall be executed.", and

WHEREAS, DEW has not yet provided satisfactory security to MID for its financial commitment pursuant to Sec. 16.3.1 of the agreement,

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

1. Regarding the TIC. The Finance Director of the City of Modesto has recommended that a 6.5% TIC based on the fixed rate bond issue principal amount including the cost of issuance, underwriter's discount, and any insurance costs, be set as the "not to exceed" TIC in accordance with section 18.5.1 of the Treatment and Delivery Agreement. The TIC is hereby set at 6.5% as calculated by the Finance Director.
However, the Council recognizes that the TIC is based on current market conditions and the Council hereby authorizes the Finance Director, subject to the approval of the City Manager, to modify the TIC as required up to the time of the sale of bonds by MID to obtain the lowest TIC then

available in accordance with the Treatment & Delivery Agreement.

2. Regarding the written authorizations to the Modesto Irrigation District to proceed with the construction and construction administration contracts. The Council hereby authorizes the City Manager or his designee to provide written authorization to proceed to MID provided that prior to the sale of any bonds by MID and prior to the execution of any of the construction and construction administration contracts:

- a. MID shall determine the form of security required from DEW for its financial commitment pursuant to Sec. 16.3.1 of the agreement; and
- b. That DEW shall satisfy its obligation to provide such security; or, in the alternative
- c. In the event DEW does not provide such security pursuant to Sec. 16.3.1 of the agreement, MID shall provide a written commitment authorized by its Board of Directors to secure funding for Del Este's proportionate share of the Project.

BE IT FURTHER RESOLVED that the Council of the City of Modesto is committed to the successful completion of the Modesto Domestic Water Project to insure a continuing adequate water supply for the residents of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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**MODESTO CITY COUNCIL
RESOLUTION 92-461**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE THE BALANCE OF THE PROPOSED 1992-93 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, during the adoption of the Phase I Budget, only a portion of the Capital Improvement Program(CIP) was adopted. The CIP that was adopted was a modified version of the Sewer, Storm Drain. and Water Fund CIP projects.

WHEREAS, subsequent to the Phase I adoption, it was determined that five CIP projects were essential and were approved by Council on July 7, 1992. See memo for specific projects.

WHEREAS, this resolution adopts the remaining CIP projects as they were proposed, with two exceptions: 1.) Lincoln/Lakewood Bridge environmental/Preliminary engineering - \$466,000, was not approved; 2.) Mellis Parking Lot Reconstruction - \$40,000, was added to the original 1992-93 CIP per the Planning Commission's Recommendations.

WHEREAS, two other adjustments have been made regarding the funding of these approved projects as follows:

- 1.) The transfer in from fund 051 to 070 is reduced to \$417,000 due to low available fund balances, this revenue is to be associated with projects being submitted for State cycle 3 reimbursement funds: the College/Orangeburg Traffic Signal for \$10,000 (C666), Scenic from Coffee to Rose-Widen \$257,000 (C787), and Scenic from Coffee to Rose-Widen-carryover from FY91-92 (B912) \$150,000.
- 2.) The transfer from fund 170 to fund 140 needs to be decreased by \$13,000 due to low actual fund balance, the transfer in from fund 150 can be increased by \$13,000 to substitute funding. This transfer is to cover the Coldwell Office/Maddux Building Asbestos Abatement. This is one of the five essential projects that was approved subsequent to the Phase I CIP adoption.

THEREFORE, the following adjustments are necessary to amend the budget to adopt the remaining CIP. See attachment I.

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 18th day of August, 1992, 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: Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

1992-93 CIP less approved at phase I adoption (sewer, water, storm drain), less 5 subsequently approved projects, also, less the only denied project-Lincoln/lakewood Bridge, and addition of Mellis Parking Lot per PC's recommendations.

Fund	Agg	Org	Object	Appr Unit	Project Title	Individual Adjustments	Total CIP Projects	Total C.Reserve Adimt
Local Transportation Fund								
051	700	7000	7070		TRANSFER OUT TO FUND 070	417,000		
052	140	C863	6010	863	HETCH-HETCHY BIKE PATH	10,000		
052	140	C863	6040	863	HETCH-HETCHY BIKE PATH	62,000		
052	140	C863	6050	863	HETCH-HETCHY BIKE PATH	0		
052	140	C863	6060	863	HETCH-HETCHY BIKE PATH	0	72,000	
051/2	800	8000	8003		CONTINGENCY RESERVE	(72,000)		
051/2	800	8000	8003		LTF CONTINGENCY RESERVE	(417,000)		(489,000)
Special Gas Tax Fund								
070	160	C605	6010	605	9TH/COLDWELL/WOODLAND T/S MOD	10,000		
070	160	C605	6040	605	9TH/COLDWELL/WOODLAND T/S MOD	102,000		
070	160	C605	6050	605	9TH/COLDWELL/WOODLAND T/S MOD	5,000		
070	160	C605	6060	605	9TH/COLDWELL/WOODLAND T/S MOD	8,000		
070	160	C666	6010	666	COLLEGE/ORANGBRG T/SIGNL MOD	10,000		
070	160	C666	6040	666	COLLEGE/ORANGBRG T/SIGNL MOD	102,000		
070	160	C666	6050	666	COLLEGE/ORANGBRG T/SIGNL MOD	5,000		
070	160	C666	6060	666	COLLEGE/ORANGBRG T/SIGNL MOD	8,000		
070	160	C702	6010	702	INTERSECTION UPGRADES - VARIOU	4,000		
070	160	C702	6040	702	INTERSECTION UPGRADES - VARIOU	40,000		
070	160	C702	6050	702	INTERSECTION UPGRADES - VARIOU	2,000		
070	160	C702	6060	702	INTERSECTION UPGRADES - VARIOU	4,000		
070	160	C717	6010	717	MISCELLANEOUS T/SIGNAL MODIFYS	4,000		
070	160	C717	6040	717	MISCELLANEOUS T/SIGNAL MODIFYS	36,000		
070	160	C717	6050	717	MISCELLANEOUS T/SIGNAL MODIFYS	2,000		
070	160	C717	6060	717	MISCELLANEOUS T/SIGNAL MODIFYS	3,000		
070	160	C759	6010	759	RESTRIPE EL VISTA/SCENIC-YSMIT	3,000		
070	160	C759	6040	759	RESTRIPE EL VISTA/SCENIC-YSMIT	24,000		
070	160	C759	6050	759	RESTRIPE EL VISTA/SCENIC-YSMIT	1,000		
070	160	C759	6060	759	RESTRIPE EL VISTA/SCENIC-YSMIT	2,000		
070	160	C764	6010	764	RESTRIPE PRSCTT/RMBLE-SHRN TWL	3,000		
070	160	C764	6040	764	RESTRIPE PRSCTT/RMBLE-SHRN TWL	24,000		
070	160	C764	6050	764	RESTRIPE PRSCTT/RMBLE-SHRN TWL	1,000		
070	160	C764	6060	764	RESTRIPE PRSCTT/RMBLE-SHRN TWL	2,000		
070	160	C765	6010	765	RESTRIPE SCENIC/OAKDALE-CLAUSE	4,000		
070	160	C765	6040	765	RESTRIPE SCENIC/OAKDALE-CLAUSE	41,000		
070	160	C765	6050	765	RESTRIPE SCENIC/OAKDALE-CLAUSE	2,000		
070	160	C765	6060	765	RESTRIPE SCENIC/OAKDALE-CLAUSE	3,000		
070	160	C766	6010	766	RESTRIPE TULLY/9TH-WOODRW TWLT	6,000		
070	160	C766	6040	766	RESTRIPE TULLY/9TH-WOODRW TWLT	57,000		
070	160	C766	6050	766	RESTRIPE TULLY/9TH-WOODRW TWLT	3,000		
070	160	C766	6060	766	RESTRIPE TULLY/9TH-WOODRW TWLT	4,000		
070	160	C800	6010	800	STREET LIGHTS - MISCELLANEOUS	0		
070	160	C800	6040	800	STREET LIGHTS - MISCELLANEOUS	10,000		
070	160	C805	6010	805	STREET NAME SIGNS	3,000		
070	160	C805	6040	805	STREET NAME SIGNS	22,000		
070	160	C805	6050	805	STREET NAME SIGNS	2,000		
070	160	C805	6060	805	STREET NAME SIGNS	3,000		
070	160	C807	6010	807	TRAFFIC IMPT AT 9TH/KANSAS,TWL	4,000		
070	160	C807	6040	807	TRAFFIC IMPT AT 9TH/KANSAS,TWL	31,000		
070	160	C807	6050	807	TRAFFIC IMPT AT 9TH/KANSAS,TWL	2,000		
070	160	C807	6060	807	TRAFFIC IMPT AT 9TH/KANSAS,TWL	3,000		
070	160	C811	6010	811	TRAFFIC IMPTS AT MISC NEW LCTN	6,000		
070	160	C811	6040	811	TRAFFIC IMPTS AT MISC NEW LCTN	61,000		
070	160	C811	6050	811	TRAFFIC IMPTS AT MISC NEW LCTN	3,000		
070	160	C811	6060	811	TRAFFIC IMPTS AT MISC NEW LCTN	5,000		
070	160	C814	6010	814	T/ SIGNAL DESIGN NEW LOCATIONS	25,000		
070	160	C930	6010	930	MCHENRY/LEVELAND T/SIGNAL	12,000		
070	160	C930	6040	930	MCHENRY/LEVELAND T/SIGNAL	122,000		
070	160	C930	6050	930	MCHENRY/LEVELAND T/SIGNAL	6,000		
070	160	C930	6060	930	MCHENRY/LEVELAND T/SIGNAL	10,000		
070	430	C604	6010	604	9TH STREET RAILROAD RELOCATION	0		
070	430	C604	6040	604	9TH STREET RAILROAD RELOCATION	1,980,000		
070	430	C604	6050	604	9TH STREET RAILROAD RELOCATION	0		
070	430	C604	6060	604	9TH STREET RAILROAD RELOCATION	0		
070	430	C606	6010	606	AUDIBLE TRAFFIC SIGNALS - HBR	2,000		
070	430	C606	6040	606	AUDIBLE TRAFFIC SIGNALS - HBR	5,000		
070	430	C606	6050	606	AUDIBLE TRAFFIC SIGNALS - HBR	1,000		
070	430	C606	6060	606	AUDIBLE TRAFFIC SIGNALS - HBR	1,000		
070	430	C606	6070	606	AUDIBLE TRAFFIC SIGNALS - HBR	16,000		
070	430	C670	6010	670	CURB RAMPS - H.B. REMOVAL	3,000		

1992-93 CIP less approved at phase I adoption (sewer, water, storm drain), less 5 subsequently approved projects, also, less the only denied project-Lincoln/Lakewood Bridge, and addition of Mellis Parking Lot per PC's recommendations.

Fund	Acq	Org	Object	Appr Unit	Project Title	Individual Adjustments	Total CIP Projects	Total C.Reserve Adimt
070	430	C670	6040	670	CURB RAMPS - H.B. REMOVAL	19,000		
070	430	C670	6050	670	CURB RAMPS - H.B. REMOVAL	1,000		
070	430	C670	6060	670	CURB RAMPS - H.B. REMOVAL	2,000		
070	430	C713	6010	713	MISCELLANEOUS RESURFACING	4,000		
070	430	C713	6040	713	MISCELLANEOUS RESURFACING	40,000		
070	430	C713	6050	713	MISCELLANEOUS RESURFACING	2,000		
070	430	C713	6060	713	MISCELLANEOUS RESURFACING	4,000		
070	430	C725	6010	725	NORSEMAN DRIVE	1,000		
070	430	C725	6040	725	NORSEMAN DRIVE	100,000		
070	430	C725	6050	725	NORSEMAN DRIVE	4,000		
070	430	C725	6060	725	NORSEMAN DRIVE	5,000		
070	430	C737	6010	737	PAVEMENT MAINTENANCE	31,000		
070	430	C737	6040	737	PAVEMENT MAINTENANCE	368,000		
070	430	C737	6050	737	PAVEMENT MAINTENANCE	0		
070	430	C737	6060	737	PAVEMENT MAINTENANCE	0		
070	430	C739	6010	739	REIMBURSE DEVLMPY FOR IMPTS	5,000		
070	430	C739	6040	739	REIMBURSE DEVLMPY FOR IMPTS	65,000		
070	430	C739	6060	739	REIMBURSE DEVLMPY FOR IMPTS	0		
070	430	C787	6040	787	SCENIC/COFFEE-ROSE-WIDEN S.SID	257,000		
070	430	C830	6010	830	VEHICLE CLASSIFICATION COUNTS	0		
070	430	C830	6070	830	VEHICLE CLASSIFICATION COUNTS	10,000		
070	430	C926	6001	926	7TH ST BRIDGE-PRELIMINARY DSGN	100,000		
070	430	C926	6010	926	7TH ST BRIDGE-PRELIMINARY DSGN	100,000		
070	430	C926	6050	926	7TH ST BRIDGE-PRELIMINARY DSGN	0		
070	430	C927	6010	927	EL VECINO AT LATERAL 4-CANAL X	5,000		
070	430	C927	6020	927	EL VECINO AT LATERAL 4-CANAL X	5,000		
070	430	C927	6040	927	EL VECINO AT LATERAL 4-CANAL X	225,000		
070	430	C927	6050	927	EL VECINO AT LATERAL 4-CANAL X	11,000		
070	430	C927	6060	927	EL VECINO AT LATERAL 4-CANAL X	19,000		
070	430	C933	6010	933	SYLVAN/ SELBY-OAKDALE-OVERLAY	4,000		
070	430	C933	6040	933	SYLVAN/ SELBY-OAKDALE-OVERLAY	89,000		
070	430	C933	6050	933	SYLVAN/ SELBY-OAKDALE-OVERLAY	5,000		
070	430	C933	6060	933	SYLVAN/ SELBY-OAKDALE-OVERLAY	5,000	4,349,000	
070	700	7000	7130		TRANSFER OUT TO FUND 130	50,000		
070	700	7000	9051		TRANSFER IN FROM FUND 051	417,000		
070	700	7000	9113		TRANSFER IN FROM FUND 113	50,000		
070	700	7000	9130		TRANSFER IN FROM FUND 130	115,000		
070	800	8000	8003		CONTINGENCY RESERVE-FUND 070	(50,000)		
070	800	8000	8003		GAS TAX CONTINGENCY RESERVE	(3,767,000)		(3,817,000)
CDBG/Housing Fund								
113	140	C861	6010	861	HANDICAPPED BARRIER REMOVAL	7,000		
113	140	C861	6040	861	HANDICAPPED BARRIER REMOVAL	43,000		
113	140	C861	6050	861	HANDICAPPED BARRIER REMOVAL	0		
113	140	C861	6060	861	HANDICAPPED BARRIER REMOVAL	5,000		
113	140	C861	6070	861	HANDICAPPED BARRIER REMOVAL	0	55,000	
113	700	7000	7070		TRANSFER OUT TO FUND 070	50,000		
113	700	7000	7140		TRANSFER IN TO FUND 140	100,000		
113	800	8000	8003		CONTINGENCY RESERVE	(55,000)		
113	800	8000	8003		CDBG CONTINGENCY RESERVE	(50,000)		
113	800	8000	8003		CONTINGENCY RESERVE 113	(100,000)		(205,000)
Special Fund For Capital Outlays								
130	180	C415	6010	415	RETROFIT EXISTING T/SIGNALS-FI	0		
130	180	C415	6070	415	RETROFIT EXISTING T/SIGNALS-FI	55,000		
130	430	C671	6010	671	CURB/SIDEWALK REPAIRS	7,000		
130	430	C671	6040	671	CURB/SIDEWALK REPAIRS	69,000		
130	430	C671	6050	671	CURB/SIDEWALK REPAIRS	4,000		
130	430	C671	6060	671	CURB/SIDEWALK REPAIRS	5,000		
130	430	C841	6010	841	ANNEX/CROCKER BLDG-STRUCT EVAL	55,000		
130	430	C848	6010	848	GIS (GEO INFORMATION SYSTEMS)	0		
130	430	C848	6070	848	GIS (GEO INFORMATION SYSTEMS)	290,000	485,000	
130	700	7000	7070		TRANSFER OUT TO FUND 070	115,000		
130	700	7000	7141		TRANSFER OUT TO FUND 141	70,000		
130	700	7000	9070		TRANSFER IN FROM FUND 070	50,000		
130	700	7000	9141		TRANSFER IN FROM FUND 141	10,000		
130	700	7000	9610		TRANSFER IN FROM FUND 610	87,000		
130	700	7000	9621		TRANSFER IN FROM FUND 621	97,000		
130	700	7000	9628		TRANSFER IN FROM FUND 628	46,000		
130	800	8000	8003		CONTINGENCY RESERVE FUND 130	(70,000)		
130	800	8000	8003		CONTINGENCY RESERVE	(195,000)		

1992-93 CIP less approved at phase I adoption (sewer, water, storm drain), less 5 subsequently approved projects, also, less the only denied project-Lincoln/Lakewood Bridge, and addition of Mellis Parking Lot per PC's recommendations.

Fund	Agy	Org	Object	Appr Unit	Project Title	Individual Adjustments	Total CIP Projects	Total C. Reserve Adimt
141	430	C611	6030	611	BRIGGS MR/MCHNRY INTRSN-DES/ROW	288,000		
141	430	C611	6040	611	BRIGGS MR/MCHNRY INTRSN-DES/ROW	0		
141	430	C662	6010	662	CLAUS RD BRIDGE-WIDEN ROADWAY	871,000		
141	430	C662	6040	662	CLAUS RD BRIDGE-WIDEN ROADWAY	129,000		
141	430	C662	6050	662	CLAUS RD BRIDGE-WIDEN ROADWAY	206,000		
141	430	C695	6010	695	EXPRESSWAY SCOPING/PLANNING	69,000		
141	430	C695	6040	695	EXPRESSWAY SCOPING/PLANNING	0		
141	430	C695	6050	695	EXPRESSWAY SCOPING/PLANNING	0	2,752,000	
141	700	7000	7130		TRANSFER OUT TO FUND 141	10,000		
141	700	7000	9130		TRANSFER IN FROM FUND 130	70,000		
141	700	7000	9133		TRANSFER IN FROM FUND 133	250,000		
141	700	7000	9136		TRANSFER IN FROM FUND 136	30,000		
141	800	8000	8003		CONTINGENCY RESERVE	(2,402,000)		
141	800	8000	8003		CONTINGENCY RESERVE-FUND 141	(10,000)		(2,412,000)
State Parks Fund								
150	700	7000	7140		TRANSFER IN TO FUND 140	18,000		
150	800	8000	8003		CONTINGENCY RESERVE 150	(18,000)		(18,000)
State Parks & Recreation Fund								
170	700	7000	7140		TRANSFER IN TO FUND 140	(13,000)		
170	800	8000	8003		CONTINGENCY RESERVE 150	13,000		13,000
Parking Fund								
600	160	C420	6010	420	IMPROVE LOT #34 (10TH & K)STRA	3,000		
600	160	C420	6040	420	IMPROVE LOT #34 (10TH & K)STRA	24,000		
600	160	C420	6050	420	IMPROVE LOT #34 (10TH & K)STRA	1,000		
600	160	C420	6060	420	IMPROVE LOT #34 (10TH & K)STRA	2,000		
600	160	C429	6010	429	PARKING LOT 33 SURFACE TRTMNT	2,000		
600	160	C429	6040	429	PARKING LOT 33 SURFACE TRTMNT	16,000		
600	160	C429	6050	429	PARKING LOT 33 SURFACE TRTMNT	1,000		
600	160	C429	6060	429	PARKING LOT 33 SURFACE TRTMNT	1,000	50,000	
600	800	8000	8003		CONTINGENCY RESERVE	(50,000)		(50,000)
Water Fund								
610	700	7000	7130		TRANSFER OUT TO FUND 130	87,000		
610	800	8000	8003		CONTINGENCY RESERVE-FUND 610	(87,000)		(87,000)
Sewer Fund								
621	700	7000	7130		TRANSFER OUT TO FUND 130	97,000		
621	800	8000	8003		CONTINGENCY RESERVE-FUND 621	(97,000)		(97,000)
Storm Drain Fund								
628	700	7000	7130		TRANSFER OUT TO FUND 130	46,000		
628	800	8000	8003		CONTINGENCY RESERVE-FUND 628	(46,000)		(46,000)
Bus Fund								
651	160	C362	6010	362	BUS STOP SIGNS	1,000		
651	160	C362	6040	362	BUS STOP SIGNS	9,000		
651	160	C362	6070	362	BUS STOP SIGNS	2,000		
651	160	C375	6010	375	PURCHASE 4 REPLACEMENT BUSES	5,000		
651	160	C375	6060	375	PURCHASE 4 REPLACEMENT BUSES	5,000		
651	160	C375	6070	375	PURCHASE 4 REPLACEMENT BUSES	943,000		
651	160	C381	6010	381	PUBLIC ADDRESS SYSTEM-25 BUSES	1,000		
651	160	C381	6070	381	PUBLIC ADDRESS SYSTEM-25 BUSES	13,000		
651	160	C384	6010	384	BUS SHELTERS - 3	1,000		
651	160	C384	6070	384	BUS SHELTERS - 3	11,000		
651	160	C412	6010	412	REFURBISH 3 1976 GMC BUSES	5,000		
651	160	C412	6060	412	REFURBISH 3 1976 GMC BUSES	5,000		
651	160	C412	6070	412	REFURBISH 3 1976 GMC BUSES	410,000	1,411,000	
651	800	8000	8003		CONTINGENCY RESERVE	(1,411,000)		(1,411,000)
Golf Fund								
660	330	C546	6010	546	CGC CLUB HOUSE GROUNDS IMPTS	1,000		
660	330	C546	6040	546	CGC CLUB HOUSE GROUNDS IMPTS	5,000		
660	330	C546	6050	546	CGC CLUB HOUSE GROUNDS IMPTS	1,000		
660	330	C546	6060	546	CGC CLUB HOUSE GROUNDS IMPTS	1,000		
660	330	C548	6010	548	CGC DRINKING FOUNTAINS	1,000		
660	330	C548	6040	548	CGC DRINKING FOUNTAINS	6,000		
660	330	C548	6050	548	CGC DRINKING FOUNTAINS	1,000		
660	330	C548	6060	548	CGC DRINKING FOUNTAINS	1,000		
660	330	C549	6010	549	DRYDEN LAKES, GREENS, TEES-DESIG	120,000		
660	330	C549	6040	549	DRYDEN LAKES, GREENS, TEES-DESIG	30,000		
660	330	C549	6050	549	DRYDEN LAKES, GREENS, TEES-DESIG	0		
660	330	C549	6060	549	DRYDEN LAKES, GREENS, TEES-DESIG	0	167,000	0
660	800	8000	8003		CONTINGENCY RESERVE	(167,000)		(167,000)
							9,788,000	(9,788,000)

MODESTO CITY COUNCIL
RESOLUTION NO. 92-462

A RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR THE WOODLAND AVENUE PUMP STATION SLUICE GATE, OPENED IN THE OFFICE OF THE CITY CLERK ON JULY 30, 1992, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 92-371, adopted by the Council of the City of Modesto on July 7, 1992, approved the plans and specifications for the Woodland Avenue Pump Station sluice gate, and authorized the call for bids; and

WHEREAS, the bid received for the Woodland Avenue Pump Station sluice gate were opened at 11:10 a.m. on July 30, 1992; and

WHEREAS, the single bid received was 47.92% above the Engineer's estimate and not considered acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for the Woodland Avenue Pump Station sluice gate, opened in the office of the City Clerk on July 30, 1992, is hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for the Woodland Avenue Pump Station sluice gate to be opened September 10, 1992, at 11:00 a.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-463

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE DRY CREEK
EROSION REPAIR - BEARD BROOK PARK PROJECT

WHEREAS, Resolution No. 92-399 , adopted by the Council of the
City of Modesto on July 14 , 1992, approved the plans and
specifications for the Dry Creek erosion repair - Beard Brook Park
project

and authorized the calling for bids; and

WHEREAS, the bids received for the Dry Creek erosion repair -
Beard Brook Park project

were opened at 11:00 a.m. on August 6, 1992, 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 \$19,600

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 \$19,600

be accepted and the execution of a contract for the
completion of the project by the City's designated officials be
authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 18th day of August, 1992,
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: Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-464

A RESOLUTION ACCEPTING THE WATERLINES IN VALERIE LANE ALLEY, DOUGLAS STREET AND 9TH STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the waterlines in Valerie Lane Alley, Douglas Street and 9th Street has been completed by Joe Martin Pipeline, Inc. in accordance with the contract agreement dated March 17, 1992.

NOW, THEREFORE, BE IT RESOLVED that the waterlines in Valerie Lane Alley, Douglas Street and 9th Street be accepted from said contractor, Joe Martin Pipeline, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$36,824.25 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 18th day of August, 1992, by Councilmember Friedman, who moved its adoption, w hich motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-465

A RESOLUTION OF INTENTION TO VACATE AND
ABANDON APPROXIMATELY 250 LINEAR FEET OF
ALLEY RIGHT-OF-WAY AND RESERVE UTILITY
EASEMENTS FOR PUBLIC UTILITY SERVICE LINES
LOCATED IN BLOCK 1112 OF THE CITY OF MODESTO
WEST OF COFFEE ROAD AND SOUTH OF GLORIA WAY.

WHEREAS, the City Council has received and referred to the Planning Commission a request by adjacent property owners to vacate and abandon approximately 250 linear feet of alley right-of-way of Block 1112 located immediately west of Coffee Road south of Gloria Way, and reserve several utility easements within the subject right-of-way, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the approximately 250 linear feet of alley located west of Coffee Road south of Gloria Way right-of-way in adjacent land owners who are proponents of the abandonment, and

WHEREAS, the proposed alley abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, notices of an informal public hearing to consider the request to abandon 250 linear feet of alley right-of-way and reserve utility easements for public utility service lines located in Block 1112 were posted in the area and said hearing was held by the Planning Commission on July 20, 1992, and

WHEREAS, the Planning Commission by Resolution No. 92-27, adopted on July 20, 1992, found and determined as follows:

1. The alley right-of-way of Block 1112 located west of Coffee Road and south of Gloria Way is unnecessary for present or prospective public vehicular use. Vehicular traffic wishing to travel through the remaining east-west alley located to the west can easily circulate through the dead-end street located immediately west of the subject abandonment or through the north-south alley located at the western end of the alley.
2. Utility easements will be reserved for all MID, PG&E, Pacific Bell and Post-Newsweek Cable service lines as well as for the City sewer line as approved by the respective agency.
3. The abandonment and vacation was subject to environmental review by the City of Modesto Environmental Assessment Committee on May 6, 1992, which recommended that a Negative Declaration certified and filed.
4. The abandonment and vacation of the subject right-of-way is in conformance with the City of Modesto General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 92-27 recommended to the City Council that approximately 250 linear feet of alley right-of-way and reservation of several utility easements within the subject right-of-way of Block 1112 located immediately west of Coffee Road south of Gloria Way be vacated and abandoned, subject to the following conditions:

1. An easement for existing utilities shall be reserved as approved by the Modesto Irrigation District, Pacific Gas and Electric, Pacific Bell, Post-Newsweek Cable and the City of Modesto.

2. That the abandoned alley shall be closed with the installation of curb, gutter and sidewalk along each end of the abandoned right-of-way in conformance with the City of Modesto's Standard Specifications. Fencing in conformance with P-D(32) design standards will be installed along the west boundary of the abandoned alley.
3. That prior to the vacation and abandonment of the alley by the City Council, the applicant for the abandonment shall post security with the City in an amount to be determined by the City Engineer to guarantee construction of the street and fencing improvements.
4. That prior to the vacation and abandonment of the alley by the City Council, the applicant of the abandonment shall agree in writing to comply with all conditions of abandonment imposed by the City Council. Said agreement shall also specify that the required improvements will be installed within 90 days following final abandonment action by the City Council.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon approximately 250 linear feet of alley right-of-way and reserve utility easements for Public Utility Service Lines located in Block 1112 of the City of Modesto immediately west of Coffee Road and South of Gloria Way. Said proposed vacation and abandonment is more particularly shown on that certain map entitled "Vacate And Abandon The 20-Foot Alley In Block 1112 LD 92-B", dated August 17, 1992, which is on file in the office of the City Clerk, and more particularly described on Exhibit "A" attached

hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment of said public alley right-of-way referred to above, pursuant to the provisions of Section 8300-8363 of the Streets and Highways Code of the State of California.

SECTION 3. Notice is hereby given that September 8, 1992, at the hour of 4:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in The Modesto Bee, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Planning And Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of approximately 250 linear feet of alley right-of-way and reservation of several utility easements within the subject right-of-way of Block 1112 located immediately west of Coffee Road south of Gloria Way, to be posted conspicuously along the line of said 250 linear feet of alley right-of-way proposed to be vacated and abandoned at least

fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the alley right-of-way proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Christman
Public Works and Transportation
Department, Engineering

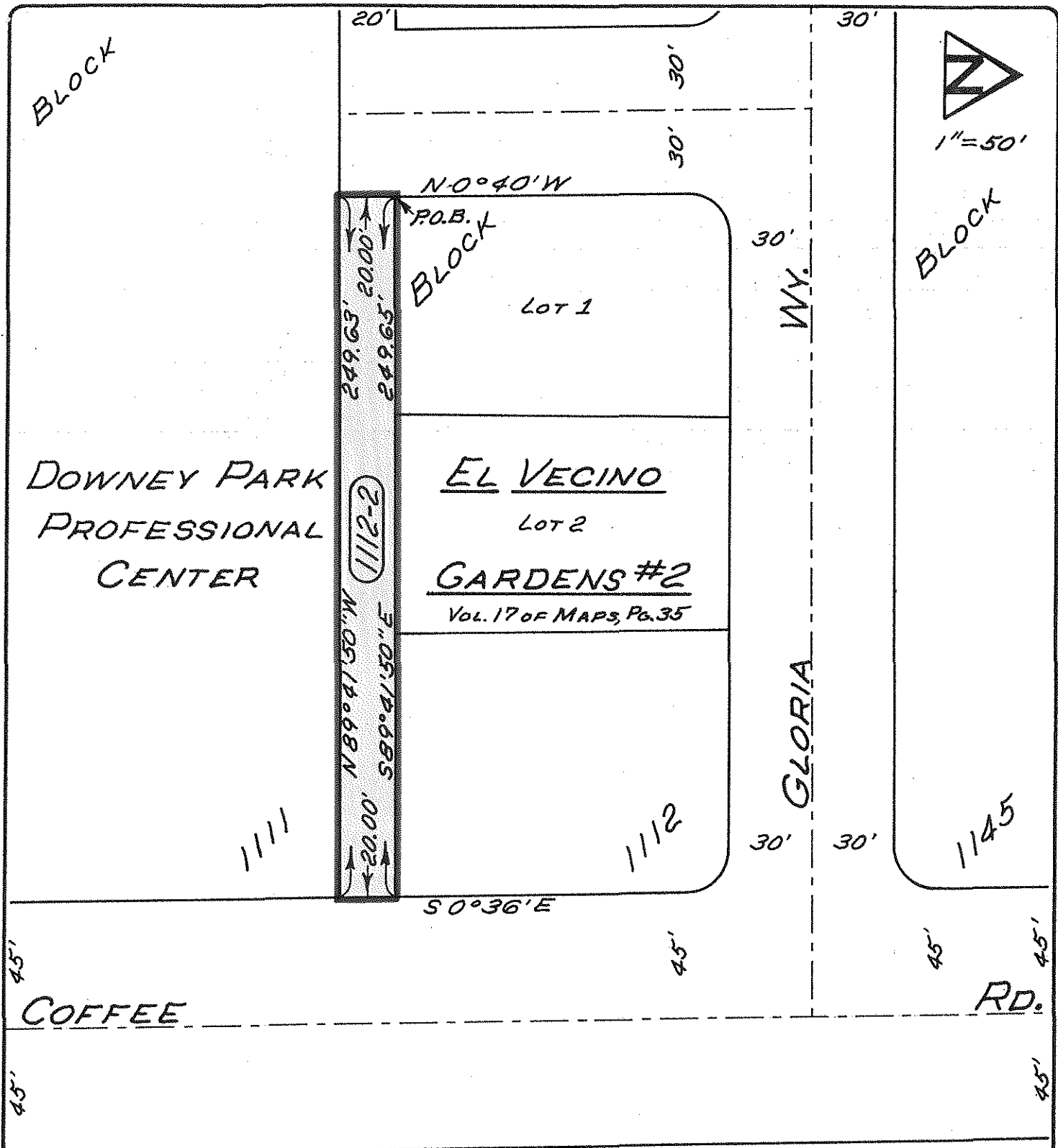
LD 92-B
Parcel 1112-2

VACATE AND ABANDON THE 20-FOOT ALLEY IN
BLOCK 1112 OF THE CITY OF MODESTO

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southwestern corner of Lot 1 in Block 1112 of the EL VECINO GARDENS #2 Subdivision, as per map filed May 26 , 1952 in Volume 17 of Maps, Page 35, Stanislaus County Records; thence along the Southern line of said Block 1112 and its Easterly extension, South $89^{\circ}41'50''$ East, 249.65 feet, to a point on the Western line of 90 foot Coffee Road; thence along said Western line of Coffee Road, South $00^{\circ}36'$ East, 20.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Southerly from said Southern line of Block 1112; thence along said parallel line, North $89^{\circ}41'50''$ West, 249.63 feet, to its intersection with the Southerly extension of the Western line of said Lot 1 in Block 1112; thence along said Southerly extension of the Western line of Lot 1, North $00^{\circ}40'$ West, 20.00 feet, to the point of beginning.

Reserving all of the above as a Public Utilities Easement.



APPROVED BY: <i>Jerry M. Sutton</i>	R.E. 24,156
DATE: <i>8/17/92</i>	EXP. DATE: <i>12/31/93</i>
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: <i>Aug. '92</i>	DRAWN BY: <i>J. Christiansen</i>

VACATE AND ABANDON
 THE 20-FOOT ALLEY
 IN BLOCK 1112
 LD 92-B

CHECKED BY:	FIELD BOOK:	PAGE:
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CITY of MODESTO
 DEPARTMENT OF
 PUBLIC WORKS AND
 TRANSPORTATION

ACTIVITY NO.
FILE NO. 4-A-758

Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 92-466

A RESOLUTION ACCEPTING THE MASTER PLAN FOR
THE MC CLURE COUNTRY PLACE, CERTIFYING REVIEW
OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING
THE FILING OF A NOTICE OF DETERMINATION
RELATING TO SAID PROJECT.

WHEREAS, the McClure Country Place is a historical farm
residence located at the north end of McClure Road, south of Dry
Creek, and

WHEREAS, the Master Plan for renovation of the McClure
Country Place has been prepared by Recreation Systems, Inc., and

WHEREAS, the Environmental Assessment Committee has
concluded its study, and

WHEREAS, the Council certifies that at its meeting of
August 18, 1992, it reviewed and considered the Findings of the
City of Modesto Environmental Assessment Committee, which
resulted in a negative declaration in regard to the environmental
impact relating to the development of a living museum utilizing
the historical McClure Farm residence located at the north end of
McClure Road, south of Dry Creek, west of Claus Road and east of
the 18 hole golf course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby accepts the Master Plan for the
renovation of the McClure Country Place which has been prepared
by Recreation Systems, Inc.

BE IT FURTHER RESOLVED by the Council that the Planning
and Community Development Director of the City of Modesto is

hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the renovation of the McClure Country Place.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-467

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DRYDEN PARK COFFEE SHOP, INC. FOR THE FOOD AND BEVERAGE CONCESSION AT DRYDEN AND MUNI GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dryden Park Coffee Shop, Inc. for the food and beverage concession at Dryden and Muni Golf Courses

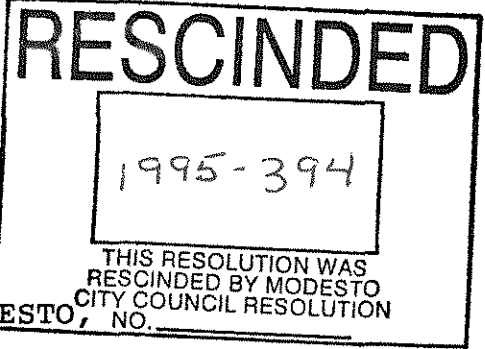
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August , 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Bird

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 92-468

A RESOLUTION GRANTING APPROVAL FOR AN
INTERNATIONAL FESTIVAL TO BE HELD
OCTOBER 2-4, 1992, IN THE CITY OF MODESTO,
SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the International Festival Committee
(hereinafter referred to as the Committee) has requested
assistance from the City of Modesto (hereinafter referred to as
City) with the International Festival '92 activities, an
international and ethnic cultural event celebrating diversity in
the community, to be held on October 2-4, 1992, and

WHEREAS, said Festival activities will include a
downtown street fair which offers a variety of arts and crafts
and food booths as well as entertainment and an ethnic diversity
parade, and

WHEREAS, Committee specifically has requested that the
City of Modesto provide assistance for City related expenses as
follows:

1. Provide assistance from the Modesto Police
Department for the parade and the street fair.
Maximum cost of \$2,820 as outlined in a report
from the Police Department, a copy of which report
is attached hereto and incorporated herein by
reference.
2. Waive tent permit fees charged by the Fire
Prevention Bureau, at a projected cost of \$61-
\$100.
3. Provide street cleaning as needed after the parade
and street fair.

and

WHEREAS, City staff has met with Committee to resolve most concerns and to discuss City assistance and has recommended that permission and assistance be given to Committee, subject to certain conditions, and

WHEREAS, the Council has considered the request for City assistance with the International Festival '92 activities and the Council deems it appropriate to grant approval and assistance to the Committee relating to said request, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Committee's request for City assistance with the International Festival '92 activities to be held on October 2-4, 1992:

1. As a requirement of the proposed parade, the Committee shall furnish to the City a permit from the California Department of Transportation which authorizes closure of certain streets in the City of Modesto: Closure of K Street from 9th Street to 11th Street on Friday, October 2, 1992 from 3:00 p.m. until Sunday, October 4, 1992, 9:00 p.m.
2. The Committee shall be allowed to conduct the parade from 10:00 a.m. until 11:00 a.m., on Saturday, October 3, 1992. The parade route shall be as described on the attached map.
3. An encroachment permit shall be obtained by the Committee from the City Public Works and Transportation Department at least 48 hours prior to the temporary street closure of 10th Street, between K Street and J Street. Insurances (as required in item 21 below) shall be on file with the City Clerk prior to the issuance of said permit. The City shall waive all encroachment permit fees.

4. The City shall provide street sweeping on Saturday following the parade. However, the Committee shall be responsible for removing any and all trash, garbage or refuse left on private or public property as a result of said Festival.
5. The Committee is to provide sufficient volunteer assistance with the closure of the parade route.
6. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales areas.
7. The Committee shall be responsible for removal of various booths and other items which have been placed in and on City streets during and after the event. Following the event, the City shall provide the normal street sweeping on Sunday evening.
8. Portable toilets shall not be placed on City parking lots.
9. Signs shall be provided by the Committee directing vehicular and pedestrian traffic at all locations where streets and sidewalks are closed to through traffic.
10. Emergency equipment shall be provided access, a minimum of 12 feet in width, at all times. Any vehicles or other items blocking access shall be towed.
11. No liquefied petroleum gas (L.P.G.) shall be used in enclosed areas. A minimum of a 2A 10BC fire extinguisher must be provided for each cooking area.
12. Each tent shall be inspected by the Fire Marshall or his designee.
13. Prior to the event, all food carts shall be inspected at the Fire Prevention Bureau.
14. The City shall waive all fire inspection fees; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.

15. The Committee shall execute a rental license to use the Plaza in front of the Community Centre Plaza Building and shall pay the required deposit to the Centre Plaza one week prior to the event.
16. The Committee shall conform to all policies and procedures at the Centre Plaza and shall pay all applicable fees.
17. The Committee shall provide its own hired 24-hour security for the liquor booths as well as night time security. The Modesto Police Department will furnish reserve officers during the hours of operation of the event open to the public.
18. All public improvements shall be left in the same condition as existed prior to the Festival.
19. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and nonhazardous condition. Any obstructions to public or private use shall be removed by the Committee no later than 9:00 p.m. Sunday, October 4, 1992.
20. The Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's sponsored Festival activities, use of the Centre Plaza, and City streets and City parking lots.
21. The Committee shall furnish to the Risk Manager of the City current and valid certificate(s) of insurance evidencing coverages in forms and amounts satisfactory to the Risk Manager in insuring the risks, exposures and liabilities assumed by the Committee under this Resolution. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than \$1,000,000 per occurrence; include the City of Modesto as an additional insured; provide the City with a minimum of ten (10) days' written notice prior to cancellation, alteration or material change in coverage; and contain contractual liability coverage. The Committee shall also file acceptable verification of conformance with the California Labor Code Section 3800. The Committee shall also file

acceptable verification of coverage for legal liquor liability.

Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verifications shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee 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 18th day of August, 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

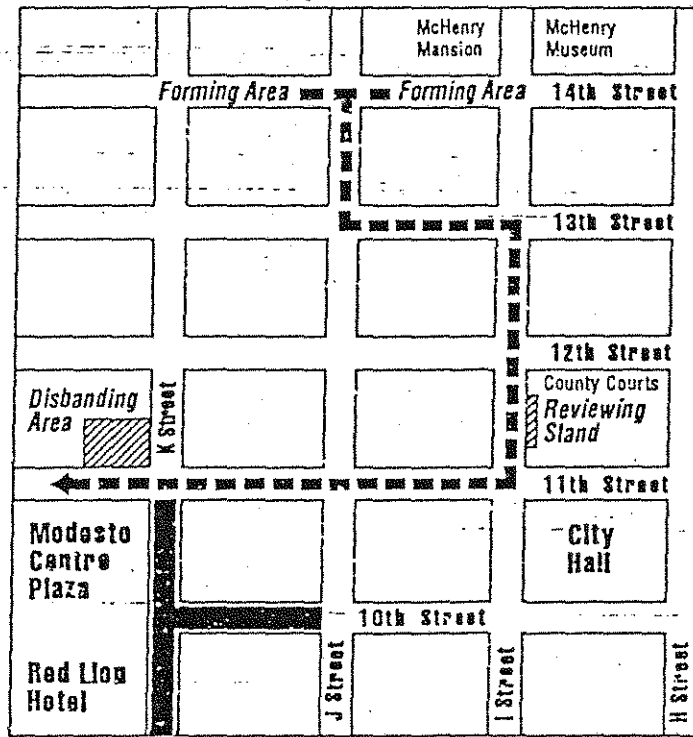
By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney



FESTIVAL '91

annual ethnic and cultural celebration in Modesto

DIVERSITY PARADE



STREET FAIR

10th & K Streets, Modesto Centre Plaza

Featuring

- International Foods and Crafts
- Ongoing Music & Dance Entertainment
- Children's Activities & Entertainment
- (Free Admission)

SAT. OCT. 3RD

11:00am - 7:00pm

(PARADE BEGINS AT 10:00am)

SUN OCT 4th

10am - 5:00pm

MODESTO CITY COUNCIL
RESOLUTION NO. 92-469

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,402 TO FINISH
THE MODESTO GOLF COURSE PARKING LOT EXPANSION PROJECT

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

FROM:	Drycreek Furnishing & Equip. (660 330 P757 6000.50)	\$8,402
TO:	Muni - Parking Lot (660 330 P758 6000.50)	\$8,402

This money is needed to finish the Modesto Golf Course parking
lot expansion project.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 18th day of
August, 1992, 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:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-470

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$40,500 TO EXECUTE
FOUR CONTRACT CHANGE ORDERS ON THE CREEKSIDE GOLF COURSE CLUBHOUSE

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

FROM:	Dry Creek Golf Course (660 330 3314 P751)	\$40,500
TO:	Dry Creek Clubhouse (660 330 3314 P756)	\$40,500

Money needed to execute four contract change orders on the Creekside
Golf Course Clubhouse.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 18th day of
August, 19 92, 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:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-471

A RESOLUTION APPOINTING MEMBERS TO THE DISABLED ACCESS APPEALS BOARD

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 Disabled Access Appeals Board :

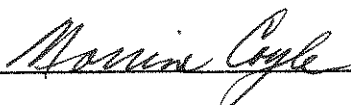
Sherre Wong
Robert DeGrasse
Eldon Larson
Donna Huckabay
Michael Pratt

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 18th day of August 1992, 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:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST:



NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 92-471A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-O TO C-3. (GLENN MONTGOMERY)

WHEREAS, on August 25, 1992, the City Council introduced Ordinance No. 2818-C.S. giving approval to a project relating to an amendment to Section Map 30-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, to Highway Commercial Zone, C-3, property located at the southwest corner of Kansas Avenue and Carpenter Road, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 30-3-9 of the Zoning Map of the City of Modesto to reclassify from

Professional Office Zone, P-O, to Highway Commercial Zone, C-3, property located at the southwest corner of Kansas Avenue and Carpenter Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

17-1

MODESTO CITY COUNCIL
RESOLUTION NO. 92-472

A RESOLUTION DENYING THE APPEAL OF DELAMARE-FULTZ ON BEHALF OF EUGENE ABEL TO A PLANNING COMMISSION DECISION CONCERNING A REQUEST FOR TIME EXTENSION FOR ABEL PLACE, A VESTING TENTATIVE SUBDIVISION MAP LOCATED ON THE EAST SIDE OF MORSE ROAD AND SOUTH OF BLUE GUM AVENUE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, by Resolution No. 90-74 adopted on August 20, 1990, the Planning Commission approved the vesting tentative map for Abel Place located on the east side of Morse Road and south of Blue Gum Avenue, and

WHEREAS, a final map of Abel Place vesting tentative subdivision map shall be recorded within 24 months of tentative map approval as required by Section 4-4.60-1(a) of the Modesto Municipal Code, and

WHEREAS, the vesting status for Abel Place expired on August 20, 1992, and

WHEREAS, the County Public Facilities would apply after the expiration of the vesting status, and

WHEREAS, prior to the expiration of tentative map approval a letter was received from Delamare-Fultz on behalf of Eugene Abel requesting an extension of time for filing the final map of Abel Place vesting tentative subdivision, and

WHEREAS, the request was reviewed by the Planning Commission at its regular meeting on August 3, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto,

California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 92-32, adopted on August 3, 1992, found and determined that good cause had not been shown for the requested time extension, and denied said request for the reasons set forth in said Planning Commission Resolution No. 92-32, and

WHEREAS, by letter dated August 5, 1992, an appeal was filed with the City Clerk by Delamare-Fultz on behalf of Eugene Abel to the decision of the Planning Commission denying a time extension for the vesting status of Abel Place vesting final subdivision map, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 25, 1992, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the requested extension of time for the vesting status of the Abel Place vesting final subdivision map should be denied for the following reasons, and the decision of the Planning Commission should be affirmed:

1. Recent legal attacks on the City's CFF make it prudent to keep the vesting date of maps as current as possible.

2. Extension of the vesting maps will allow it to keep a non-current vesting date.
3. No unusual circumstances have prevented the recording of the final map.
4. The City Council will be considering proposals from the Community Development And Housing Committee on easing the Capital Facilities Fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reasons set forth above, the appeal of Delamare-Fultz on behalf of Eugene Abel to the decision of the Planning Commission denying the time extension for the vesting status of Abel Place is hereby denied, and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-473

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE DRY CREEK BIKE TRAIL UNDER THE EL VISTA BRIDGE

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

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 17, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-474

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE MCCLURE MANSION CARETAKER'S COTTAGE

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

SECTION 1. The plans and specifications for the McClure Mansion caretaker's cottage, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 17, 1992, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 25th day of August, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-475

A RESOLUTION ACCEPTING THE BID OF TITAN STRUCTURES, INC. FOR THE
DOWNTOWN TRANSPORTATION CENTER

WHEREAS, Resolution No. 92-343, adopted by the Council of the City of Modesto on June 23, 1992, approved the plans and specifications for the Downtown Transportation Center construction and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the Downtown Transportation Center were opened at 2:00 p.m. on August 4, 1992, 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 Titan Structures in the amount of \$2,447,513.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Titan Structures in the amount of \$2,447,513.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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:	Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Cogdill

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-476

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STRIPING
MODIFICATIONS - CLAUS ROAD AND ORANGEBURG AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the construction of traffic signals and striping modifications - Claus Road and Orangeburg Avenue has been completed by Collins Electrical, Inc. in accordance with the contract agreement dated February 4, 1992.

NOW, THEREFORE, BE IT RESOLVED that the traffic signals and striping modifications - Claus Road and Orangeburg Avenue be accepted from said contractor, Collins Electrical, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$109,273 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 25th day of August, 1992, by Councilmember Patterson, who moved its adoption, w hich 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. 92-477

A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY SCRIMSHER & MINENI CONSTRUCTION, INC., CONTRACTOR FOR THE UPDATE OF SUBMERSIBLE SEWER LIFT STATIONS - COLDWELL AVENUE, FAIRMONT AVENUE AND ATHENS AVENUE

WHEREAS, the City of Modesto has contracted with Scrimsher & Mineni Construction, Inc. for updating of submersible sewer lift stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue; and

WHEREAS, F. & F. Painting, listed as the painting subcontractor in the original bid on this project, has gone out of business and consequently has become insolvent.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of Jeffco Painting and Coating, Inc. as subcontractor for the painting on the update of submersible sewer lift stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue, replacing F. & F. Painting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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, Patterson,
Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-478

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 six (6) buses, listed
below, which the Transit Division of the Public Works and
Transportation Department has requested be placed into surplus as
they are no longer functional nor useful to its operation:

<u>Equipment Number</u>		<u>Year and Make</u>	<u>VIN Number</u>
<u>old</u>	<u>new</u>	<u>bus</u>	
20114	26814	1968 GMC	TDH35011041
20116	26816	1968 GMC	TDH35011042
20118	26818	1968 GMC	TDH35011043
20120	26820	1968 GMC	TDH35011044
20122	27322	1973 GMC	TDH3302A188
20126	27126	1971 GMC	TDH3301A161

and

WHEREAS, the City possesses one (1) 1966 Van Pelt
Snorkel Truck which the Fire Department has requested be placed
into surplus as it is no longer functional nor useful to its
operation, and

WHEREAS, the City possesses one (1) set of Matthew
Bender's "California Points & Authorities" which the City
Attorney's Office has requested be placed into surplus since the
revision service on them has been discontinued, and

WHEREAS, said equipment and books 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, six (6) buses, one (1) 1966 Van Pelt Snorkel Truck, and one (1) set of Matthew Bender's "California Points & Authorities" 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 25th day of August, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-479

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF
A RECONDITIONED IBM 3380-BK4 DISK DRIVE FROM IBM

WHEREAS, during August 1992, staff experienced a failure of a 3370 disk drive which caused serious downtime; and

WHEREAS, because IBM no longer manufactures the 3370 disk drives, it is recommended the City purchase one reconditioned 3380-BK4 disk drive which comes with full maintenance coverage, for an approximate cost of \$31,500.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one reconditioned IBM 3380-BK4 disk drive is hereby waived.

BE IT FURTHER RESOLVED that purchase of one reconditioned IBM 3380-BK4 disk drive from IBM in the amount of \$31,500, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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. 92-480

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$31,500 FROM CONTINGENCY RESERVE TO PURCHASE ONE RECONDITIONED IBM 3380-BK4 DISK DRIVE

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

FROM:	Contingency Reserve (200 800 8000 8003)	\$31,500
TO:	Disk Drive - IBM 3380BK4 (200 120 C334 6070)	\$31,500

Replacement of the 3370 disk drive is needed to ensure continued operation of the mainframe computer with minimal downtime. The 3380 disk drive will function with greater efficiency at lower maintenance costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August 1992, 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

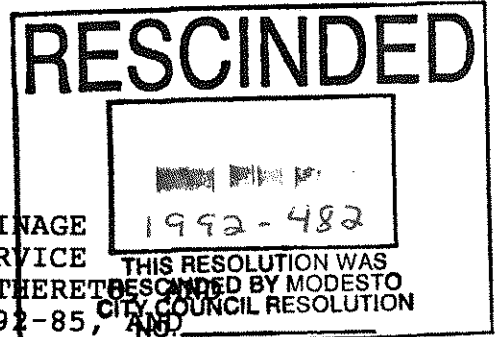
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-481

A RESOLUTION RELATING TO STORM DRAINAGE SURCHARGES, RESTATING THE SEWER SERVICE CHARGES, ADDING A DUPLEX CATEGORY THERE TO, AND RESCINDING RESOLUTION NOS. 92-84, 92-85, AND 92-324.



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,

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:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

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:

Each single-family dwelling or mobile home on a lot	\$9.74
Each dwelling unit in a duplex	7.60
One additional dwelling unit or mobile home on a lot	7.60

Each dwelling unit in an apartment building 6.27
or dwelling group or mobile home space
in a mobile home park

- (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 of 135% of the charges set forth 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:

Sewer Service Charges
Per 1000 Gals.
of Water Used

Group 1 \$1.61

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

Group 2 1.87

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

Group 3 2.28

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

Group 4 2.74

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 of 135% of the charges 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 \$20.22

Group 2 23.30

Group 3 28.56

Group 4 34.27

- (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 50/100ths (\$1.50) 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 \$657.74 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 \$77.79 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 \$71.61 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 of 135% of

the charges 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:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31

Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

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

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

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.57
3501-7000 SF	3.08
7000 + SF	4.62

- (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 \$6.28. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.28.
- (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 October 1, 1992.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution Nos. 92-48, 92-85, and 92-324.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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

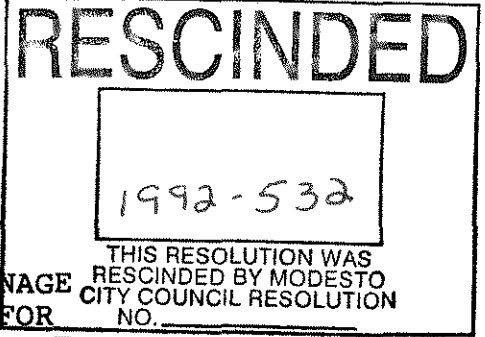
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:'

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 92-482

A RESOLUTION REVISING THE STORM DRAINAGE SURCHARGE RATES, REFERRING TO STAFF FOR FURTHER STUDY THE FEE EQUITY ISSUE AS IT RELATES TO MOBILE HOME PARKS, AND RESCINDING RESOLUTION NO. 92-481.

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,

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:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

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:

Each single-family dwelling or mobile home \$9.74
on a lot

Each dwelling unit in a duplex 7.60

One additional dwelling unit or mobile home 7.60
on a lot

Each dwelling unit in an apartment building 6.27
or dwelling group or mobile home space
in a mobile home park

- (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 of 135% of the charges set forth 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:

Sewer Service Charges
Per 1000 Gals.
of Water Used

Group 1 \$1.61

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

Group 2 1.87

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

Group 3 2.28

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

Group 4 2.74

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 of 135% of the charges 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 \$20.22

Group 2 23.30

Group 3 28.56

Group 4 34.27

- (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 50/100ths (\$1.50) 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 \$657.74 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 \$77.79 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 \$71.61 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 of 135% of

the charges 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 2.49
home on a lot

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:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	10.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40

Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

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

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

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.57
3501-7000 SF	3.08
7000 + SF	4.62

- (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 October 1, 1992.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 92-481.

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 25th day of August, 1992, 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: Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
NOES: Councilmembers: Bird
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

York

MODESTO CITY COUNCIL
RESOLUTION NO. 92-483

A RESOLUTION APPROVING A POLLUTION CONTROL
STORM DRAINAGE CAPITAL IMPROVEMENT PROGRAM FOR
FISCAL YEAR 1992-1993.

WHEREAS, expected Fiscal Year 1993 revenues are 14% less than originally forecast due to a smaller than anticipated customer base and four downward equity adjustments made during Fiscal Year 1992 for schools, senior/disabled citizens, multi-family residential, and non-curb areas, and

WHEREAS, the proposed Fiscal Year 1993 budget to provide storm drainage, sweeping, and water quality control services is considered lean, but still 9.2% short of expected bi-yearly 1993 revenues, and

WHEREAS, in order to deliver the current level of services and to comply with the Federal National Pollutant Discharge Elimination System (NPDES) Stormwater Permit requirements, the Council desires to approve a Pollution Control Storm Drainage Capital Improvement Program for Fiscal Year 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve a Pollution Control Storm Drainage Capital Improvement Program for the 1992-93 Fiscal Year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

Link

Modesto City Council
Resolution 92-484

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE ADDITIONAL STORM DRAINAGE REVENUES AND APPROPRIATE THE REMAINING UPAPPROPRIATED 1992-93 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the storm drain revenue rate is being increased 10 percent in order to fully fund the proposed 1992-93 Storm Drain Capital Improvement Budget.

WHEREAS, all of the Storm Drain Budget was funded except for a portion of the proposed 1992-93 CIP. The rate increase allows this remaining CIP to be funded.

WHEREAS, it is necessary to increase the revenue estimate and appropriate the remaining CIP.

THEREFORE, the following adjustment is necessary:

STORM DRAINAGE FUND (628)

Fund/Agy/Org/Rev-Obj Expenditures		Increase/(Decrease)
628-480-C103-6070	Autocad Workstation	\$ 38,000.
628-480-C104-6010	Multi-Village Storm Drainage Master Plan	100,000.
628-480-C105-6010	Field Monitoring Equipment	10,000.
628-480-C106-6010	Detention Basin Rehabilitation	9,000.
628-480-C106-6060	Detention Basin Rehabilitation	1,000.
628-480-C107-6010	Rehabilitate Submersible Lift Stations	17,000.
628-480-C107-6040	Rehabilitate Submersible Lift Stations	147,000.
628-480-C107-6050	Rehabilitate Submersible Lift Stations	14,000.
628-480-C107-6060	Rehabilitate Submersible Lift Stations	10,000.
628-480-C107-6070	Rehabilitate Submersible Lift Stations	14,000.
628-800-8000-8003	Storm Drain Contingency Reserve	(183,355).
 Revenues		
628-480-5312-4370	Strom Drainage Revenue	\$ 176,645.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-485

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 FOR A NEW CAPITAL IMPROVEMENT PROJECT - EXTEND SEWERS/PERIMETER SEWERS

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

FROM:	Annual Sewer Rehab. (621 480 C603 6010)	\$20,000
TO:	Extend Sewers/Perimeter Sewers (621 480 C333 6040)	\$20,000

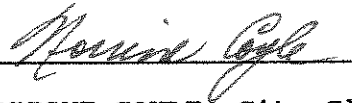
A new C.I.P. project is needed to reimburse developers for extending larger and deeper sewerlines than needed for their projects. Funds are normally budgeted each year, but were inadvertently dropped for the 1992-93 Capital Improvement Program budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August 1992, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-486

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$600 FROM CONTINGENCY RESERVE TO COVER CONSULTING FEES FOR REVISING THE COMPUTER FORMAT FOR THE REPORT REQUIRED BY THE MODESTO MUNICIPAL CODE SECTIONS CONCERNING CAMPAIGN REFORM (TINCUP)

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

FROM: Contingency Reserve	\$600
(010 800 8000 8003)	
TO: Services, Professional and Other	\$600
(010 050 0501 0235)	

To provide funds for reprogramming the computer to delete 1987 and add 1992 to the list required by the City's Campaign Reform Ordinance (TINCUP), and to provide documentation so future changes can be made by staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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. 92-487

A RESOLUTION CREATING A GENERAL PLAN CITIZENS STEERING COMMITTEE TO OVERSEE THE GENERAL PLAN REWRITE, APPOINTING SIXTEEN INDIVIDUALS TO SAID STEERING COMMITTEE, AND PROVIDING A CHARGE TO THE COMMITTEE.

WHEREAS, on March 31, 1992, the City Council requested the Community Development and Housing Committee to develop recommendations for individuals to serve on the General Plan Citizens Steering Committee, and

WHEREAS, the Steering Committee will be responsible for overseeing staff's effort to rewrite the Modesto Urban Area General Plan, and

WHEREAS, 28 applications for appointment to the Citizens Steering Committee were received and screened by the Community Development and Housing Committee, and

WHEREAS, personal interviews were conducted in instances where further information was required from individuals, and

WHEREAS, the Steering Committee will meet from September 1992 to August 1993, and staff proposes that it shall meet twice monthly on Thursdays from 7-10 p.m., and

WHEREAS, staff is developing a master agenda for each meeting to coincide with the development of the consultant's Environmental Impact Report and staff's General Plan document,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there is hereby created a committee to be known as the General Plan Citizens Steering Committee consisting of the following individuals:

1. Jesse Alexander
2. Hector Contreras
3. Rod De Cristofaro
4. John Evans
5. Richard Hagerty
6. Emerson Johnson
7. Larry Martin
8. Lenore Maurice
9. Patrick McGrath
10. Walt Murray
11. Andy Parks
12. George Petrulakis
13. Alita Roberts
14. Tom Robinson
15. Keith Schneider
16. Ed Taczanowski
17. John Hollis

BE IT FURTHER RESOLVED that the charge to the General Plan Citizens Steering Committee is as follows:

1. To become familiar with all relevant aspects of State law regarding General Plans, particularly focusing on how implementation of the Plan policies would affect future development of the City.
2. Provide guidance to City staff, who will be developing draft General Plan policies.
3. Hold at least two "Town Hall-type" public meetings to solicit input from the general public on future growth policies.
4. Provide recommendations to the Planning Commission regarding:

- a. A draft General Plan (text and map, all seven required Elements).
- b. Two alternative Land Use Plans, to be studied in the EIR.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, 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
 NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
 STAN T. YAMAMOTO, City Attorney

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there is hereby created a committee to be known as the General Plan Citizens Steering Committee consisting of the following individuals:

1. Jesse Alexander
2. Hector Contreras
3. Rod De Cristofaro
4. John Evans
5. Richard Hagerty
6. Emerson Johnson
7. Larry Martin
8. Lenore Maurice
9. Patrick McGrath
10. Walt Murray
11. Andy Parks
12. George Petrulakis
13. Alita Roberts
14. Tom Robinson
15. Keith Schneider
16. Ed Taczanowski

BE IT FURTHER RESOLVED that the charge to the General Plan Citizens Steering Committee is as follows:

1. To become familiar with all relevant aspects of State law regarding General Plans, particularly focusing on how implementation of the Plan policies would affect future development of the City.
2. Provide guidance to City staff, who will be developing draft General Plan policies.
3. Hold at least two "Town Hall-type" public meetings to solicit input from the general public on future growth policies.
4. Provide recommendations to the Planning Commission regarding:

MODESTO CITY COUNCIL
RESOLUTION NO. 92-487A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 AND R-3 TO R-1, AND TO PREZONE TO P-R-1, P-R-2, AND P-R-3. (PLANNING COMMISSION INITIATED)

WHEREAS, on September 1, 1992, the City Council introduced Ordinance Nos. 28-19-C.S. and 28-20-C.S. giving approval to a project relating to an amendment to Section Map 5-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, and to prezone to P-R-1, P-R-2, and P-R-3, property located east of Sutter Avenue south of South Avenue extending east to Neece Drive in the Fairway Neighborhood, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of

Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 5-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, and to prezone to P-R-1, P-R-2, and P-R-3, property located east of Sutter Avenue south of South Avenue extending east to Neece Drive in the Fairway Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-488

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ROBERTSON ROAD NEIGHBORHOOD PARK PROJECT

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

SECTION 1. The plans and specifications for the Robertson Road Neighborhood Park 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 October 1, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-489

A RESOLUTION ACCEPTING THE EAST LA LOMA PARK LIGHTS PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the installation of the East La Loma Park lights, has been completed by Utility Service and Electric, Inc. in accordance with the contract agreement dated March 24, 1992.

NOW, THEREFORE, BE IT RESOLVED that the installation of the East La Loma Park lights be accepted from said contractor, Utility Service and Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$32,700 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 1st day of September, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-490

A RESOLUTION ACCEPTING THE ROBERTSON ROAD PARK STREETS PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the Robertson Road Park streets project, has been completed by George Reed, Inc. in accordance with the contract agreement dated May 12, 1992.

NOW, THEREFORE, BE IT RESOLVED that the installation of the Robertson Road Park streets 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 \$62,130.56 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 1st day of September, 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-491

A RESOLUTION ACCEPTING THE MODIFICATION OF TRAFFIC SIGNALS AT COFFEE ROAD
AND ORANGEBURG AVENUE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the modification of traffic signals at Coffee Road and Orangeburg Avenue, has been completed by Richard A. Heaps Electrical Contractors in accordance with the contract agreement dated December 3, 1991.

NOW, THEREFORE, BE IT RESOLVED that the modification of traffic signals at Coffee Road and Orangeburg Avenue, be accepted from said contractor, Richard A. Heaps Electrical Contractors; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$90,344.00 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 1st day of September, 1992, 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
NORRINE COYLE, City Clerk

10
MODESTO CITY COUNCIL
RESOLUTION NO. 92-492

A RESOLUTION ADOPTING A SPEED HUMP POLICY

WHEREAS, speed humps have proven to be an effective residential traffic management device when properly evaluated, designed, and installed; and

WHEREAS, if the proliferation of speed humps is to be avoided, a comprehensive policy is needed to manage the prudent use of speed humps.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Speed Hump Report", which includes these key elements:

Speed humps should be installed only on two-lane local residential streets and minor collector streets with traffic volumes less than 2,500 vehicles per day.

Speeding should exist to an unacceptable degree.

Speed limit should not be greater than 30 mph.

Street should not be a primary emergency route or a transit route.

Speed hump installation should not divert traffic to adjoining residential streets.

Speed hump installation should be approved by a documented majority of residents.

Since they directly benefit the residents, they should be paid for by those who benefit from them.

Speed humps being relatively new design features, the traffic staff should have the authority to make changes to design or procedures relating to speed humps in the future.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Dobbs, 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, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-493

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$11,000 TO COVER CONTRACT CHANGE ORDERS FOR THE ABOVE GROUND STORAGE TANK PROJECT AT DRYDEN GOLF COURSE

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

FROM:	Automate Irrigation Design (660 330 B507 6050)	\$11,000
TO:	Storage Tanks - Above Ground (660 330 B506 6050)	\$11,000

Funds are needed to cover contract change orders for this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-494

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 TO PROVIDE FUNDING FOR PARK LAND ACQUISITION IN THE WOODLAND NEIGHBORHOOD

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

FROM:	West Maze Neighborhood Park	\$10,000
	(135 310 P949 6030)	
TO:	Woodland Neighborhood Park	\$10,000
	(135 310 C704 6010)	
	(135 310 C704 6001)	

Funds are needed to provide funding for park land acquisition in the Woodland Neighborhood

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September 1992, 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-495

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL TO PREPARE PART 2 OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brown and Caldwell, to prepare Part 2 of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-496

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE 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 the 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 1st day of September , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

3/2/92

MODESTO CITY COUNCIL
RESOLUTION NO. 92-497

A RESOLUTION APPROVING THE FINAL MAP OF THE
COLLEGE WEST PARK SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, PAUL M. ZAGARIS, INC., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.40 acres, known as the College West Park Subdivision, and

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

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said College West Park 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 1st day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting
City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-498

A RESOLUTION URGING THE MODESTO IRRIGATION DISTRICT TO TAKE NECESSARY ACTIONS TO PROCEED WITH THE DOMESTIC WATER PROJECT.

WHEREAS, the Modesto Irrigation District (District), the City of Modesto (City), and the Del Este Water Company (DEW) have entered into an agreement for the treatment and delivery of surface waters from the Tuolumne River, and

WHEREAS, in the course of implementing that agreement, DEW to date has been unable to provide security satisfactory to the District under the agreement, and

WHEREAS, the relationships of the parties need to be preserved to assure that all citizens of the community enjoy the benefits of this project, and

WHEREAS, the agreement provides certain options to the City in the event DEW does not participate, and

WHEREAS, the City may need to undertake studies in order to make fully informed decisions about the exercise of its options, and

WHEREAS, the City fully intends to work with the District to resolve issues that may arise in the event that DEW terminates its participation in the Project in order that the best interests of the inhabitants of the community be well served, and

WHEREAS, bid prices and current financing conditions are very favorable, and

WHEREAS, the District and DEW have negotiated an agreement which sets forth security required by the District, and which would allow the project to go forward,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the City urges the District to take the necessary actions to award contracts, undertake financing, and to do any and all other acts necessary to keep the project on schedule.

The foregoing resolution was introduced by a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Muratore, 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, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-499

A RESOLUTION ORDERING THE NORTH BEYER PARK
REORGANIZATION TO THE CITY OF MODESTO.
(UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 92-20 dated June 24, 1992, approved the proposed North Beyer Park 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 North Beyer Park Reorganization, and

WHEREAS, said LAFCO Resolution No. 92-20 also approved the Modesto Sphere of Influence modification of the territory from "Secondary Area of Influence" to "Primary Area of Influence", and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed North Beyer Park Reorganization is uninhabited territory, comprising an area of approximately 165 acres, located on the north side of Mable Avenue and between Coffee Road and Oakdale Road, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization pursuant to Section 56852 of the Government Code of the State of California, and

WHEREAS, on June 24, 1992, LAFCO certified that the Final Environmental Impact Report (EIR) prepared for this project has been completed in compliance with the California Environmental Quality Act (CEQA), and

WHEREAS, the Stanislaus County Local Formation Commission by said resolution approved the proposal subject to the following terms and conditions:

(a) It be processed as a reorganization consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, the detachment of the subject territory from the Riverbank Fire Protection District;

(b) The City of Modesto, as Conducting Authority, in its Resolution approving the reorganization shall stipulate that the City of Modesto, a Responsible Agency under CEQA, shall consider the LAFCO Final EIR upon consideration of any specific development proposal within the territory;

(c) Prior to recording the Certificate of Completion by the Executive Officer, the Modesto City Council and County Board of Supervisors shall enter into an agreement that provides for the mitigation of fiscal impacts to both parties prior to approval of any development proposal by the City of Modesto;

(d) Prior to recording the Certificate of Completion by the Executive Officer, the property owners shall enter into

agreements with the appropriate school districts to insure proper school mitigations will be provided; and

(e) Prior to recording the Certificate of Completion by the Executive Officer, adequate fire protection services to serve the existing development shall be provided to the approval of the City Fire Marshall, and

WHEREAS the reason for the annexation is to allow development to urban standards, and

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

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 8th day of September, 1992, at the hour of 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and

WHEREAS, said public hearing was held on September 8, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and the Council of the City of Modesto finds that no written protests were filed by any owners of land or registered voters within the affected territory,

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, and as revised in 1989, have been complied with.

2. That the area or territory shall be designated as the North Beyer Park Reorganization and is 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 pursuant to Government Code §57082.

4. Said territory is hereby detached from the Riverbank 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 this resolution ordering annexation is a ministerial act not subject to CEQA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, 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, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By

John L. Christians
Public Works and Transportation
Department - Engineering Services



A Professional Corporation
 900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
 (209) 526-4214 • FAX (209) 526-0803

July 13, 1992

Job No. 70-326

Legal Description

North Beyer Park Reorganization
 to the City of Modesto

All that certain real property situated in a portion of Sections 2, 3, 4, 9 and 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, and described as follows:

BEGINNING at the corner common to Sections 3, 4, 9 and 10, said point being the centerline of Coffee Road and Mable Avenue; thence South 0 degrees 48'00" East along the line common to Sections 9 and 10, and the centerline of Coffee Road, a distance of 540.76 feet; thence leaving said centerline North 89 degrees 11'19" West, a distance of 50.02 feet to a point that is 50.00 feet Westerly at right angles from said centerline; thence North 0 degrees 48'00" West, parallel with and 50.00 feet West of the centerline of Coffee Road, a distance of 540.76 feet to a point on the line common to Sections 4 and 9; thence North 1 degree 35'45" West, parallel with and 50.00 feet West of the centerline of Coffee Road, a distance of 961.98 feet; thence South 89 degrees 10'30" East, 30.03 feet to a point that is 20.00 feet Westerly at right angles from said centerline; thence North 1 degree 35'45" West, parallel with and 20.00 feet West of the centerline of Coffee Road, a distance of 371.00 feet to a point on the East-West one-quarter, one quarter section line in Section 4; thence continuing North 1 degree 35'45" West, a distance of 28.77 feet to the centerline of a 40.00 foot wide road known as Claratina Avenue; thence continuing North 1 degree 35'45" West, parallel with and 20.00 feet West of the centerline of Coffee Road, a distance of 53.62 feet; thence leaving said line North 88 degrees 24'15" East, a distance of 70.00 feet to a point 50.00 feet East of the centerline of Coffee Road and a point on a road deed to Stanislaus County recorded July 7, 1989, Instrument No. 051468; thence along said road deed, the following five (5) courses: 1) South 45 degrees 35'45" East, 20.79 feet; 2) South 89 degrees 26'22" East, 882.17 feet; 3) curve concave to the North, having a radius of 4950.00 feet and a central angle of 1 degree 37'28" and an arc length of 140.34 feet; 4) North 88 degrees 56'10" East, 225.19 feet; 5) South 1 degree 37'06" East, 50.00 feet to a point on the East-West one quarter, one quarter section line in Section 3; thence North 89 degrees 18'50" East along said one quarter, one quarter section line, a distance of 3953.43 feet to a point 20.00 feet Easterly at right angles from the centerline of Oakdale Road and the line common to Sections 2 and 3; thence South 1 degree 02'35" East, parallel with and 20.00 feet East of the centerline of Oakdale

Approved as to description

Exhibit "A"

ON 7-14-92
 BY J T H

Legal Description - North Beyer Park Reorganization to the City of Modesto

Road, a distance of 1336.28 feet to a point on the line common to Sections 2 and 11; thence South 0 degrees 53'44" East, parallel with and 20.00 feet East of the centerline of Oakdale Road, a distance of 20.00 feet; thence South 89 degrees 20'45" West, a distance of 20.00 feet to the centerline of Oakdale Road and the line common to Sections 10 and 11; thence North 0 degrees 53'44" West along the line common to Sections 10 and 11, and the centerline of Oakdale Road, a distance of 20.00 feet to the corner common to Sections 2, 3, 10 and 11, and the centerline of Mable Avenue; thence South 89 degrees 20'45" West along the line common to Sections 3 and 10, and the centerline of Mable Avenue, a distance of 5232.26 feet to the corner common to Sections 3, 4, 9 and 10, and the centerline of Coffee Road, and the beginning of this description.

Containing 164.811 Acres.

Mid-Valley Engineering, Inc.
Jimmy G. Bateman
License Expires: 9/30/95
Date: _____

Approved as to description
CN 7-141-92
BY J. G. Bateman

10/1

MODESTO CITY COUNCIL
RESOLUTION NO. 92-500

A RESOLUTION VACATING AND ABANDONING 250
LINEAR FEET OF ALLEY RIGHT-OF-WAY AND
RESERVING AN EASEMENT FOR UTILITY SERVICES
LOCATED IN BLOCK 1112 OF THE CITY OF MODESTO
LOCATED WEST OF COFFEE ROAD AND SOUTH OF
GLORIA WAY.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 92-465 on August 18, 1992, declaring its intention to vacate and abandon 250 linear feet of alley right-of-way and reserve an easement for utility services located in Block 1112 of the City of Modesto located west of Coffee Road and South of Gloria Way, and

WHEREAS, said 250 linear feet of alley right-of-way located in Block 1112 of the City of Modesto located west of Coffee Road and south of Gloria Way to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate And Abandon The 20-Foot Alley In Block 1112, LD92-B" dated August 17, 1992, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 92-465 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Planning And Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously

along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, September 8, 1992, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 92-27, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that the 250 linear feet of alley right-of-way located in Block 1112 of the City of Modesto, located west of Coffee Road and south of Gloria Way is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the

City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders and declares the vacation and abandonment of the 250 linear feet of alley right-of-way in Block 1112 of the City of Modesto, located west of Coffee Road and south of Gloria Way, as shown on the map entitled, "Vacate And Abandon The 20-Foot Alley In Block 1112 LD92-B", on file in the office of the City Clerk, and more particularly described on Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves an easement for utility services located in Block 1112 of the City of Modesto located west of Coffee Road and south of Gloria Way, and

BE IT FURTHER RESOLVED that the Planning And Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the vacation and abandonment of the 250 linear feet of alley right-of-way located in Block 1112 of the City of Modesto located west of Coffee Road and south of Gloria Way, and

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, 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, Dobbs, Friedman, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Chusterman
Engineering Services

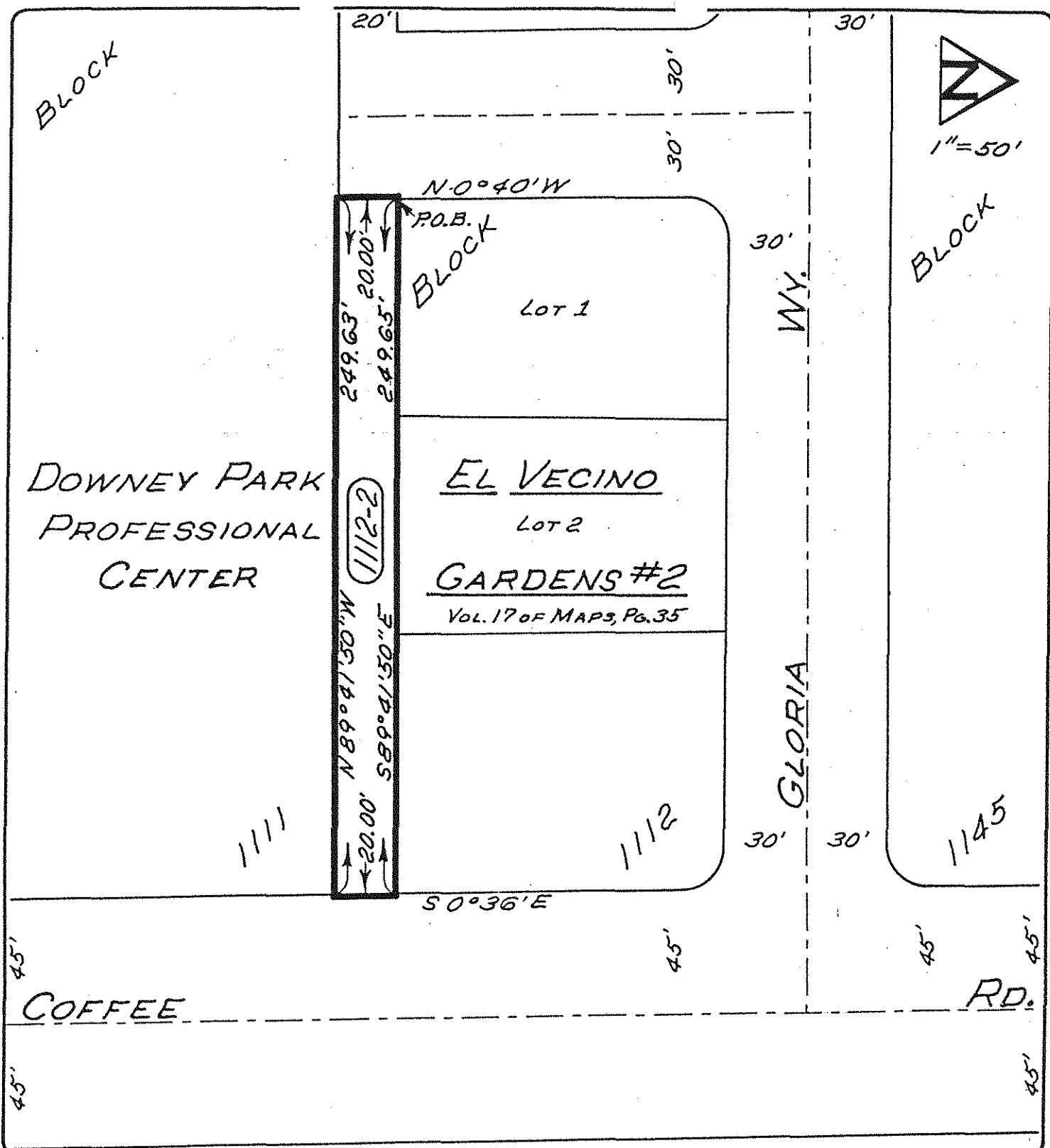
LD 92-B
Parcel 1112-2

VACATE AND ABANDON THE 20-FOOT ALLEY IN
BLOCK 1112 OF THE CITY OF MODESTO

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southwestern corner of Lot 1 in Block 1112 of the EL VECINO GARDENS #2 Subdivision, as per map filed May 26 , 1952 in Volume 17 of Maps, Page 35, Stanislaus County Records; thence along the Southern line of said Block 1112 and its Easterly extension, South 89°41'50" East, 249.65 feet, to a point on the Western line of 90 foot Coffee Road; thence along said Western line of Coffee Road, South 00°36' East, 20.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Southerly from said Southern line of Block 1112; thence along said parallel line, North 89°41'50" West, 249.63 feet, to its intersection with the Southerly extension of the Western line of said Lot 1 in Block 1112; thence along said Southerly extension of the Western line of Lot 1, North 00°40' West, 20.00 feet, to the point of beginning.

Reserving all of the above as a Public Utilities Easement.



APPROVED BY: <i>George Butler</i>	R.E. 24156
DATE: 8/17/92	EXP. DATE: 12/31/93
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: Aug. 92	DRAWN BY: J. Christiansen

VACATE AND ABANDON
THE 20-FOOT ALLEY
IN BLOCK 1112
LD 92-B

CHECKED BY:	FIELD BOOK:	PAGE:
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CITY of MODESTO
DEPARTMENT OF
PUBLIC WORKS AND
TRANSPORTATION

ACTIVITY NO.

FILE NO.
4-A-758

MODESTO CITY COUNCIL
RESOLUTION NO. 92-501

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR REMODELING THE CONTROL BUILDING AT THE WATER QUALITY CONTROL PLANT

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

SECTION 1. The plans and specifications for remodeling the control building at the Water Quality Control Plant , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 1, , 1992, at 11:00 .m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, 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, Friedman, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Cogdill

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-502

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE 1993
ROCKWELL STORM DRAIN REPLACEMENT PROJECT

WHEREAS, Resolution No. 92-438 , adopted by the Council of the
City of Modesto on August 11 , 1992, approved the plans and
specifications for 1993 rockwell storm drain replacement

and authorized the calling for bids; and

WHEREAS, the bids received for rockwell storm drain replacement

were opened at 11:00 a.m. on August 27, 1992, and later tabulated by
the Director of Public Works and Transportation for the consideration of
the Council; and

WHEREAS, the Director of Public Works and Transportation has
recommended that the bid of Ross F. Carroll, Inc. in the amount of \$198,714.50
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Ross F. Carroll, Inc. in the amount of
\$198,714.50 be accepted and the execution of a contract for the
completion of the project by the City's designated officials be
authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 8th day of September, 1992,
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, Friedman, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-503

A RESOLUTION ACCEPTING THE BID OF CLYDE WHEELER PIPELINE, INC. FOR
REMODELING THE LA LOMA LIFT STATION

WHEREAS, Resolution No. 92-398 , adopted by the Council of the
City of Modesto on July 14 , 1992, approved the plans and
specifications for remodeling the La Loma Lift Station

and authorized the calling for bids; and

WHEREAS, the bids received for remodeling the La Loma Lift Station
were opened at 11:00 a.m. on August 11, 1992, 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 Clyde Wheeler Pipeline, Inc. in the amount of
\$227,025.50
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Clyde Wheeler Pipeline, Inc. in the amount of
\$227,025.50 be accepted and the execution of a contract for the
completion of the project by the City's designated officials be
authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 8th day of September,
1992, 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, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

11

MODESTO CITY COUNCIL
RESOLUTION NO. 92-504

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$124,539 FOR REMODELING THE LA LOMA LIFT STATION

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

FROM:	Annual Sewer Rehab (621 480 B058 6040)	\$ 20,000
	Annual Sewer Rehab (621 480 C603 6040)	\$104,539
TO:	La Loma Lift Station (621 480 P189 6040)	\$110,153
	La Loma Lift Station (621 480 P189 6050)	\$ 5,533
	La Loma Lift Station (621 480 P189 6060)	\$ 8,853

Addition funds are needed due to nature of project; full scope of work was not realized when original estimate done, and portion funds used to rehabilitate line entering station that crosses Dry Creek.

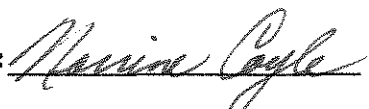
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST:



NORRINE COYLE, City Clerk

13
MODESTO CITY COUNCIL,
RESOLUTION NO. 92-505

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERIFILIGHT, INC. FOR THE OPERATION OF AN AIR TAXI OPERATION AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ameriflight, Inc. for the operation of an air taxi operation at the airport

be, and it is hereby approved.

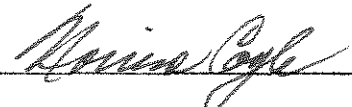
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September , 1992, 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, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

A TTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-506

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$27,000 FOR A NEW C.I.P. PROJECT ENTITLED CROWS LANDING DRAINAGE BASIN

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

FROM:	Crows Landing Drainage Area (280 800 8000 8003)	\$27,000
TO:	Crows Landing Drainage Area (280 430 C338 6010)	\$ 1,500
	(280 430 C338 6040)	\$21,900
	(280 430 C338 6050)	\$ 1,100
	(280 430 C338 6060)	\$ 2,500

To provide funds for new project to wpxqnd capacity of the basin, reducing potential for localized flooding in new developed area west of the basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, 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, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-507

A RESOLUTION AMENDING RESOLUTION NO. 88-649,
AS AMENDED, REDUCING CAPITAL FACILITIES FEES.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees, and

WHEREAS, the current Capital Facilities Fees are set forth in Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, Resolution No. 91-90, and Resolution No. 91-780, and

WHEREAS, the Council of the City of Modesto has been concerned for some time that the magnitude of capital facilities fees (CFF) in the City of Modesto may have placed Modesto in a less competitive position in terms of attracting economic development to the City, and

WHEREAS, the Council Community Development And Housing Committee has been reviewing capital facilities fees for several months for the purpose of determining whether they could reasonably be reduced to ease the burden of CFF on new development in the City of Modesto, and

WHEREAS, after approximately four (4) months of study, the Council Community Development And Housing Committee has determined that the \$438,000,000 in capital facilities to be funded by CFF can be reduced by approximately \$131,000,000 by

eliminating \$28.2 million in projects (including \$634,506 in transit center costs; \$3,059,000 in traffic signals; and \$24,554,281 in wastewater treatment facilities), factoring in an estimated \$19.8 million in increased federal highway funding, and a twenty (20%) percent reduction in the remaining project cost estimates (\$79.7 million) to reflect the estimated deflationary impact on project costs resulting from the current recession, and

WHEREAS, the Council Community Development Housing Committee also recommends simplifying the current CFF categories by eliminating separate categories for the following uses: convenience markets, restaurants, banks, savings and loans, movie theaters, and gas stations and instead charging those uses a single unified retail rate, and

WHEREAS, the Council Community Development And Housing Committee also recommends that the cost estimate of the "Lateral No. 2 to Yosemite" segment of the Claus Road portion of the expressway facility be reduced by \$558,000 to account for pre-Phase II CFF funds expended on that project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all of the recommendations of the Council Community Development And Housing Committee regarding the reduction of CFF are hereby adopted as follows:

1. Paragraphs 2 and 6 of Resolution No. 88-649 as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, Resolution No. 91-90, and Resolution No.

91-780 are hereby amended to read as follows:

2. AMOUNT OF CAPITAL FACILITIES FEE.

The fee for development shall be the sum of the amounts specified in the following paragraphs:

PHASE I FEES

(a) Fire Facilities

(1) Residential:

Low density residential use	\$143/unit
Medium density residential use	122/unit
Medium-high density residential use	86/unit

(2) Non-residential:

Office	\$0.096 sq. ft.
Commercial	0.056 sq. ft.
Industrial-Manufacturing/ Light Industrial/Industrial park	0.04 sq. ft.
Industrial-Warehouse/ Distribution/Heavy Industrial	0.004 sq. ft.
Care Homes (day care, convalescent and retirement)	0.056 sq. ft.
Churches and private schools	0.04 sq. ft.
Hospitals	0.096 sq. ft.

(b) Other City Facilities

(1) Residential:

Low density residential use	\$211/unit
Medium density residential use	179/unit
Medium-high density residential use	127/unit

(2) Non-residential:

Office	\$0.136 sq. ft.
Commercial	0.088 sq. ft.
Industrial-Manufacturing/ Light Industrial/Industrial Park	0.064 sq. ft.

Industrial-Warehouse/ Distribution/Heavy Industrial	0.006 sq. ft.
Care Homes (day care, convalescent and retirement)	0.088 sq. ft.
Churches and private schools	0.064 sq. ft.
Hospitals	0.136 sq. ft.

(c) Parks and Recreation Facilities

(1) Residential:

Low density residential use	\$1,342/unit
Medium density residential use	1,151/unit
Medium-high density residential use	799/unit

(2) Non-residential:

Office	no fee
Commercial	no fee
Industrial	no fee
Care Homes (day care, convalescent and retirement)	no fee
Churches and private schools	no fee
Hospitals	no fee
Fast Food Restaurants	no fee
Convenience Marts	no fee

(d) Police Facilities

(1) Residential:

Low density residential use	\$242/unit
Medium density residential use	202/unit
Medium-high density residential use	146/unit

(2) Non-residential:

Office	\$0.152 sq. ft.
Commercial	0.096 sq. ft.
Industrial-Manufacturing/ Light Industrial/Industrial Park	0.064 sq. ft.
Industrial-Warehouse/ Distribution/Heavy Industrial	0.006 sq. ft.
Care Homes (day care, convalescent and retirement)	0.096 sq. ft.
Churches and private schools	0.064 sq. ft.
Hospitals	0.152 sq. ft.

PHASE II FEES

(e) Air Quality Facilities Fee

\$56 per trip end

Total trip ends and the total fee for air quality facilities is to be determined as set forth in paragraph 2(g).

(f) Public Transportation Facilities Fee

\$30 per trip end

(g) Streets Facilities Fee

\$1,702 per trip end

Total trip ends and the total fee for street facilities is to be determined as set forth in paragraph 2(h).

(h) For purposes of determining trip ends and the total resulting fee for the streets, air quality, an public transportation components only of the Capital Facilities Fee, the land use categories, peak hour trip rates, adjustment factors, and adjusted peak hour trip rates, and land use type definitions set forth below shall apply:

Land Use Category	Land Use Type	per	Peak Hour Trip Rate	Adjustment Factor	Adj'd Pk Hr Trip Rate	Street Fees @ \$1,702 /TripEnd	Transit Fees @ \$30 /TripEnd	Air Qual Fees @ \$56 /TripEnd	Total
Residential	Senior Housing	DU	0.40	1.00	0.40	681	12	22	715
	Single Family	DU	1.00	1.00	1.00	1,702	30	56	1,788
	Multiple	DU/Room	0.67	1.00	0.67	1,140	20	38	1,198
Industrial	Manuf/LtInd/IndPk	1000 sf	0.75	0.75	0.56	957	17	32	1,006
	WH/Distr/HvyInd	1000 sf	0.20	0.75	0.15	255	5	8	268
Office	Medical Office	1000 sf	3.60	0.75	2.70	4,595	80	151	4,826
	General Office	1000 sf	2.00	0.75	1.50	2,553	44	84	2,681
Commercial	Retail:								
	< 50,000 sf	1000 sf	12.36	0.16	2.02	3,435	60	113	3,608
	50- 99,999 sf	1000 sf	7.51	0.20	1.50	2,556	45	84	2,685
	100-300,000 sf	1000 sf	4.17	0.30	1.25	2,129	37	70	2,236
	> 300,000 sf	1000 sf	3.44	0.35	1.20	2,049	36	67	2,152
	Church	1000 sf	0.64	0.15	0.10	163	3	6	172
	Day Care Center	1000 sf	12.30	0.05	0.62	1,047	19	34	1,100
	Hospital	1000 sf	1.58	0.75	1.19	2,017	35	66	2,118
	Mini-Warehouse	1000 sf	0.26	0.30	0.08	134	2	4	140
	Nursing Home	1000 sf	0.27	0.15	0.04	69	1	2	72

Notes:

1. Uses included in each land use type are specified in the LAND USE TYPE DEFINITIONS LIST.
2. Uses not shown in the list above shall be charged at rates to be determined by the Director of Public Works and Transportation, using trip generation estimates acceptable to the Director.
3. Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1000 sf, etc.)
4. Adjustment Factor includes adjustment for trip length, pass-by trips, and linkage to residential uses as estimated by the Public Works and Transportation Department
5. The Adjusted Peak Hour Trip Rate is calculated by multiplying the adjustment factor by the Peak Hour Trip Rate.
6. The Streets Fee per Peak Hour Trip End of \$1,702 is calculated from the adjusted trip generation data of the Dowling Citywide Traffic Impact Analysis and the total CFF Improvement Projects Cost.
7. The retail category includes convenience markets, restaurants of all types, banks, savings and loans, movie theaters, and service stations.

LAND USE TYPE DEFINITION

RESIDENTIAL

Senior Housing

Includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

Single Family

Typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically 10 dwellings per acre or less.

Multiple

Includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments. This category also applies to mobile homes and hotel/motel uses.

INDUSTRIAL-

Manufacturing/Light
Industrial/
Industrial Park

Manufacturing/Light
Industrial/Industrial Park -
facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered to be in this category include uses such as those listed below:

1. Electronics assembly, paper products
2. Metal fabricator
3. Bottling plant
4. Cabinet shop
5. Machine shop
6. Sheetmetal shop
7. Welding shop
8. Wholesale business
9. Printing plant

10. Material testing labs
manufacturer

INDUSTRIAL-
Warehouse/Distribution/
Heavy

Warehouse/Distribution - facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping materials. Uses which are considered to be in this category include uses such as those listed below:

1. Freight forwarding
2. Warehousing
3. Mini-warehousing
4. Corporation yard, freight yard
5. Equipment rental yard
6. Moving and storage service
7. Bulk feed storage
8. Lumberyard
9. Sand, gravel, building materials dealer

Heavy Industrial - includes uses such as those listed below:

1. Manufacture, fabrication, processing and treatment of:
 - a. Large ceramic products (such as bricks or tile)
 - b. Glass, clay, concrete, stone and related products, excluding rock crushing.
 - c. Metals and metal products
 - d. Natural gas and gas products
 - e. Petroleum and petroleum products
 - f. Stone monuments and tombstones
2. Railroad repair shop, classification yard
3. Winery

4. Cannery
5. Food processor, brewery, bakery
6. Recycling facility
7. Burning operations for lumber and wood products
8. Junk handling, processing, storage
9. Landfill, waste products disposal or transfer station
10. Manufacture, fabrication, processing, packaging and treatment of:
 - a. Explosives
 - b. Oil and grease products
 - c. Chemicals and chemical products
11. Rock crushing
12. Pulp and paper mill
13. Reduction, processing and storage of offal, dead animals, bones or similar materials
14. Septic tank, cesspool servicing
15. Stockyard
16. Tannery
17. Vehicle salvage, wrecking

Mixed Industrial Uses - When a development proposal contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purpose of calculating development fees.

OFFICE

Medical

Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

General

All other types of general and

professional offices, including but not limited to office parks, business parks, corporate headquarters, insurance offices and US Post Offices.

COMMERCIAL

Conv. Market

Small retail markets, often with on-site gasoline pumps, usually open 24-hours or extended hours.

Eating and Drinking
Establishments
Fast Food

Fast-food restaurants with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the restaurant building, although some on-site seating is usually provided.

High Turnover

Sit-down restaurants where food is ordered and consumed in the restaurant, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch, and dinner. This category also includes all drinking establishments--bars and cocktail lounges--except those in conjunction with low turnover restaurants. The latter are charged the low turnover rate.

Low Turnover

Sit-down restaurants which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

Retail

includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores,

garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. Does not include the following uses which shall be considered separately; restaurants, convenience markets, banks, savings and loans, movie theaters, and other uses specifically defines as a separate category for streets fee purposes.

FINANCIAL

Banks

Full service banking institutions with or without drive-up windows.

Savings & Loans

Saving & loan institutions, including thrifts and credit unions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given S & L is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

- (i) For purposes of the fees set forth in subparagraphs 2(a) through 2(d), the following definitions shall apply:
- (1) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.
 - (2) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.
 - (3) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.
 - (4) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour

care center for seven or more persons in addition to members of the family, or a child day care center.

- (5) "Church Use" shall mean structures primarily designed as a place for public worship.
- (6) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.
- (7) "Professional Office Use" shall mean structures designed for use as offices, including medical or dental offices and laboratories, business offices (excluding retail or wholesale sales and banking institutions), professional offices and pharmacies (excluding manufacture and distribution of pharmaceuticals).
- (8) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title X of the Modesto Municipal Code.
- (9) "Industrial Use-Manufacturing/Light Industrial/Industrial Park" and
- (10) "Industrial-Warehouse/Distribution/Heavy Industrial" shall be defined as set forth in the previous subparagraph 2(i).
- (11) "Capital Improvement" shall mean the following:
 - (a) Any building structure or other improvement constructed or renovated by the City upon property owned by or under its control.
 - (b) Any initial equipment or piece of equipment necessary to service new growth or new development.
- (12) "Hospital" shall mean a structure designed for health services, both in-patient and out-

patient; that includes surgical care of the sick or injured of the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

(j) Capital Facilities Fees Administrative Fee

2.5% of the sum of the fees specified in subparagraphs 2(a) through 2(i).

6. EXPENDITURE OF THE FEES.

- (a) Fees in the capital facilities funds shall be expended only for those facilities listed in Exhibit "A" and only for the purpose for which the fee was collected with primary consideration to areas of the City in which development has taken place and in which the fees have been paid.
- (b) The standards upon which the needs for facilities are based are the standards of the City. These standards are reflected in the Recht Reports. The City has undertaken an ongoing Capital Improvement Program to implement the projects necessary to achieve those standards and the City will remedy existing deficiencies without using proceeds of the Capital Facilities Fee.

2. The City Council finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Section 15061 and 15273 of the State CEQA guidelines because this resolution does not establish

new CFF components or increase existing CFF components. Instead, the fees are reduced due to the elimination of some projects and the estimated reduction in the cost of constructing the remaining projects. In addition, the construction of the facilities to be funded by the reduced fees will not take place until there has been appropriate CEQA review of the development projects which will pay the CFF. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either establishes or increases Capital Facilities Fees to fund the Capital Facilities Fees that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

3. This resolution shall take effect immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

EXHIBIT A

The following list of projects has resulted from a comprehensive assessment of the facilities required to accommodate growth. The list is compiled from tables in the report entitled "Update of the Capital Facilities Fee Program for the City of Modesto", February 6, 1991. The update revises the initial Recht Hausrath & Associates reports which documented the justification of Capital Facilities Fees in Modesto ("Capital Facilities Fee Report", February 1989, and "Capital Facilities Fee Report, Phase 2", October 1989).

It should be understood that the facilities listed will accommodate growth to build-out of the City of Modesto planning area. This amount of growth is projected to occur over approximately 20 to 25 years. While the facilities to be developed in the next few years are fairly well defined, the exact location, size and cost of individual facilities to be developed in later years is often undetermined. Furthermore, the manner in which city services are provided gradually evolves over time. In other words, this list is the best statement of facility needs that can be made at this time; it is intended that it will be continually updated as plans become more definitive. The following tables reflect updated information regarding the improvements themselves, as well as cost estimates adjusted for inflation to June 30, 1991.

PROJECTS

Police

Administration building expansion, parking garage, storage building, and vehicles - Table 1.

Fire

A total system at build-out of ten single engine fire stations and two double engine stations, fire trucks, other equipment, central administration and equipment and maintenance building, regional training facility, and signal preemption system - Table 3.

Wastewater Treatment

Treatment plant expansion, (completed 1988), fixed film Reactor, treatment plant expansion to build-out - Table 5.

Parks

Additions to Tuolumne Park, a Golf Course, 29.2 neighborhood parks and 4.38 community parks with attendant recreation and multi-purpose buildings, tennis courts and equipment - Table 7.

Other City Facilities and Equipment

Administration building expansion, parking spaces, vehicles, equipment, and Corporation yard expansion - Table 9.

Street Facilities

Listed in Table 12.

Public Transportation Facilities

Buses, bus shelters, bus stops, and a downtown transit center - Table 14.

Air Quality Facilities

Traffic light synchronization, park and ride lots, express buses and vans, bike path construction, and pedestrian foot path construction - Table A.

Surface Water Facilities

Water treatment and conveyance facilities - Appendix A.

TABLE 1
POLICE FACILITIES
(June, 1991 dollars)

<u>Facility</u>	<u>Total Cost</u>
Police Building	
Construction	\$ 11,676,401
Equipment	891,552
Storage Building	
Construction	636,433
Land	225,000
Parking Structure	
Other Costs	1,464,407
Land	<u>137,500</u>
Subtotal	\$ 15,031,293
Contingency (5%)	<u>751,565</u>
Subtotal	\$ 15,782,858
Vehicles	<u>1,966,032</u>
Total	\$ <u>17,748,890</u>
Less 20%	<u>(3,549,778)</u>
September, 1992, Adjusted Total	\$ <u>14,199,112</u>

Source: W. Mounce and Associates; Modesto Police Department;
Recht Hausrath & Associates

TABLE 3

CAPITAL FACILITIES EXPENDITURES:
FIRE PROTECTION SERVICES

Revised Costs - June 1991

Facility	Dec. 1988 Cost	Construction	Equipment	Land	Total
All Fire Stations					
Construction	\$ 7,590,000	7,992,270			\$ 7,992,270
Equipment	712,000		790,320		790,320
Land ¹	660,000			600,000	600,000
Fire trucks	5,580,000		6,193,800		6,193,800
Other Equipment	1,362,000		1,511,820		1,511,820
Central Adm Bldg					
Construction	1,084,000	1,141,452			1,141,452
Equipment	295,000		327,450		327,450
Land ²	250,000			600,000	600,000
Equip & Maint Bldg	352,000	370,656			370,656
Signal Preemption	1,400,000		1,554,000		1,554,000
Regional Training	<u>1,304,000</u>	1,373,112			<u>1,373,112</u>
Total	\$20,589,000				\$22,454,880
					(4,490,976)
					<u>\$17,963,904</u>

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto

¹ Includes a total of 7.5 acres: 0.5 acres apiece for ten one engine stations and Station 8, and 1.0 acre apiece for Stations 1 and 5.

² One acre of land in Downtown Modesto.

TABLE 5
 CAPITAL FACILITIES EXPENDITURES:
 WASTEWATER TREATMENT PLANT EXPANSION
 (June, 1991 dollars)

<u>Facility</u>	<u>Total Cost</u>
Expansion 1	\$ 6,327,000
Fixed Film Reactor	3,386,610
Expansion 2	
Land	3,375,000
Equipment	11,794,860
Construction	<u>126,360</u>
Total	\$ 25,009,830
Less Uncollected Balance	<u>(24,554,281)</u>
September 1992 Adjusted Total:	\$ 455,549

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989;
 City of Modesto

TABLE 7

CAPITAL FACILITY EXPENDITURES:
PARKS AND RECREATION SERVICES

Facility	Dec. 1988 Cost	Costs - June 1991			Total
		Construction	Equipment	Land	
Neighborhood Parks					
Land ¹	\$ 8,413,160			16,297,080	\$ 16,297,080
Equipment	3,605,640		4,002,260		4,002,260
Construction	18,028,200	18,976,681			18,976,681
Community Parks					
Land ²	4,476,780			10,068,140	10,068,140
Equipment	468,027		519,510		519,510
Construction	15,404,193	16,214,623			16,214,623
Tuolumne ³					
	4,784,000	2,705,208		4,000,000	6,705,208
Golf Course ⁴					
	11,440,000			11,440,000	11,440,000
Dry Creek Park ⁵					
	1,655,000			1,655,000	1,655,000
Equipment	3,948,000		4,382,280		4,382,280
Multi Purpose Bldgs	1,582,000	1,665,231			1,665,231
Tennis Courts	870,000	915,772			915,772
Comm Rec Bldgs	<u>7,492,000</u>	7,886,161			<u>7,886,161</u>
Total	82,167,000				100,727,946
		Less 20%			<u>(20,145,589)</u>
		September 1992A Adjusted Total			80,582,357

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989;
City of Modesto.

¹Total required acreage, 240 acres is revalued at \$80,000/acre, and reduced by 84 acres of existing capacity (valued at \$35,000/acre).

²Total required acreage, 128.8 acres, is revalued at \$80,000/acre, and reduced by 4.7 acres of existing capacity (valued at \$35,000/acre).

³Tuolumne is treated as a complete system. See further discussion in the text.

⁴It is assumed that land for the two additional golf courses is purchased prior to annexation at reduced price of \$35,000/acre.

⁵This land has already been purchased, so land cost will not increase.

TABLE 9

CAPITAL FACILITY EXPENDITURES: OTHER CITY GOVERNMENT FACILITIES

Facility	Dec. 1988 Cost	Revised Costs - June 1991			Total
		Construction ¹	Equipment ²	Land	
City Yard					
Land	500,000			400,000	400,000
Construction	1,470,000	1,547,910			1,547,910
Parking Spaces	1,200,000	1,263,600			1,263,600
Admin Offices ³	5,060,000	5,328,180			5,328,180
Admin Equipment ⁴	1,210,000		1,343,100		1,343,100
Vehicles	<u>7,572,000</u>		8,404,920		<u>8,404,920</u>
Total	17,012,000				18,287,710
		Less 20%			(3,657,542)
			September 1992 Adjusted Total		14,630,168

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989;
City of Modesto.

The overall escalation factor in costs for general government facilities is 7.5 percent. This reflects the higher inflation rate for vehicles and equipment.

¹Construction cost inflation factor is 5.3 percent.

²Equipment inflation factor is 11.0 percent.

³44,000 square feet of space X \$115 per square foot.

⁴Includes \$550,000 computer upgrade and other equipment.

STREET FACILITIES PROJECTS
COSTS IN 1989 DOLLARS

STREET	SEGMENT	TOTAL		MODESTO		OTHERS		
		000's		%	000's	%	000's	
EXPRESSWAYS								
KIERNAN	DALE TO PRESCOTT	3,353	4 lns	75%	2,515	25%	838	
KIERNAN	PRESCOTT TO TULLY	3,780	4 lns	75%	2,835	25%	945	
KIERNAN	TULLY TO McHENRY	3,204	4 lns	75%	2,403	25%	801	
CLARIBEL	McHENRY TO COFFEE	3,825	4 lns	100%	3,825	0%	0	
CLARIBEL	COFFEE TO OAKDALE	3,433	4 lns	100%	3,433	0%	0	
CLARIBEL	OAKDALE TO ROSELLE	4,036	4 lns	100%	4,036	0%	0	
CLARIBEL	ROSELLE TO EXPRESSWAY	2,556	4 lns	100%	2,556	0%	0	
EXPRESSWAY	CLARIBEL TO PELANDALE	3,841	4 lns	100%	3,841	0%	0	
EXPRESSWAY	PELANDALE TO CLAUS	861	4 lns	100%	861	0%	0	
CLAUS	EXPRESSWAY TO SYLVAN	754	6 lns	100%	754	0%	0	
CLAUS	SYLVAN TO FLOYD	3,587	6 lns	100%	3,587	0%	0	
CLAUS	FLOYD TO BRIGGSMORE	4,114	6 lns	100%	4,114	0%	0	
CLAUS	BRIGGSMORE TO SCENIC	2,706	6 lns	100%	2,706	0%	0	
CLAUS	SCENIC TO LAT. NO. 2	3,684	6 lns	100%	3,684	0%	0	
CLAUS	LAT. NO. 2 TO YOSEMITE	246	6 lns	100%	246	0%	0	
GARNER	YOSEMITE TO FINCH	4,111	6 lns	100%	4,111	0%	0	
GARNER	FINCH TO HATCH	11,893	4 lns	100%	11,893	0%	0	
BRIGGSMORE	SR99 TO PRESCOTT	392	6 lns	100%	392	0%	0	
BRIGGSMORE	PRESCOTT TO TULLY	2,715	6 lns	100%	2,715	0%	0	
BRIGGSMORE	TULLY TO McHENRY	3,532	6 lns	100%	3,532	0%	0	
BRIGGSMORE	McHENRY TO COFFEE	3,412	6 lns	100%	3,412	0%	0	
BRIGGSMORE	COFFEE TO OAKDALE	3,151	6 lns	100%	3,151	0%	0	
BRIGGSMORE	OAKDALE TO ROSELLE	3,159	6 lns	100%	3,159	0%	0	
BRIGGSMORE	ROSELLE TO CLAUS	2,668	4 lns	100%	2,668	0%	0	
URBAN INTERCHANGES - 4 @ \$8,000,000		32,000		100%	32,000	0%	0	
SR 132	SR99 TO MORSE/NEBRASKA	40,000	4 lns	60%	24,000	40%	16,000	
		<u>151,013</u>			<u>132,429</u>		<u>18,584</u>	
EAST-WEST ARTERIALS								
PELANDALE	DALE TO PRESCOTT	2,730	2 lns	100%	2,730	0%	0	
PELANDALE	PRESCOTT TO TULLY	2,478	2 lns	100%	2,478	0%	0	
PELANDALE	TULLY TO McHENRY	3,899	2 lns	100%	3,899	0%	0	
PELANDALE	McHENRY TO COFFEE	3,149	2 lns	100%	3,149	0%	0	
PELANDALE	COFFEE TO OAKDALE	2,605	2 lns	100%	2,605	0%	0	
PELANDALE	OAKDALE TO ROSELLE	2,817	2 lns	100%	2,817	0%	0	
PELANDALE	ROSELLE TO EXPRESSWAY	2,380	2 lns	100%	2,380	0%	0	
YOSEMITE	EL VISTA TO LINCOLN	1,979	6 lns	100%	1,979	0%	0	
YOSEMITE	LINCOLN TO MARIPOSA	239	6 lns	100%	239	0%	0	
YOSEMITE	MARIPOSA TO CLAUS	738	6 lns	100%	738	0%	0	
YOSEMITE	CLAUS TO East U.L.	1,749	6 lns	100%	1,749	0%	0	
YOSEMITE	EMPIRE GRADE SEPARATION	12,000	4 lns	40%	4,800	40%	7,200	
HATCH	CROWS LANDING TO SR 99	5,474		100%	5,474	0%	0	
		<u>42,237</u>			<u>35,037</u>		<u>7,200</u>	

STREET FACILITIES PROJECTS (cont'd)
COSTS IN 1989 DOLLARS

STREET	SEGMENT	TOTAL		MODESTO		OTHERS	
		000's		%	000's	%	000's
NORTH-SOUTH ARTERIALS							
PRESCOTT	KIERNAN TO SNYDER	2,955	2 lns	100%	2,955	0%	0
CARPENTER	KANSAS TO MAZE	1,031	4 lns	100%	1,031	0%	0
CARPENTER	MAZE TO CALIFORNIA	971	4 lns	100%	971	0%	0
CARPENTER	CALIFORNIA TO PARADISE	1,815	4 lns	100%	1,815	0%	0
CARPENTER	PARADISE TO HATCH	6,557	4 lns	100%	6,557	0%	0
TULLY	PELANDALE TO STANDIFORD	290	4 lns	100%	290	0%	0
McHENRY	PELANDALE TO STANDIFORD	961	6 lns	100%	961	0%	0
COFFEE	CLARIBEL TO PELANDALE	680	4 lns	100%	680	0%	0
OAKDALE	CLARIBEL TO PELANDALE	911	4 lns	100%	911	0%	0
OAKDALE	PELANDALE TO SYLVAN	692	6 lns	100%	692	0%	0
ROSELLE	FLOYD TO BRIGGSMORE	260	4 lns	100%	260	0%	0
LAKWOOD	BRIGGSMORE TO SCENIC	978	4 lns	100%	978	0%	0
LINCOLN	SCENIC TO YOSEMITE	2,300	4 lns	100%	2,300	0%	0
		<u>20,401</u>			<u>20,401</u>		<u>0</u>
TRAFFIC SIGNALS (new and modifications)							
	New signals	16,215		100%	16,215	0%	0
	Modifications	3,790		100%	3,790	0%	0
	Centralized Control System	3,200		100%	3,200	0%	0
MEDIANS							
	On selected intersection approaches	509		100%	509	0%	0
	On new or widened streets	1,003		100%	1,003	0%	0
SR 99 INTERCHANGES IMPROVEMENTS							
	PELANDALE INTERCHANGE	4,911		50%	2,456	50%	2,456
	BECKWITH/STANDIFORD INTERCHANGE	7,822		100%	7,822	0%	0
	CARPENTER/BRIGGSMORE INTERCHANGE	771		100%	771	0%	0
	MAZE NORTHBOUND RAMP	200		100%	200	0%	0
	I STREET RAMPS INTERSECTIONS	122		100%	122	0%	0
	HATCH INTERCHANGE	4,000		33%	1,320	67%	2,680
	SR 99 INTERCHANGES Prelim Plng Studies	200		100%	200	0%	0
	SR 99 INTERCHANGES Project Study Reports	160		100%	160	0%	0
		<u>256,554</u>			<u>225,635</u>		<u>30,920</u>
GRAND TOTAL							

Escalation of 1989 Costs to 1991 Costs
(in thousands of dollars)

	Construction	Equipment	Land	Total
Total 1989 Costs	187,388	23,205	15,042	225,635
Escalation to 1991	9,932 ^a	2,553 ^b	-0- ^c	12,485
1992 Adjustments				
Less 20 Percent	-39,464	-5,152	-3,008	-47,624
Less Fed/State Funds	-19,800	-0-	-0-	-19,800
Total 1992 Costs	<u>138,056</u>	<u>20,606</u>	<u>12,034</u>	<u>170,696</u>

- ^a Construction cost inflation factor is 5.3 percent
^b Equipment cost inflation factor is 11.0 percent
^c No land cost escalation factor is applied

TABLE 14

CAPITAL FACILITIES EXPENDITURES: PUBLIC TRANSPORTATION SERVICES
(June, 1991 dollars)

<u>Facility</u>	<u>Total Cost</u>
Buses	\$ 3,324,672
Bus Shelters	183,222
Bus Stops	133,731
Transit Center	
Land	315,967
Construction	<u>418,539</u>
Total	\$ 4,376,131
Less Uncollected Balance for Transit Center	(634,506)
Less 20%	<u>(748,325)</u>
September 1992 Adjusted Total	\$ 2,993,300

Source: Capital Facilities Fee Report, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto.

TABLE A

AIR QUALITY MITIGATION PROJECTS

(Original costs from Capital Facilities Fee report)
(No Adjustments made in 1991)

Park and Ride Lots	4 @ \$175,000	\$ 700,000
Vanpooling/Carpooling		134,000
Bike Paths/Storage		
Class I	30 Miles @ \$105,600	3,168,000
Class II	50 Miles @ \$39,000	1,950,000
Footpaths, Pedestrian Access	20 Miles @ \$35,000	<u>1,150,000</u>
Total		\$ 7,102,000
Less 20%		<u>(1,420,400)</u>
September 1992 Adjusted Total		\$ 5,681,600

Source: Capital Facilities Fee Report, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 92-508

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KENNETH A. PLOUGH II FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Kenneth A. Plough II was appointed a member of the Citizens Advisory Committee on Recycling on August 6, 1991; and

WHEREAS, Kenneth A. Plough II has tendered his resignation from the Citizens Advisory Committee on Recycling, effective September 8, 1992; and

WHEREAS, Kenneth A. Plough II 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 Kenneth A. Plough II from the Citizens Advisory Committee on Recycling 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 Kenneth A. Plough II 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 8th day of September, 1992, 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, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-509

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JAMES D. LYNCH FROM THE AFFIRMATIVE ACTION COMMISSION

WHEREAS, James D. Lynch was appointed a member of the Affirmative Action Commission on May 7, 1991; and

WHEREAS, James D. Lynch has tendered his resignation from the Affirmative Action Commission, effective September 8, 1992; and

WHEREAS, James D. Lynch 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 James D. Lynch 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 James D. Lynch 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 8th day of September, 1992, 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, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-510

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHNNA BRYANT FROM THE AFFIRMATIVE ACTION COMMISSION

WHEREAS, Johnna Bryant was appointed a member of the Affirmative Action Commission on May 7, 1991; and

WHEREAS, Johnna Bryant has tendered her resignation from the Affirmative Action Commission, effective September 8, 1992; and

WHEREAS, Johnna Bryant 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 Johnna Bryant 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 Johnna Bryant for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, 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, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-511

A RESOLUTION ACCEPTING THE BID OF BOWDEN ELECTRIC, INC. FOR THE MODIFICATION OF TRAFFIC SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE

WHEREAS, Resolution No. 92-439 , adopted by the Council of the City of Modesto on August 11 , 1992, approved the plans and specifications for the modification of traffic signals at Maze Boulevard and Emerald Avenue
and authorized the calling for bids; and

WHEREAS, the bids received for the modification of traffic signals at Maze Boulevard and Emerald Avenue
were opened at 11:00 a.m. on September 7, 1992, 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 Bowden Electric, Inc. in the amount of \$39,194

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bowden Electric, Inc. in the amount of \$39,194

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 15th day of September 1992, 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, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-512

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,500 TO COMPLETE THE MODIFICATION OF TRAFFIC SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE

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


An appropriation transfer of \$4,500 if needed to fully fund this project. The shortfall resulted from the Engineer's estimate being 12% low. Funds will be transferred from the Gas Tax Reserves Account .

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September 1992, 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, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-513

A RESOLUTION ACCEPTING THE 1991 STREET CAPE SEAL PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the 1991 street cape seal project

has been completed by Graham Contractors, Inc. in accordance with the contract agreement dated August 6, 1991.

NOW, THEREFORE, BE IT RESOLVED that the 1991 street cape seal project

be accepted from said contractor, Graham Contractors, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$689,472.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, by Councilmember Bird, who moved its adoption, w hich 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-514

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE REMOVAL, TRANSPORTATION, DISPOSAL AND REPLACEMENT OF 60,000 POUNDS OF GRANULAR ACTIVATED CARBON AT WELL SITE #2 FROM CALGON CARBON CORP.

WHEREAS, in 1990, Calgon Carbon Corp. installed a state-of-the-art activated carbon filtering system at Well Site #2 in order to meet State standards for domestic water systems; and

WHEREAS, due to contamination, it is required to "change out" the carbon within 18 months; and

WHEREAS, Calgon Carbon Corp. is the only known vendor that will accept total responsibility for the transportation and disposal of the spent carbon.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the removal, transportation, disposal and replacement of 60,000 pounds of granular activated carbon at Well Site #2 is hereby waived.

BE IT FURTHER RESOLVED that removal, transportation, disposal and replacement of 60,000 pounds of granular activated carbon at Well Site #2 by Calgon Carbon Corp. in the amount of \$57,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, 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, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

clerk

**MODESTO CITY COUNCIL
RESOLUTION 92-515**

**A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO
APPROPRIATE A NEW CIP PROJECT AND ESTIMATE ASSOCIATED REVENUE**

WHEREAS, this project - Mandatory Sidewalk Construction has typically been included in the CIP as an annual project, this year it was inadvertently overlooked.

WHEREAS, the City has been actively requiring the completion of sidewalks on certain streets since 1958. Work remains to be done on a list of streets approved by the Council. This list includes (in order of priority) Joaquin Street, Fremont Avenue, Rouse Avenue, Crommelin Avenue, Tokay Avenue and Kearney Avenue.

WHEREAS, this project provides money for sidewalk construction. The funds are paid back to the City by the property owner. The City provides a 10-year repayment program with 7% interest per year.

THEREFORE, the following adjustment is necessary:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Rev-Obj</u>	<u>Increase (Decrease)</u>
Expenditures	
070-430-C881-6010 Mandatory Sidewalk Program	\$ 7,500
070-430-C881-6040 "	\$ 38,500
070-430-C881-6060 "	\$ 4,000
Revenues	
070-510-9510-4053 Forced Construction Reimbursement	\$ 50,000

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 15th day of September, 1992, 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: Dobbs, Cogdill, Muratore, Patterson,
Mayor Pro Tem Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-516

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HDR ENGINEERING, TO PERFORM A SECONDARY/TERTIARY EVALUATION OF WASTEWATER TREATMENT FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HDR Engineering, to perform a Secondary/Tertiary evaluation of wastewater treatment facilities

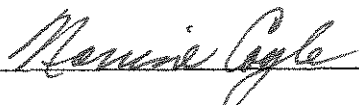
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September , 1992, 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, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

A TTEST:



NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-517

A RESOLUTION CONSENTING TO AN AGREEMENT WITH THE DEL ESTE WATER COMPANY AND MODESTO IRRIGATION DISTRICT TO IMPLEMENT A SECURITY AGREEMENT FOR THE M.I.D. DOMESTIC WATER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement with the Del Este Water Company and Modesto Irrigation District to implement a security agreement for the M.I.D. Domestic Water 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 15th day of September, 1992, 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: Patterson

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-518

A RESOLUTION DENYING THE APPEAL FILED BY JOHN B. HINCHEY TO A PLANNING COMMISSION DECISION DENYING AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP TO REZONE FROM HIGHWAY COMMERCIAL ZONE, C-3, TO PLANNED DEVELOPMENT ZONE, P-D, FOR A SPECIAL SIGN, PROPERTY LOCATED ON THE NORTH SIDE OF YOSEMITE BOULEVARD EAST OF LINCOLN AVENUE. (JOHN B. HINCHEY/YOSEMITE PLAZA)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by John B. Hinchey, on June 8, 1992, to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a special sign package for the existing Yosemite Plaza Commercial Strip Center, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, described as follows:

All that certain real property situate in a portion of the Southwest Quarter of section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

All of parcels "C" and "D" of as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on August 16, 1988, in Volume 41 of Parcel Maps, Page 24.

Including also all of Yosemite Boulevard immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on August 17, 1992, and continued to August 31, 1992, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearings evidence both oral and documentary

was received and considered, and

WHEREAS, the matter having been continued from August 17, to August 31, 1992, due to a split 3-3 vote to approve, and the motion to approve again failing to pass on August 31, 1992, by receiving only 3 votes, and

WHEREAS, the Planning Commission by its Resolution No. 92-38 denied the application in order to allow the applicant to take the matter to the City Council on appeal, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to amend Section 25-3-9 of the zoning map to rezone from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, for a special sign package, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, was filed with the Office of the City Clerk by John B. Hinchey by letter dated September 2, 1992, 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 September 22, 1992, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, should be denied and the decision of the Planning

Commission should be affirmed for the reasons set forth below:

- 1 The proposed P-D zone is solely for the purpose of allowing signage which is not otherwise allowed in a fully developed C-3 zoned commercial strip center.
2. The C-3 zoned commercial strips have had intensive sign review for two decades. Wall signs provide excellent identification and don't compete with one another.
3. The proposed free-standing multi-tenant/readerboard sign is not vital to tenant identification, and the maximum 12 square foot, six-foot-high directional sign remains as a safety valve for businesses deemed to need extra public exposure.

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of John B. Hinchey to the decision of the Planning Commission denying the request to rezone from Highway Commercial Zone, C-3, to Planned Development, P-D, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, is denied for the reasons set forth above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the

environmental impact of the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-519

A RESOLUTION APPROVING THE 1992-93 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, to 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 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 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 is authorized to set forth and execute affirmative disadvantaged business policies in in connection with the Program of Projects.

6. That the City Manager of the City of Modesto 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 22nd day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

FY 1992/93
SECTION 9
PROGRAM OF PROJECTS
SEPTEMBER 1992

Urbanized Area:	Modesto, California	Apportionment for 92/93:	\$ 1,916,345 *
Designated Recipient:	Stanislaus Area Association of Governments	Carryover funds:	\$ 718,267**
		Transfer funds:	\$ -0-
		Total Federal Funds Available:	\$ 2,634,612
Grantee:	City of Modesto		

* Assumes FY 1992/93 apportionment will equal FY 1991/92 apportionment

** Assumes approval of City's FY 91/92 FTA grant application.

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
I. CAPITAL PROJECTS			
1. Purchase 4 Buses and spare parts.	\$190,600	\$762,400	\$953,000
2. Rehabilitate 3 1976 buses.	\$21,000	\$399,000	\$420,000
3. Install Public Address System on 25 buses.	\$700	\$13,300	\$14,000
4. Purchase 3 Bus Shelters	\$2,400	\$9,600	\$12,000
5. Laser Printer	\$600	\$2,400	\$3,000
6. Bus Stop Sign Installation	\$2,400	\$9,600	\$12,000
7. Purchase 10 Litter Containers	\$950	\$3,800	\$4,750
8. Associated Capital Maintenance Items.	\$20,000	\$80,000	\$100,000
9. Capital Cost of Contracting for Demand Response and Fixed Route Operations	\$20,000	\$80,000	\$100,000
10. Replace Wheelchair Lifts on 4 buses	\$4,550	\$86,450	\$91,000
 SubTotal	 \$263,200	 \$1,446,550	 \$1,709,750
 II. OPERATING ASSISTANCE for period of 7/1/92 to 6/30/93			
 SubTotal	 \$3,482,364	 \$981,150	 \$4,463,514
 TOTAL	 \$3,745,564	 \$2,427,700	 \$6,173,264

MODESTO CITY COUNCIL
RESOLUTION NO. 92-520

A RESOLUTION ACCEPTING THE ROCKWELL STORM DRAIN REPLACEMENT 1991 PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the rockwell storm drain replacement 1991 project has been completed by Ross F. Carroll, Inc. in accordance with the contract agreement dated September 10, 1991.

NOW, THEREFORE, BE IT RESOLVED that the rockwell storm drain replacement 1991 project

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 \$339,002.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, w hich 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-521

A RESOLUTION APPROVING A REDUCTION IN RETENTION MONIES RELATING TO THE MODESTO CITY-COUNTY AIRPORT TERMINAL EXPANSION PROJECT FROM 10% TO 5% OF THE TOTAL CONTRACT AMOUNT.

WHEREAS, the City has received a request from Shan-Lyn Construction, Inc., to reduce the retention of monies in relation to the Airport Terminal Expansion project, and

WHEREAS, a reduction of retention monies to 5% is permissible under Section 9203 of the Public Contract Code when it is deemed that satisfactory progress is being made on the work, and

WHEREAS, currently four (4) Stop Notices are on file with the City Clerk on this project and the City is withholding an additional \$15,437.06 to cover these Stop Notices, the Stop Notices currently on file are adequately covered by project funds being withheld from the Contractor, and

WHEREAS, all work has been completed on this project by the contractor and the City took beneficial use of the facility on June 21, 1991, and

WHEREAS, the only items remaining on this project are resolution of labor compliance items to fulfill Federal Grant requirements and approval of two credit change orders by the Federal Aviation Administration, and

WHEREAS, the project cannot be closed-out and processed for acceptance by the City Council until these items are complete, and

WHEREAS, currently, the City is retaining \$156,155.26 in relation to said project, and the requested reduction in the retention monies would reduce the amount retained by the City to \$78,077.63,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request received from Shan-Lyn Construction, Inc., to reduce the retention of monies relating to the Airport Terminal Expansion Project, is hereby approved, said reduction in the retention of monies shall consist of a 5% reduction which is permissible under Section 9203 of the Public Contract Code reducing the amount retained by the City from \$156,155.26 to \$78,077.63.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-522

A RESOLUTION ADOPTING THE TRANSIT SECTION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS FOR FISCAL YEAR 1992-93.

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 1992-93 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 1991-92.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-523

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, the Southern Pacific Company has estimated a cost of \$61.8 million to bring their tracks up to minimum operating conditions for AMTRAK service to provide as few as three trips per day, and

WHEREAS, the Atchison, Topeka and Santa Fe Railroad has estimated that it will cost approximately \$8 million for upgrading its track to provide higher speed service and accommodate up to six trips per day each way, 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.

BE IT FURTHER RESOLVED that the City of Modesto believes that the current estimate for Southern Pacific to

provide AMTRAK service is exorbitant and totally out of keeping with the City's concern for cost-effective passenger rail 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 the Santa Fe line.

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 Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH
Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-524

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR THE USE OF THE MODESTO JUNIOR COLLEGE FOOTBALL STADIUM ON OCTOBER 3, 1992, FOR THE NFL PASS, PUNT AND KICK COMPETITION

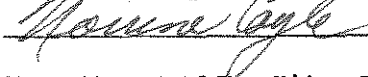
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Yosemite Community College District for the use of the Modesto Junior College football stadium on October 3, 1992, for the NFL pass, punt and kick competition

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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

A TTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-525

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH OMEGA VENTURES TO PURCHASE 5.10 ACRES FOR A WATER TANK SITE AND A PUBLIC UTILITY EASEMENT OF .23 ACRES IN NORTHEAST MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the purchase agreement with Omega Ventures to purchase 5.10 acres for a water tank site and a public utility easement of .23 acres in Northeast Modesto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said 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 22nd day of September, 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-526

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ACQUISITION OF LAND FOR A WATER TANK SITE NEEDED FOR THE TERMINAL RESERVOIR PUMPING STATION PROJECT.

WHEREAS, on September 22, 1992, the City Council, by Resolution No. 92-525, approved a Purchase Agreement for a project relating to the acquisition of land from Omega Ventures, a California corporation, for a water tank site needed for the Terminal Reservoir Pumping Station Project, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the acquisition of land from Omega Ventures, a California corporation, for a water tank site needed for the Terminal Reservoir Pumping Station Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-527

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH STANLEY M. AND ESTHER E. ALCORN FOR 19 ACRES OF PROPERTY NEEDED FOR THE M.I.D. SURFACE WATER TREATMENT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the purchase agreement with Stanley M. and Esther E. Alcorn for 19 acres of property needed for the M.I.D. Surface Water Treatment Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of a 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 22nd day of September, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-528

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ACQUISITION OF 19 ACRES OF LAND FOR A TANK SITE NEEDED FOR THE M.I.D. SURFACE TREATMENT PLANT, TERMINAL RESERVOIR PUMPING STATION PROJECT.

WHEREAS, on September 22, 1992, the City Council, by Resolution No. 92-527, approved a Purchase Agreement for a project relating to the acquisition of 19 acres of land from Stanley M. and Esther E. Alcorn for a tank site needed for the M.I.D. Surface Treatment Plant, Terminal Reservoir Pumping Station Project, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the acquisition of 19 acres of land from Stanley M. and Esther E. Alcorn for a tank site needed for the M.I.D. Surface

Treatment Plant, Terminal Reservoir Pumping Station Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-528A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANLEY M. AND ESTHER E. ALCORN FOR LEASE OF CITY OWNED PROPERTY EAST OF THE MID RIGHT OF WAY, NORTH OF GARST ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanley M. and Esther E. Alcorn for lease of City owned property east of the MID right of way, north of Garst Road and west of Frazine 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 22nd day of September , 1992, 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

A TTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-529

A RESOLUTION APPROVING EXECUTION OF AN EASEMENT DEED TO PACIFIC BELL AT
THE TRANSPORTATION CENTER SITE

WHEREAS, there are plans to enlarge the existing Southern Pacific depot building as part of the Transportation Center project, at which time Pacific Bell has agreed to relocate their existing facilities, subject to us granting an easement.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that execution of an easement deed to Pacific Bell at the Transportation Center site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement deed 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 September, 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-530

A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT LOAN AND STIPULATED GRANT AGREEMENT WITH BOBBIE CLINE FOR PROPERTY LOCATED AT 414 AND 414½ YOSEMITE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Community Development Block Grant loan and stipulated agreement with Bobbie Cline for property located at 414 and 414½ Yosemite Avenue 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 September, 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-531

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL FOR ENGINEERING SERVICES RELATED TO ODOR CONTROL AT THE WASTEWATER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Brown and Caldwell for engineering services related to odor control at the Wastewater Treatment Plant be, and it is hereby approved.

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

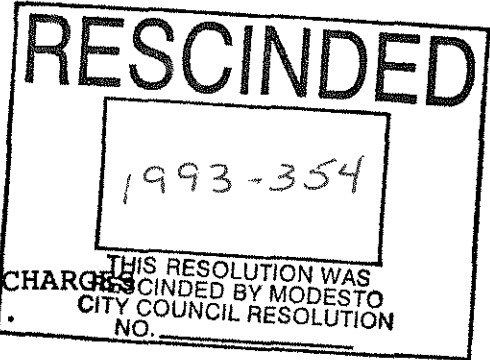
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted 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



MODESTO CITY COUNCIL
RESOLUTION NO. 92-532

A RESOLUTION REVISING SEWER SERVICE CHARGES
AND RESCINDING RESOLUTION NO. 92-482.

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

WHEREAS, in order to be in compliance with said State guidelines and regulations, the City of Modesto is required to delete the 35% surcharge on the sewer service charge for properties located outside Modesto Municipal Sewer District No. 1,

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:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

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:

Each single-family dwelling or mobile home on a lot	\$9.74
Each dwelling unit in a duplex	7.60
One additional dwelling unit or mobile home on a lot	7.60
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	6.27

- (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:

	<u>Sewer Service Charges Per 1000 Gals. of Water Used</u>
<u>Group 1</u>	\$1.61
Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less	
<u>Group 2</u>	1.87
Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l	
<u>Group 3</u>	2.28
Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l	
<u>Group 4</u>	2.74
Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l	

(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	\$20.22
Group 2	23.30
Group 3	28.56
Group 4	34.27

(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 50/100ths (\$1.50) 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 \$657.74 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 \$77.79 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 \$71.61 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:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75

Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

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

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

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.57
3501-7000 SF	3.08
7000 + SF	4.62

- (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 October 1, 1992.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 92-482.

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 September, 1992, 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, Muratore, Patterson,
Acting Mayor Friedman
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-533

A RESOLUTION SETTING FORTH A REFUND PROGRAM
FOR A SURCHARGE ON SEWER SERVICE CHARGES FOR
AREAS OUTSIDE MODESTO MUNICIPAL SEWER
DISTRICT NO. 1.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code authorizes the Council to establish sewer service charges from time to time by resolution, and

WHEREAS Section 5-6.02 authorizes the Council to establish, by agreement or resolution, the rate to be charged for furnishing sewer services to any user outside the boundaries of the Modesto Municipal Sewer District No. 1 at rates different from those established for persons owning property within said Sewer District, and

WHEREAS, pursuant to an agreement dated November 9, 1970, between the City of Modesto and Proctor and Gamble, a surcharge was established in the amount of 100% of the sewer service charge for property located at the southeast corner of Crows Landing Road and Whitmore Avenue outside said Sewer District, and

WHEREAS, on January 1, 1979, the Council established a surcharge of thirty-five percent (35%) on the sewer service charges for persons owning property outside said Sewer District, and

WHEREAS, since the establishment of said sewer service surcharge, the City has been the recipient of State grant funds

for expansions of the Wastewater Treatment Plant, and

WHEREAS, as a recipient of said State grant funds, the City of Modesto is required to develop our service area and our sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements having been 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

WHEREAS, in order to be in compliance with these State mandated regulations, the City is required to delete said thirty-five percent (35%) sewer service surcharge for those properties connected to City sanitary sewer and located outside Modesto Municipal Sewer District No. 1, and

WHEREAS, by Resolution No. 92-532 adopted on September 22, 1992, which will become effective on and after October 1, 1992, the Council has deleted said sewer service surcharge, and

WHEREAS, the Council has determined that it is appropriate to refund to those customers owning property located outside said Sewer District who have paid said surcharge for each user category in an amount equal to the amount that was paid for said surcharge within the statute of limitations of one (1) year, and

WHEREAS, said one (1) year statute of limitations shall

be that period beginning on October 1, 1991 and extending through September 30, 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amount paid for said thirty-five percent (35%) sewer service surcharge during the refund period of October 1, 1991 through September 30, 1992 shall be refunded to that person or persons who paid said surcharge to the City of Modesto for sewer service to a property located outside Modesto Municipal Sewer District No. 1 as listed in "EXHIBIT A", which is made a part hereto by this reference.

BE IT FURTHER RESOLVED that the amount paid for said one hundred percent (100%) sewer service surcharge during the refund period of October 1, 1991 through September 30, 1992 shall be refunded to Proctor and Gamble who paid said surcharge to the City of Modesto for sewer service to a property located outside Modesto Municipal Sewer District No. 1 as listed in "EXHIBIT A", which is made a part hereto by this reference.

BE IT FURTHER RESOLVED that the City shall credit the amount paid for said surcharge to the open account for each property listed in said "EXHIBIT A". Should an account be closed or transferred to a subsequent owner and/or renter, then and in that event, the City shall issue a check in the amount of the surcharge to the person or persons who paid said surcharge within said refund period.

BE IT FURTHER RESOLVED that this resolution shall be effective on and after October 1, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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, Muratore, Patterson, Vice Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

EXHIBIT A

SERVICE NUMBER	SERVICE ADDRESS	SERVICE CLASS	AMOUNT REFUNDED
12742	119 S SANTA ANA AVE	SFD	\$33.75
12743	142 SANTA RITA AVE	SFD	\$33.81
16001	545 BEARD AVE	SFD	\$36.24
18000	2110 PEGGY LN	SFD	\$36.15
19052	1324 SOUTH AVE	SFD	\$36.15
19053	1310 SOUTH AVE	SFD	\$36.34
19055	1124 SOUTH AVE	SFD	\$36.15
19056	1126 SOUTH AVE	SFD	\$36.15
19057	1128 SOUTH AVE	SFD	\$36.15
19085	1425 GARDEN AVE	SFD	\$36.15
19086	1417 GARDEN AVE	SFD	\$36.20
19087	1405 GARDEN AVE	SFD	\$36.15
19088	1413 GARDEN AVE	SFD	\$36.15
19090	1305 GARDEN AVE	SFD	\$36.15
19091	1217 GARDEN AVE	SFD	\$36.15
19092	1221 GARDEN AVE	SFD	\$36.15
19093	1113 GARDEN AVE	SFD	\$36.15
19094	1117 GARDEN AVE	SFD	\$36.15
19095	1109 GARDEN AVE	SFD	\$36.15
19096	1106 GARDEN AVE	SFD	\$36.15
19097	1110 GARDEN AVE	SFD	\$36.15
19101	1202 GARDEN AVE	SFD	\$36.15
19102	1210 GARDEN AVE	SFD	\$36.15
19103	1222 GARDEN AVE	SFD	\$36.15
19105	1310 GARDEN AVE	SFD	\$64.35
19106	1402 GARDEN AVE	SFD	\$36.15
19107	1318 GARDEN AVE	SFD	\$36.15
19108	1322 GARDEN AVE	SFD	\$36.15
19109	1414 GARDEN AVE	SFD	\$36.15
19110	1410 GARDEN AVE	SFD	\$51.64
19111	1420 GARDEN AVE	SFD	\$22.16
19112	1422 GARDEN AVE	SFD	\$36.15
19205	573 CROWS LANDING RD	SFD	\$36.15
19206	119 BLANKENBURG AVE	SFD	\$36.15
19209	301 HOSMER AVE	SFD	\$36.15
19210	409 HOSMER AVE	SFD	\$36.15
19211	561 BYSTRUM RD	SFD	\$33.75
19214	1000 RAUBE CT	SFD	\$36.15
19215	1006 RAUBE CT	SFD	\$36.15
19216	1012 RAUBE CT	SFD	\$33.75
19217	1018 RAUBE CT	SFD	\$36.15
19218	1017 RAUBE CT	SFD	\$36.15
19219	1013 RAUBE CT	SFD	\$32.89
19220	1209 HARRIS AVE	SFD	\$36.15
19221	1007 RAUBE CT	SFD	\$36.15
19223	1024 CHICAGO AVE	SFD	\$33.75
19235	920 TURNER ST	SFD	\$36.15
19236	929 PARADISE RD	SFD	\$36.15
19237	816 CHICAGO AVE	SFD	\$33.75
19239	802 CHICAGO AVE	SFD	\$38.89
19596	1009 HOUSER LN	SFD	\$36.15
19597	921 HOUSER LN	SFD	\$36.15
19598	917 HOUSER LN	SFD	\$36.15

EXHIBIT A

SERVICE NUMBER	SERVICE ADDRESS	SERVICE CLASS	AMOUNT REFUNDED
19599	913 HOUSER LN	SFD	\$33.54
19600	909 HOUSER LN	SFD	\$33.75
19601	905 HOUSER LN	SFD	\$36.15
19602	1001 HOUSER LN	SFD	\$36.15
19603	920 HOUSER LN	SFD	\$36.15
19604	916 HOUSER LN	SFD	\$33.75
19605	912 HOUSER LN	SFD	\$33.75
19606	908 HOUSER LN	SFD	\$33.75
19607	904 HOUSER LN	SFD	\$36.15
19699	823 SEYBOLD AVE	SFD	\$36.15
19700	832 CALIFORNIA AVE	SFD	\$36.15
19701	800 SEYBOLD AVE	SFD	\$36.15
19702	824 CALIFORNIA AVE	SFD	\$36.15
19715	423 BRIGGS AVE	SFD	\$36.15
19717	431 BRIGGS AVE	SFD	\$35.85
19718	435 BRIGGS AVE	SFD	\$36.15
19749	410 SPRUCE ST	SFD	\$36.55
19756	430 SPRUCE ST	SFD	\$36.15
19760	432 SPRUCE ST	SFD	\$38.70
19763	428 SPRUCE ST	SFD	\$36.15
19764	414 SPRUCE ST	SFD	\$36.15
19765	422 SPRUCE ST	SFD	\$36.15
19767	404 SPRUCE ST	SFD	\$33.75
19768	408 SPRUCE ST	SFD	\$36.15
19956	712 SPENCER AVE	SFD	\$36.15
29192	1708 ROBERTSON RD	SFD	\$36.15
29193	1704 ROBERTSON RD	SFD	\$36.15
32968	1601 COUCHMAN LN	SFD	\$36.15
42797	204 CRATER AVE	SFD	\$36.15
42870	1706 EUREKA ST	SFD	\$36.15
42871	1708 EUREKA ST	SFD	\$36.15
42872	1718 EUREKA ST	SFD	\$36.15
42874	1726 EUREKA ST	SFD	\$36.15
42875	1730 EUREKA ST	SFD	\$36.15
42879	1746 EUREKA ST	SFD	\$27.98
42882	1758 EUREKA ST	SFD	\$36.15
42883	1762 EUREKA ST	SFD	\$36.15
43007	306 AMADOR AVE	SFD	\$36.15
43880	2027 FRAZIER ST	SFD	\$36.15
44015	1413 INYO AVE	SFD	\$36.15
44044	615 INYO AVE	SFD	\$36.15
44045	617 INYO AVE	SFD	\$36.15
44046	621 INYO AVE	SFD	\$45.37
47731	1314 SOUTH AVE	SFD	\$36.15
47732	1318 SOUTH AVE	SFD	\$36.15
61568	2011 COX AVE	SFD	\$36.15
61569	2101 COX AVE	SFD	\$36.15
61590	1213 GARDEN AVE	SFD	\$36.15
62162	2032 ROBERTSON RD	SFD	\$27.88
62376	616 INYO AVE	SFD	\$25.81
62597	804 SEYBOLD AVE	SFD	\$25.12
62697	545 MAZE BLVD	SFD	\$18.42
42777	1331 CASCADE AVE	SG1	\$72.95

EXHIBIT A

SERVICE NUMBER	SERVICE ADDRESS	SERVICE CLASS	AMOUNT REFUNDED
45723	1321 CROWS LANDING RD	SG1	\$76.99
45725	1331 CROWS LANDING RD	SG1	\$49.30
45730	1413 CROWS LANDING RD	SG1	\$174.24
45732	1415 CROWS LANDING RD	SG1	\$252.17
45756	1949 CROWS LANDING RD	SG1	\$103.53
45760	1901 CROWS LANDING RD	SG1	\$609.42
45767	1749 CROWS LANDING RD	SG1	\$87.17
45770	1705 CROWS LANDING RD	SG1	\$76.99
48081	1259 N EMERALD AVE	SG1	\$176.92
48083	1259 N EMERALD AVE	SG1	\$195.25
48087	1200 BARIUM RD	SG1	\$184.93
48095	1311 WOODLAND AVE	SG1	\$546.64
48437	1113 CARVER RD	SG1	\$75.97
49419	231 FLAMINGO DR	SG1	\$112.60
49421	2030 CROWS LANDING RD	SG1	\$1,252.36
50948	961 N EMERALD AVE	SG1	\$427.17
50979	917 PARADISE AVE	SG1	\$75.21
51125	417 HOSMER AVE	SG1	\$75.65
51127	200 RIVER RD	SG1	\$74.04
51128	601 S 9TH ST	SG1	\$86.83
51129	601 S 9TH ST	SG1	\$111.78
51145	300 MARIPOSA RD	SG1	\$74.04
51146	111 MARIPOSA RD	SG1	\$99.28
51155	460 MITCHELL RD	SG1	\$74.04
51156	2273 TENAYA DR	SG1	\$374.62
51166	480 CODONI AVE	SG1	\$74.04
51168	320 CODONI AVE	SG1	\$129.59
51169	340 CODONI AVE	SG1	\$78.70
51188	3924 FINCH RD	SG1	\$113.49
51189	4000 FINCH RD	SG1	\$666.05
51190	4200 FINCH RD	SG1	\$121.87
51191	4324 LECKRON RD	SG1	\$365.54
51196	1023 KANSAS AVE	SG1	\$82.03
51202	727 SUTTER AVE	SG1	\$363.15
51221	639 S MCCLURE RD	SG1	\$465.95
51225	3700 FINCH RD	SG1	\$585.47
51226	3511 FINCH RD	SG1	\$725.56
51227	4025 FINCH RD	SG1	\$489.31
61393	413 S RIVERSIDE DR	SG1	\$363.84
61395	1001 KANSAS AVE	SG1	\$684.81
61397	501 HOSMER AVE	SG1	\$74.04
62176	1224 RENO AVE	SG1	\$30.11
62591	2101 TENAYA DR #1	SG1	\$124.65
62592	2101 TENAYA DR #2	SG1	\$14.12
62701	518 EL ROYA AVE	SG1	\$53.11
62702	530 EL ROYA AVE	SG1	\$124.07
19058	627 ROSELAWN AVE	SR1	\$56.42
19098	1118 GARDEN AVE	SR1	\$69.86
19100	1114 GARDEN AVE	SR1	\$36.15
19104	1214 GARDEN AVE	SR1	\$65.28
19222	1201 HARRIS AVE	SR1	\$87.02
19242	128 ELLEN AVE	SR1	\$52.68
19243	130 ELLEN AVE	SR1	\$52.68

EXHIBIT A

SERVICE NUMBER	SERVICE ADDRESS	SERVICE CLASS	AMOUNT REFUNDED
19716	425 BRIGGS AVE	SR1	\$93.15
19766	426 SPRUCE ST	SR1	\$69.86
43336	1814 LAS VEGAS ST	SR1	\$26.71
48199	501 ROSELAWN AVE	SR1	\$54.98
46201	513 ROSELAWN AVE	SR1	\$69.28
61165	533 BRIGGS AVE	SR1	\$60.01
61381	1420 PELTON AVE	SR1	\$47.17
18001	2116 PEGGY LN	SR2	\$108.78
19213	1004 CHICAGO AVE	SR2	\$239.40
29195	1112 SOUTH AVE	SR2	\$186.32
45832	131 IMPERIAL AVE	SR2	\$186.32
47738	501 LEON AVE	SR2	\$232.92
47739	1202 SOUTH AVE	SR2	\$279.53
60290	613 S 7TH ST	SR2	\$926.46
SUB TOTAL			\$18,040.61
60591	PROCTOR & GAMBLE	IND	\$2,531.13
TOTAL AMOUNT REFUNDED/ADJUSTED			\$20,571.74

SERVICE CLASS DEFINITIONS

SFD	RESIDENTIAL SINGLE FAMILY DWELLING
SR1	RESIDENTIAL 2-4 DWELLING UNITS
SR2	RESIDENTIAL 5 OR MORE DWELLING UNITS
SG1	SEWER GROUP 1 (COMMERCIAL)
IND	INDUSTRIAL

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-534

A RESOLUTION ACCEPTING A GRANT OFFER FOR
FEDERAL FUNDS TO COMPLETE THE AIRPORT'S FISCAL
YEAR 1991/92 CAPITAL IMPROVEMENT.

WHEREAS, each year the City is eligible for Airport
Improvement Program (AIP) funds to complete needed airport capital
improvement projects, and

WHEREAS, on June 25, 1991, the City Council approved four
(4) AIP projects amounting to \$390,000, and budgeted \$57,000 of
City funds 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 September 2, 1992, in the amount of \$351,000,
and

WHEREAS, acceptance of the grant offer will obligate the
City of Modesto to accomplish the projects as described in the AIP
Project No. 3-06-0153-15 offer,

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 \$351,000 to complete the
Airport's Fiscal Year 1991/92 capital improvements.

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 22nd day of September, 1992, 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*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

12/11/92

**MODESTO CITY COUNCIL
RESOLUTION 92-535**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FAA GRANT REVENUE

WHEREAS, the 1991-92 CIP included four Airport Projects amounting to \$390,000; of this \$333,000 was to be funded with Airport Improvement Program (AIP) funds, \$37,000 was a transfer in from Fund 130, and \$20,000 was to be provided by the gallonage tax revenue generated in Fund 632.

WHEREAS, in the 1991-92 CIP, one of these projects - the Landfill Soil Evaluation was not expected to be eligible for AIP funds, and was funded with Fund 632 monies.

WHEREAS, the FAA has agreed to fund 90% of this project along with the other three projects.

WHEREAS, the Grant Offer from the FAA has been awarded in the amount of \$351,000, which is \$18,000 greater than was originally budgeted.

WHEREAS, this was known at the time of the CIP revenue carryover analysis, and this additional revenue is included in the carryover adjustment along with the associated project.

WHEREAS, it is not necessary to budget this additional revenue again.

THEREFORE, no adjustment is necessary at this time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, 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, Dobbs, Cogdill, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-536

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CERTIFIED/EARTH METRICS FOR CONSULTING SERVICES FOR PREPARATION OF THE MODESTO GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Certified/Earth Metrics for consulting services for preparation of the Modesto General Plan Draft Environmental Impact Report

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September , 1992, 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, Muratore, Patterson, Acting Mayor Friedman
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

A TTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-537

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$52,212 FROM CONTINGENCY RESERVE FOR CONSULTING SERVICES ON PREPARATION OF THE MODESTO GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT

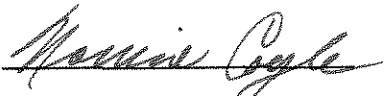
BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: General Fund Contingency Reserve	\$52,212
(010 800 8000 8003)	
TO: Services, Professional & Other	\$52,212
(010 140 1401 0235)	

Funds are needed for consulting services on preparation of the Modesto General Plan Draft Environmental Impact Report.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September 1992, 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, Muratore, Patterson, Acting Mayor Friedman
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-538

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PUBLIC RESOURCES ADVISORY GROUP TO PROVIDE SPECIAL FINANCING ADVISORY SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Public Resources Advisory Group to provide special financing advisory services for the Waste-to-Energy 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 22nd day of September , 1992, 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

A TEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-539

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CARROLL, BURDICK & MCDONOUGH TO PROVIDE SPECIAL COUNSEL SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Carroll, Burdick & McDonough to provide special counsel services for the Waste-to-Energy 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 22nd day of September , 1992, 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

A TTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-540

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/SENIOR NUTRITION PROGRAM FOR A GRANT 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 Senior Opportunity Service Program/Senior Nutrition Program for a grant of \$36,347 under the Community Development Block Grant Program for Fiscal Year 1992-93

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-541

A RESOLUTION CREATING A COMMUNITY QUALITIES
COMMITTEE AND SETTING FORTH THE COMMITTEE'S
GOAL.

WHEREAS, the membership of the Human Services Committee consists of Vice Mayor Kenni Friedman as Chairperson, Councilmember Charles Bird and Councilmember Frank Muratore, and

WHEREAS, said members of the Human Services Committee at their meeting of August 31, 1992, agreed that the creation of a Community Qualities Committee - Participants for the Future, would be essential in helping the City Council plan for change, and

WHEREAS, by a memo dated September 16, 1992, the Human Services Committee set forth recommendations to the City Council relating to the formation of Community Qualities Committee with the intent to involve more people in problem solving and planning for the future, a copy of said memo is on file in the office of the City Clerk, and

WHEREAS, at its meeting of September 22, 1992, the Council considered the recommendations of the Human Services Committee, and the Council desires to establish a Community Qualities Committee as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there is hereby created a citizens committee to be known as the Community Qualities Committee.

BE IT FURTHER RESOLVED, that the goal of said Community Qualities Committee shall be as follows:

1. To improve and enhance Modesto's urban environment through citizen involvement.

2. To recommend to the City Council ideas for solving community needs.

3. To turn clients into producers.

4. To empower citizens.

5. To develop a process to help the City Council.

BE IT FURTHER RESOLVED that the Community Qualities Committee shall be comprised of 25 members, 7 of whom shall be appointed by the City Council, and 18 of whom shall be selected on the basis of neighborhood representation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Dobbs, 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, Vice Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-542

A RESOLUTION APPOINTING MEMBER OF THE ECONOMIC DEVELOPMENT LOAN COMMITTEE
(REUBEN SENDEJAS)

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

SECTION 1. The following person is hereby appointed to the Economic
Development Loan Committee:

Reuben Sendejas
1026 Arboleda Drive
Modesto, Ca. 95350

Term to expire 9/30/94

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Economic Development
Loan 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 22nd day of September , 19 92 ,
by Councilmember Dobbs , 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,
Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-543

A RESOLUTION APPOINTING MEMBER OF THE TUOLUMNE RIVER REGIONAL PARK CITIZENS' ADVISORY COMMITTEE (DAVID GIANELLI)

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 Com.

David Gianelli
1444 Lorry Avenue
Modesto, Ca. 95355

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 22nd day of September, 1992, by Councilmember Dobbs, 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, Acting Mayor Friedman
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION 92-544**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO IMPLEMENT THE PHASE II BUDGET STRATEGY.

WHEREAS, the Phase II Budget Strategy was presented to the City Council on October 1, 1992 at a special Council Session.

WHEREAS, the proposed Phase II budget adjustments are summarized in the "Phase II Budget Strategy-Summary of Recommended Budget Reduction Options, dated 9/18/92. These adjustments are also described in detail in the Phase II Budget Strategy Detail", dated 9/18/92. Both of these documents were included in the packet that was submitted to Council on September 18, 1992 at a special Council Workshop.

WHEREAS, an adjustment has been made to the original proposed phase II adjustments as follows: In the Fire Services section, it was originally proposed that there would be engine redeployment and reduction of six positions by attrition for a savings of \$235,000, and a reorganization of Fire Prevention & Support Service Division for a savings of \$55,000, these adjustments can not be made until meet and confer issues are settled. The current MOU will not allow these adjustments. These two items will be presented to Council for adoption at another time.

THEREFORE, the following adjustments are necessary to implement the Phase II budget strategy:
See attachment 1.

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 1st day of October, 1992, 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, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

Phase II Budget Strategy
 Summary of Recommended Budget Reduction Options
 Revenue & Appropriations

ATTACHMENT

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment Amount	Total	Associated Revenue				Adjustment Amount	Total
			Fd	Agy	Orgn	Objt			Fd	Agy	Orgn	Rsrc		
City Manager Department														
1	Reduce Level of Public Information Materials	12,000	010	020	0202	0230	(12,000)							
2	Discontinue membership in Ca, Co, Az, & Nv (CCAN)	5,000	010	020	0201	0401	(5,000)							
2	C.Reserve		010	800	8000	8003	17,000	0						
Personnel Department														
3	Postpone Fire Fighter Trainee Recruitment	9,000	010	030	0301	0208	(500)							
3	Postpone Fire Fighter Trainee Recruitment		010	030	0301	0230	(2,000)							
3	Postpone Fire Fighter Trainee Recruitment		010	030	0301	0235	(6,500)							
3	C.Reserve		010	800	8000	8003	9,000	0						
General Fund-Variou Depts.														
4	Reduce Property Ins Fund Reserve	50,000	010	020	0201	0413	(930)							
4	Reduce Property Ins Fund Reserve		010	030	0301	0413	(525)							
4	Reduce Property Ins Fund Reserve		010	040	0401	0413	(856)							
4	Reduce Property Ins Fund Reserve		010	050	0501	0413	(916)							
4	Reduce Property Ins Fund Reserve		010	080	0801	0413	(90)							
4	Reduce Property Ins Fund Reserve		010	120	1201	0413	(1,240)							
4	Reduce Property Ins Fund Reserve		010	120	1223	0413	(930)							
4	Reduce Property Ins Fund Reserve		010	120	1232	0413	(400)							
4	Reduce Property Ins Fund Reserve		010	120	1242	0413	(880)							
4	Reduce Property Ins Fund Reserve		010	140	1401	0413	(1,030)							
4	Reduce Property Ins Fund Reserve		010	140	1405	0413	(115)							
4	Reduce Property Ins Fund Reserve		010	160	1601	0413	(2,621)							
4	Reduce Property Ins Fund Reserve		010	180	1801	0413	(775)							
4	Reduce Property Ins Fund Reserve		010	180	1802	0413	(205)							
4	Reduce Property Ins Fund Reserve		010	180	1822	0413	(210)							
4	Reduce Property Ins Fund Reserve		010	180	1832	0413	(5,977)							
4	Reduce Property Ins Fund Reserve		010	190	1901	0413	(4,996)							
4	Reduce Property Ins Fund Reserve		010	300	3001	0413	(6,095)							
4	Reduce Property Ins Fund Reserve		010	360	3611	0413	(260)							
4	Reduce Property Ins Fund Reserve		010	360	3612	0413	(4,491)							
4	Reduce Property Ins Fund Reserve		010	360	3613	0413	(2,186)							
4	Reduce Property Ins Fund Reserve		010	370	3712	0413	(275)							
4	Reduce Property Ins Fund Reserve		010	380	3811	0413	(5,671)							
4	Reduce Property Ins Fund Reserve		010	380	3812	0413	(980)							

Phase II Budget Strategy
 Summary of Recommended Budget Reduction Options
 Revenue & Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment Amount	Total	Associated Revenue				
			Fd	Agy	Orgn	Objt			Fd	Agy	Orgn	Rsrc	Adjustment Amount
4	Reduce Property Ins Fund Reserve		010	380	3813	0413	(1,050)						
4	Reduce Property Ins Fund Reserve		010	380	3814	0413	(2,240)						
4	Reduce Property Ins Fund Reserve		010	410	4112	0413	(970)						
4	Reduce Property Ins Fund Reserve		010	420	4212	0413	(710)						
4	Reduce Property Ins Fund Reserve		010	430	4301	0413	(105)						
4	Reduce Property Ins Fund Reserve		010	440	4412	0413	(1,246)						
4	Reduce Property Ins Fund Reserve		010	480	4801	0413	(555)						
4	Reduce Property Ins Fund Reserve		010	480	4802	0413	(355)						
4	Reduce Property Ins Fund Reserve		010	480	4804	0413	(115)						
4	C.Reserve		010	800	8000	8003	50,000	0					
	Other Funds--Various Depts.												
4	Reduce Property Ins Fund Reserve	22,109	600	160	1682	0413	(1,884)						
4	C.Reserve		600	800	8000	8003	1,884	0					
4	Reduce Property Ins Fund Reserve		610	480	5012	0413	(546)						
4	C.Reserve		610	800	8000	8003	546	0					
4	Reduce Property Ins Fund Reserve		621	480	5213	0413	(1,888)						
4	Reduce Property Ins Fund Reserve		621	480	5214	0413	(707)						
4	Reduce Property Ins Fund Reserve		621	480	5215	0413	(517)						
4	C.Reserve		621	800	8000	8003	3,112	0					
4	Reduce Property Ins Fund Reserve		631	180	1831	0413	(493)						
4	Reduce Property Ins Fund Reserve		631	480	5412	0413	(8,421)						
4	C.Reserve		631	800	8000	8003	8,914	0					
4	Reduce Property Ins Fund Reserve		651	160	1672	0413	(9)						
4	Reduce Property Ins Fund Reserve		651	480	5612	0413	(349)						
4	C.Reserve		651	800	8000	8003	358	0					
4	Reduce Property Ins Fund Reserve		660	330	3312	0413	(219)						
4	Reduce Property Ins Fund Reserve		660	330	3313	0413	(477)						
4	Reduce Property Ins Fund Reserve		660	330	3314	0413	(855)						
4	C.Reserve		660	800	8000	8003	1,551	0					
4	Reduce Property Ins Fund Reserve		710	120	1252	0413	(2,054)						
4	C.Reserve		710	800	8000	8003	2,054	0					
4	Reduce Property Ins Fund Reserve		720	480	5812	0413	(3,301)						
4	Reduce Property Ins Fund Reserve		720	480	5813	0413	(389)						
4	C.Reserve		720	800	8000	8003	3,690	0					

Phase II Budget Strategy
 Summary of Recommended Budget Reduction Options
 Revenue & Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations					Associated Revenue							
			Fd	Agy	Orgn	Objt	Adjustment Amount	Total	Fd	Agy	Orgn	Rsrc	Adjustment Amount	Total	
4	Reduce Property Ins Fund Reserve		734	030	6612	0413	(72,109)								
4	Property Insurance Revenue							(72,109)	734	030	6612	4971	(72,109)	(72,109)	
	City Attorney Department														
5	Recognize Revenue: Property Agent-Svcs City of Lathrop	7,500							010	040	0411	4095	7,500	7,500	
5	C.Reserve		010	800	8000	8003	7,500	7,500							
	Finance Department														
6	Reduce Maintance Contract-IBM Mainframe	25,000	010	120	1242	0223	(25,000)								
7	Delay hire of Bdgt Analyst/Accountant-January 93	32,600	010	120	1222	0110	(21,852)								
7	Delay hire of Bdgt Analyst/Accountant-January 93		010	120	1222	0111	(3,593)								
7	Delay hire of Bdgt Analyst/Accountant-January 93		010	120	1222	0160	(7,155)								
7	C.Reserve		010	800	8000	8003	57,600	0							
	Planning & Community Development														
8	Eliminate P/T Assistance	24,824	010	140	1401	0140	(9,649)								
8	Eliminate P/T Assistance		010	140	1401	0161	(634)								
8	Reduction in Conference Expense		010	140	1401	0207	(400)								
8	Cancel 2nd Drafting Computer		010	140	1401	5509	(14,141)								
8	C.Reserve		010	800	8000	8003	24,824	0							
9	Salary Savings-Voluntary Leaves/Reductions in Hours	23,121	010	140	1401	0110	(15,462)								
9	Salary Savings-Voluntary Leaves/Reductions in Hours		010	140	1401	0111	(2,501)								
9	Salary Savings-Voluntary Leaves/Reductions in Hours		010	140	1401	0160	(5,158)								
9	C.Reserve		010	800	8000	8003	23,121	0							
	Police Department														
10	Reduce Amt Budgeted for Jail Booking Fees	150,000	010	190	1901	0239	(150,000)								
10	C.Reserve		010	800	8000	8003	150,000	0							
11	Delay Replacement of 3 Patrol Vehicles for One Year	48,000	720	480	5814	5644	(48,000)								
11	Delay Replacement of 3 Patrol Vehicles for One Year		720	700	7000	7010	48,000								
11	Delay Replacement of 3 Patrol Vehicles for One Year								010	700	7000	9720	48,000	48,000	
11	C.Reserve		010	800	8000	8003	48,000	48,000							
12	Reduce Overtime in Field Operations Division	50,000	010	190	1961	0130	(50,000)								
12	C.Reserve		010	800	8000	8003	50,000	0							
13	Reduce Police Fleet by 2 Patrol Vehicle Units	43,056	010	190	1961	0218	(43,056)								
13	Reduce Police Fleet by 2 Patrol Vehicle Units								720	510	9510	4961	(43,056)	(43,056)	
13	C.Reserve		720	800	8000	8003	(43,056)								
13	C.Reserve		010	800	8000	8003	43,056	(43,056)							

Phase II Budget Strategy
 Summary of Recommended Budget Reduction Options
 Revenue & Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment		Associated Revenue					
			Fd	Agy	Orgn	Objt	Amount	Total	Fd	Agy	Orgn	Rsrc	Adjustment Amount	Total
27	PERS Adjustment		010	120	1221	0160	284							
27	PERS Adjustment		010	120	1222	0160	1,856							
27	PERS Adjustment		010	120	1223	0160	820							
27	PERS Adjustment		010	120	1224	0160	312							
27	PERS Adjustment		010	120	1232	0160	488							
27	PERS Adjustment		010	120	1242	0160	437							
27	PERS Adjustment		010	140	1401	0160	1,960							
27	PERS Adjustment		010	140	1405	0160	498							
27	PERS Adjustment		010	160	1601	0160	1,273							
27	PERS Adjustment		010	180	1801	0160	392							
27	PERS Adjustment		010	180	1802	0160	768							
27	PERS Adjustment		010	180	1822	0160	1,118							
27	PERS Adjustment		010	180	1832	0160	20,626							
27	PERS Adjustment		010	190	1901	0160	593							
27	PERS Adjustment		010	190	1911	0160	3,610							
27	PERS Adjustment		010	190	1921	0160	3,429							
27	PERS Adjustment		010	190	1924	0160	144							
27	PERS Adjustment		010	190	1941	0160	4,686							
27	PERS Adjustment		010	190	1961	0160	18,352							
27	PERS Adjustment		010	190	1964	0160	213							
27	PERS Adjustment		010	300	3001	0160	1,663							
27	PERS Adjustment		010	310	3112	0160	1,785							
27	PERS Adjustment		010	310	3113	0160	2,782							
27	PERS Adjustment		010	320	3212	0160	2,471							
27	PERS Adjustment		010	320	3213	0160	646							
27	PERS Adjustment		010	360	3611	0160	120							
27	PERS Adjustment		010	360	3612	0160	103							
27	PERS Adjustment		010	370	3712	0160	463							
27	PERS Adjustment		010	380	3811	0160	280							
27	PERS Adjustment		010	380	3812	0160	289							
27	PERS Adjustment		010	410	4112	0160	2,214							
27	PERS Adjustment		010	420	4212	0160	929							
27	PERS Adjustment		010	430	4301	0160	275							
27	PERS Adjustment		010	440	4412	0160	2,442							

Phase II Budget Strategy
 Summary of Recommended Budget Reduction Options
 Revenue & Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment	Total	Associated Revenue				Adjustment	Total
			Fd	Agy	Orgn	Objt	Amount		Fd	Agy	Orgn	Rsrc	Amount	
27	PERS Adjustment		010	450	4512	0160	1,070							
27	PERS Adjustment		010	460	4612	0160	2,404							
27	PERS Adjustment		010	480	4801	0160	569							
27	PERS Adjustment		010	480	4802	0160	228							
27	PERS Adjustment		010	480	4803	0160	169							
27	PERS Adjustment		010	480	4804	0160	275							
27	PERS Adjustment		010	490	4912	0160	781							
27	C.Reserve		010	800	8000	8003	(89,164)	0						
	Other Funds-Variou Dept.													
27	PERS Adjustment	(23,039)	111	140	1452	0160	295							
27	C.Reserve		111	800	8000	8003	(295)	0						
27	PERS Adjustment		113	140	1454	0160	670							
27	C.Reserve		113	800	8000	8003	(670)	0						
27	PERS Adjustment		600	160	1682	0160	161							
27	C.Reserve		600	800	8000	8003	(161)	0						
27	PERS Adjustment		610	480	5012	0160	3,359							
27	C.Reserve		610	800	8000	8003	(3,359)	0						
27	PERS Adjustment		621	480	5201	0160	505							
27	PERS Adjustment		621	480	5212	0160	1,990							
27	PERS Adjustment		621	480	5213	0160	2,196							
27	PERS Adjustment		621	480	5214	0160	985							
27	PERS Adjustment		621	480	5215	0160	632							
27	PERS Adjustment		621	480	5216	0160	593							
27	PERS Adjustment		621	480	5217	0160	577							
27	PERS Adjustment		621	480	5312	0160	2,116							
27	C.Reserve		621	800	8000	8003	(9,594)	0						
27	PERS Adjustment		631	180	1831	0160	952							
27	PERS Adjustment		631	480	5412	0160	695							
27	C.Reserve		631	800	8000	8003	(1,647)	0						
27	PERS Adjustment		651	160	1672	0160	373							
27	PERS Adjustment		651	480	5612	0160	743							
27	C.Reserve		651	800	8000	8003	(1,116)	0						
27	PERS Adjustment		660	330	3311	0160	145							
27	PERS Adjustment		660	330	3312	0160	281							

Phase II Budget Strategy
 Summary of Recommended Budget Reduction Options
 Revenue & Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment		Associated Revenue				Adjustment		
			Fd	Agy	Orgn	Objt	Amount	Total	Fd	Agy	Orgn	Rsrc	Amount	Total	
27	PERS Adjustment		660	330	3313	0160	720								
27	PERS Adjustment		660	330	3314	0160	537								
27	C.Reserve		660	800	8000	8003	(1,683)	0							
27	PERS Adjustment		670	340	3412	0160	724								
27	C.Reserve		670	800	8000	8003	(724)	0							
27	PERS Adjustment		710	050	0554	0160	58								
27	PERS Adjustment		710	120	1252	0160	222								
27	PERS Adjustment		710	120	1253	0160	71								
27	PERS Adjustment		710	120	1272	0160	334								
27	C.Reserve		710	800	8000	8003	(685)	0							
27	PERS Adjustment		720	480	5812	0160	1,195								
27	PERS Adjustment		720	480	5813	0160	533								
27	C.Reserve		720	800	8000	8003	(1,728)	0							
27	PERS Adjustment		731	030	0372	0160	450								
27	C.Reserve		731	800	8000	8003	(450)	0							
27	PERS Adjustment		751	030	0351	0160	89								
27	C.Reserve		751	800	8000	8003	(89)	0							
27	PERS Adjustment		885	190	1970	0160	545								
27	C.Reserve		885	800	8000	8003	(545)	0							
27	PERS Adjustment		890	310	3912	0160	224								
27	C.Reserve		890	800	8000	8003	(224)	0							
27	PERS Adjustment		906	020	0291	0160	69								
27	C.Reserve		906	800	8000	8003	(69)	0							
Benefits Fund															
28	Adjustment to Leaves for PhaseII (0111 Acct)		751	030	6650	0111	(21,625)	(21,625)							
28	Adjustment to Leaves for PhaseII Revenue								751	030	6650	4991	(21,625)	(21,625)	
28	Adjustment to Pers for PhaseII (0160 Acct)		751	030	6651	0160	58,584								
28	Adjustment to Pers for PhaseII (0161 Acct)		751	030	6651	0161	(4,064)	54,520							
28	Adjustment to Pers for PhaseII Revenue								751	030	6651	4992	54,520	54,520	
Grand Total							67,253	67,253					67,253	67,253	

**MODESTO CITY COUNCIL
RESOLUTION 92-545**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO IMPLEMENT THE PUBLIC WORKS AND TRANSPORTATION AUDIT.

WHEREAS, the Public Works Audit was presented to the City Council on October 1, 1992 at a special Council Session.

WHEREAS, the proposed adjustments are outlined in the document titled "Budget Amendments by Fund" dated September 18, 1992. These adjustments are discussed in detail in the document titled "Staff Report on Public Works & Transportation Audit", dated June 2, 1992; and in the document titled "Analysis of the Public Works and Transportation Department - City of Modesto" prepared by Hughes, Heiss & Associates, dated April 7, 1992.

WHEREAS, four changes have been made to the proposed adjustments as follows: 1.) Item #64, purchase asphalt trucks/equipment is not included in the final adjustment. It was anticipated that this equipment would be purchased with the PERS refund monies. We have not yet received this refund, when the refund is made to the City, this equipment purchase will then be budgeted. 2.) Item #46, Purchase wheel lifts for the coach shop, this item is eligible for 80% federal funding; however the grant has already been submitted for FY 1992-93. It would be very difficult to modify the grant at this time, this purchase will instead be included in the FY 1993-94 grant application. 3.) Item #45, Install ventilation improvements at main and coach shops, again the portion for the coach shop, \$1,500, is eligible for federal funds and will be included in the FY 1993-94 grant application. 4.) Item #47, Estimated savings from purchasing downsized vehicles assumed that we were purchasing 12-1/2 ton trucks, only 10 trucks were budgeted for purchase this year, therefore the savings will only be \$20,000 rather than \$24,000. All other adjustments are as they are presented in the "Budget Amendments by Fund" outline.

THEREFORE, the following adjustments are necessary:
See attachment 1.

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 1st day of October, 1992, 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, Dobbs, Cogdill, Friedman,
Patterson, Mayor Lang

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment Amount	Total	Associated Revenue			
			Fd	Agy	Orgn	Objt			Fd	Agy	Orgn	Objt
Sewer Fund												
1	Elim 1 Admin Analyst-Filled	(39,573)	621	480	5201	0110	(26,479)					
	Elim 1 Admin Analyst-Filled		621	480	5201	0111	(4,282)					
	Elim 1 Admin Analyst-Filled		621	480	5201	0160	(8,812)					
	C. Reserve		621	800	8000	8003	39,573	0				
2	Add Admin Svc Off	5,855	621	480	5212	0255	5,855					
	C. Reserve		621	800	8000	8003	(5,855)	0				
3	Elim Supv I-Vacant	(57,070)	628	480	5312	0110	(36,701)					
	Elim Supv I-Vacant		628	480	5312	0111	(5,935)					
	Elim Supv I-Vacant		628	480	5312	0160	(14,434)					
	C. Reserve		628	800	8000	8003	57,070	0				
4	Upgrde Supv II to Superintendent	3,555	621	480	5212	0110	34,198					
	Upgrde Supv II to Superintendent		621	480	5212	0110	(31,934)					
	Upgrde Supv II to Superintendent		621	480	5212	0111	(5,165)					
	Upgrde Supv II to Superintendent		621	480	5212	0111	5,531					
	Upgrde Supv II to Superintendent		621	480	5212	0160	13,974					
	Upgrde Supv II to Superintendent		621	480	5212	0160	(13,049)					
	C. Reserve		621	800	8000	8003	(3,555)	0				
5	Upgrde 2 Equip Oprs to Crewleaders	2,255	621	480	5212	0110	(13,652)					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0110	14,094					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0110	(13,652)					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0110	14,101					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0111	2,597					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0111	2,596					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0111	(2,208)					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0111	(2,208)					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0160	5,870					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0160	(5,578)					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0160	5,873					
	Upgrde 2 Equip Oprs to Crewleaders		621	480	5212	0160	(5,578)					
	C. Reserve		621	800	8000	8003	(2,255)	0				

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	Appropriations					Associated Revenue							
		FY 92-93	Fd	Agy	Orgn	Objt	Adjustment Amount	Total	Fd	Agy	Orgn	Objt	Adjustment Amount	Total
6	Purchase Tractor to Pull TV Camera in Wastewater													
	Small Van Tractor-No Equip Rental	7,000	720	480	5812	5670	7,000							
	T/O to 720		621	700	7000	7720	7,000							
	T/I to 720													
	C. Reserve		621	800	8000	8003	(7,000)	7,000	720	700	7000	9621	7,000	7,000
7	Install Fuel Pumps at WWTP	50,000	621	480	5212	C882	50,000							
	C. Reserve		621	800	8000	8003	(50,000)	0						
8	Elim 2 Equip Oprs-Filled	(38,865)	621	480	5212	0110	(11,097)							
	Elim 2 Equip Oprs-Filled		621	480	5212	0110	(13,652)							
	Elim 2 Equip Oprs-Filled		621	480	5212	0111	(2,208)							
	Elim 2 Equip Oprs-Filled		621	480	5212	0111	(1,795)							
	Elim 2 Equip Oprs-Filled		621	480	5212	0160	(4,535)							
	Elim 2 Equip Oprs-Filled		621	480	5212	0160	(5,578)							
	C. Reserve		621	800	8000	8003	38,865	0						
9	Purchase Sewer Repair Crew Equip	80,000												
	Backhoe-Rental Rate 2.05/hr * 1040 hrs(plus 160)		720	480	5812	5671	24,000							
	Trailer-Rental Rate .55/hr * 1040 hrs		720	480	5812	5672	11,000							
	Dump Truck-Rental Rate 5.9/hr * 1040 hrs		720	480	5812	5673	36,000							
	Equip Rental		621	480	5212	0216	9,000							
	Equip Rental-Revenue								720	510	9510	4961	9,000	
	T/I to 720								720	700	7000	9621	71,000	80,000
	T/O to 720		621	700	7000	7720	80,000							
	C. Reserve		621	800	8000	8003	(80,000)	80,000						
10	Elim Bldg Insp-Transfer	(19,982)	621	480	5212	0110	(12,725)							
	Elim Bldg Insp-Transfer		621	480	5212	0111	(2,058)							
	Elim Bldg Insp-Transfer		621	480	5212	0160	(5,199)							
	C. Reserve		621	800	8000	8003	19,982	0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations					Adjustment Amount	Total	Associated Revenue				
			Fd	Agy	Orgn	Objt	Amount			Fd	Agy	Orgn	Objt	Adjustment Amount
11	Add Jr/Asst Civil Eng	20,994	621	480	5212	0110	13,438	0						
	Add Jr/Asst Civil Eng		621	480	5212	0111	2,064							
	Add Jr/Asst Civil Eng		621	480	5212	0160	5,492							
	C. Reserve		621	800	8000	8003	(20,994)							
12	Maint Mgmt System Software for Lift Stations	9,000	621	480	5212	0306	9,000	0						
	C. Reserve		621	800	8000	8003	(9,000)							
13	Elim Lab Tech-Vacant	(43,004)	621	480	5215	0110	(28,727)	0						
	Elim Lab Tech-Vacant		621	480	5215	0111	(4,645)							
	Elim Lab Tech-Vacant		621	480	5215	0160	(9,632)							
	C. Reserve		621	800	8000	8003	43,004							
14	Add Lab Supv	19,075	621	480	5215	0110	12,742	0						
	Add Lab Supv		621	480	5215	0111	2,060							
	Add Lab Supv		621	480	5215	0160	4,273							
	C. Reserve		621	800	8000	8003	(19,075)							
15	Training-Hansen Auto Mtc Mgmt	5,000	621	480	5213	0209	5,000	0						
	C. Reserve		621	800	8000	8003	(5,000)							
16	Elim P/T Help-Filled	(24,641)	621	480	5214	0140	(21,539)	0						
	Elim P/T Help-Filled		621	480	5214	0161	(3,075)							
	C. Reserve		621	800	8000	8003	24,614							
17	Elim Sr Civ Eng-Filled	(54,477)	621	480	5217	0110	(36,529)	0						
	Elim Sr Civ Eng-Filled		621	480	5217	0111	(5,906)							
	Elim Sr Civ Eng-Filled		621	480	5217	0160	(12,042)							
	C. Reserve		621	800	8000	8003	54,477							
18	Add Ind Waste Supv	18,084	621	480	5217	0110	12,126	0						
	Add Ind Waste Supv		621	480	5217	0111	1,961							
	Add Ind Waste Supv		621	480	5217	0160	3,997							
	C. Reserve		621	800	8000	8003	(18,084)							

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment Amount	Total	Associated Revenue					
			Fd	Agy	Orgn	Objt			Fd	Agy	Orgn	Objt	Adjustment Amount	Total
19	Computer Workstations(2)	15,000	621	480	5201	5674	10,000							
	Computer Workstations(1)		621	480	5213	5675	5,000							
	C. Reserve		621	800	8000	8003	(15,000)	0						
	Water Fund													
20	Elim Const Insp-Vacant	(49,680)	621	480	5216	0110	(33,313)							
	Elim Const Insp-Vacant		621	480	5216	0111	(5,387)							
	Elim Const Insp-Vacant		621	480	5216	0160	(10,980)							
	C. Reserve		621	800	8000	8003	49,680	0						
21	Dwngrde Mtc Wk I to Custodian	0	621	480	5213	0110	14,298							
	Dwngrde Mtc Wk I to Custodian		621	480	5213	0110	(14,298)							
	Dwngrde Mtc Wk I to Custodian		621	480	5213	0111	2,312							
	Dwngrde Mtc Wk I to Custodian		621	480	5213	0111	(2,312)							
	Dwngrde Mtc Wk I to Custodian		621	480	5213	0160	5,702							
	Dwngrde Mtc Wk I to Custodian		621	480	5213	0160	(5,702)	0						
22	Elim 1 Admin Analyst-Filled	(39,573)	610	480	5012	0110	(25,501)							
	Elim 1 Admin Analyst-Filled		610	480	5012	0111	(4,123)							
	Elim 1 Admin Analyst-Filled		610	480	5012	0160	(9,949)							
	C. Reserve		610	800	8000	8003	39,573	0						
23	Add Admin Svc Off	5,855	610	480	5012	0255	5,855							
	C. Reserve		610	800	8000	8003	(5,855)	0						
24	Upgrde Supv II to Superintendent	3,873	610	480	5012	0110	34,429							
	Upgrde Supv II to Superintendent		610	480	5012	0110	(31,934)							
	Upgrde Supv II to Superintendent		610	480	5012	0111	5,572							
	Upgrde Supv II to Superintendent		610	480	5012	0111	(5,168)							
	Upgrde Supv II to Superintendent		610	480	5012	0160	(12,461)							
	Upgrde Supv II to Superintendent		610	480	5012	0160	13,435							
	C. Reserve		610	800	8000	8003	(3,873)	0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment Amount	Total	Associated Revenue				Adjustment Amount	Total
			Fd	Agy	Orgn	Objt			Fd	Agy	Orgn	Objt		
31	Add Jr/Asst Civil Eng	20,994	610	480	5012	0110	13,529							
	Add Jr/Asst Civil Eng		610	480	5012	0111	2,187							
	Add Jr/Asst Civil Eng		610	480	5012	0160	5,278							
	C. Reserve		610	800	8000	8003	(20,994)	0						
32	Add Admin Clk II	10,150	610	480	5012	0110	6,540							
	Add Admin Clk II		610	480	5012	0111	1,058							
	Add Admin Clk II		610	480	5012	0160	2,552							
	C. Reserve		610	800	8000	8003	(10,150)	0						
33	Elim Storm Drain Insp-Vacant	(37,575)	628	480	5312	0110	(24,164)							
	Elim Storm Drain Insp-Vacant		628	480	5312	0111	(3,908)							
	Elim Storm Drain Insp-Vacant		628	480	5312	0160	(9,503)							
	C. Reserve		628	800	8000	8003	37,575	0						
34	Elim Sr Civil Eng-Vacant	(89,016)	628	480	5312	0110	(57,245)							
	Elim Sr Civil Eng-Vacant		628	480	5312	0111	(9,257)							
	Elim Sr Civil Eng-Vacant		628	480	5312	0160	(22,514)							
	C. Reserve		628	800	8000	8003	89,016	0						
35	Add Assoc Civ Eng	21,868	628	480	5312	0110	14,063							
	Add Assoc Civ Eng		628	480	5312	0111	2,274							
	Add Assoc Civ Eng		628	480	5312	0160	5,531							
	C. Reserve		628	800	8000	8003	(21,868)	0						
36	Elim Sr Civil Eng Asst-Vacant	(53,093)	628	480	5312	0110	(34,144)							
	Elim Sr Civil Eng Asst-Vacant		628	480	5312	0111	(5,521)							
	Elim Sr Civil Eng Asst-Vacant		628	480	5312	0160	(13,428)							
	C. Reserve		628	800	8000	8003	53,093	0						
37	Elim Mtc Wkr II-Filled	(27,063)	628	480	5312	0110	(17,404)							
	Elim Mtc Wkr II-Filled		628	480	5312	0111	(2,814)							
	Elim Mtc Wkr II-Filled		628	480	5312	0160	(6,845)							
	C. Reserve		628	800	8000	8003	27,063	0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations					Adjustment Amount	Total	Associated Revenue					
			Fd	Agy	Orgn	Objt	Objt			Fd	Agy	Orgn	Objt	Adjustment Amount	Total
38	Elim Motor Sweeper Opr-Vacant	(40,740)	628	480	5312	0110	(26,199)								
	Elim Motor Sweeper Opr-Vacant		628	480	5312	0111	(4,237)								
	Elim Motor Sweeper Opr-Vacant		628	480	5312	0160	(10,304)								
	C. Reserve		628	800	8000	8003	40,740		0						
39	Elim Motor Sweeper Opr-Vacant	(45,207)	600	160	1682	0110	(28,672)								
	Elim Motor Sweeper Opr-Vacant		600	160	1682	0111	(4,637)								
	Elim Motor Sweeper Opr-Vacant		600	160	1682	0160	(11,898)								
	C. Reserve		600	800	8000	8003	45,207		0						
40	Add Fleet Mgr	23,589	720	480	5812	0110	15,144								
	Add Fleet Mgr		720	480	5812	0111	2,449								
	Add Fleet Mgr		720	480	5812	0160	5,996								
	C. Reserve		720	800	8000	8003	(23,589)		0						
41	Elim Equip Mtc Supt-Filled	(48,728)	720	480	5812	0110	(31,284)								
	Elim Equip Mtc Supt-Filled		720	480	5812	0111	(5,059)								
	Elim Equip Mtc Supt-Filled		720	480	5812	0160	(12,385)								
	C. Reserve		720	800	8000	8003	48,728		0						
42	Elim Asst Equip Mtc Supt-Filled	(44,216)	720	480	5812	0110	(28,387)								
	Elim Asst Equip Mtc Supt-Filled		720	480	5812	0111	(4,591)								
	Elim Asst Equip Mtc Supt-Filled		720	480	5812	0160	(11,238)								
	C. Reserve		720	800	8000	8003	44,216		0						
43	Add Equip Mtc Supv II	48,728	720	480	5812	0110	31,284								
	Add Equip Mtc Supv II		720	480	5812	0111	5,059								
	Add Equip Mtc Supv II		720	480	5812	0160	12,385								
	C. Reserve		720	800	8000	8003	(48,728)		0						
44	Add Equip Mtc Supv I	44,216	720	480	5812	0110	28,387								
	Add Equip Mtc Supv I		720	480	5812	0111	4,591								
	Add Equip Mtc Supv I		720	480	5812	0160	11,238								
	C. Reserve		720	800	8000	8003	(44,216)		0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment Amount	Total	Associated Revenue				Adjustment Amount	Total
			Fd	Agy	Orgn	Objt			Fd	Agy	Orgn	Objt		
45	Ventilation Improvmnt-Exhaust Pipe Hose/Main Shop C. Reserve	1,500	720	480	5812	5682	1,500							
			720	800	8000	8003	(1,500)	0						
47	Savings due to Downsizing 1/2 Ton Replcmt Trucks	(20,000)	720	480	5814	5561	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5574	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5575	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5586	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5603	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5616	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5621	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5622	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5623	(2,000)							
	1/2 Ton Pickup Truck		720	480	5814	5625	(2,000)							
	C. Reserve		720	800	8000	8003	20,000	0						
	General Fund (CIP Reimbursable)													
48	Station Survey Equip	35,000	010	420	4212	5679	35,000							
	Svc Cr		010	420	4212	9990	(35,000)	0						
49	Elim Civ Eng Tech-Filled	(15,868)	010	420	4212	0110	(10,705)							
	Elim Civ Eng Tech-Filled		010	420	4212	0111	(1,731)							
	Elim Civ Eng Tech-Filled		010	420	4212	0160	(3,432)							
	C. Reserve		010	800	8000	8003	15,868	0						
50	Outside Svcs	(11,550)	010	420	4212	0235	(11,550)							
	Svc Cr		010	420	4212	9990	11,550	0						
51	Add Constr Insp	17,109	010	420	4212	0110	11,504							
	Add Constr Insp		010	420	4212	0111	1,905							
	Add Constr Insp		010	420	4212	0160	3,700							
	C. Reserve		010	800	8000	8003	(17,109)	0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	Appropriations					Associated Revenue							
		FY 92-93	Fd	Agy	Orgn	Objt	Adjustment Amount	Total	Fd	Agy	Orgn	Objt	Adjustment Amount	Total
52	Elim Civ Eng Asst-Filled	(15,131)	010	420	4212	0110	(10,208)							
	Elim Civ Eng Asst-Filled		010	420	4212	0111	(1,651)							
	Elim Civ Eng Asst-Filled		010	420	4212	0160	(3,272)							
	C. Reserve		010	800	8000	8003	15,131	0						
53	Add Admin Tech	11,244	010	420	4212	0110	7,585							
	Add Admin Tech		010	420	4212	0111	1,227							
	Add Admin Tech		010	420	4212	0160	2,432							
	C. Reserve		010	800	8000	8003	(11,244)	0						
54	Cellular Phones	8,000	010	420	4212	5680	8,000							
	Svc Cr		010	420	4212	9990	(8,000)	0						
55	Add Assoc Civ Eng	21,868	010	420	4212	0110	14,753							
	Add Assoc Civ Eng		010	420	4212	0111	2,386							
	Add Assoc Civ Eng		010	420	4212	0160	4,729							
	Svc Cr		010	420	4212	9990	(19,222)							
	C. Reserve		010	800	8000	8003	(2,646)	0						
56	Add Assoc Civ Eng	21,868	010	410	4112	0110	14,831							
	Add Assoc Civ Eng		010	410	4112	0111	2,396							
	Add Assoc Civ Eng		010	410	4112	0160	4,641							
	Svc Cr		010	410	4112	9990	(21,868)	0						
57	Add Assoc Traffic Eng	21,868	010	160	1601	0110	14,350							
	Add Assoc Traffic Eng		010	160	1601	0111	2,321							
	Add Assoc Traffic Eng		010	160	1601	0160	5,197							
	Svc Cr		010	160	1601	9990	(21,868)	0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment Amount	Total	Associated Revenue				Adjustment Amount	Total
			Fd	Agy	Orgn	Objt			Fd	Agy	Orgn	Objt		
General Fund - Other														
58	Add Admin Svc Off	7,806	010	480	4801	0110	13,134							
	Add Admin Svc Off		010	480	4801	0111	2,124							
	Add Admin Svc Off		010	480	4801	0160	4,258							
	Svc Cr		010	480	4801	9990	(11,710)							
	C. Reserve		010	800	8000	8003	(7,806)	0						
59	Elim Code Enforcement Off-Vacant	(31,165)	010	480	4803	0110	(20,341)							
	Elim Code Enforcement Off-Vacant		010	480	4803	0111	(3,289)							
	Elim Code Enforcement Off-Vacant		010	480	4803	0160	(7,535)							
	C. Reserve		010	800	8000	8003	31,165	0						
60	Add Integrated Waste Spec	20,008	010	480	4803	0110	13,203							
	Add Integrated Waste Spec		010	480	4803	0111	1,967							
	Add Integrated Waste Spec		010	480	4803	0160	4,838							
	C. Reserve		010	800	8000	8003	(20,008)	0						
63	Crack Sealing Machine-Street Mtc-No Equip Rental	20,000	720	480	5812	5681	20,000							
	T/O to 720		010	700	7000	7720	20,000							
	T/I to 720								720	700	7000	9010	20,000	20,000
	C. Reserve		010	800	8000	8003	(20,000)	20,000						
65	Elim P/T Supt-Filled	(51,424)	010	160	1601	0110	(33,747)							
	Elim P/T Supt-Filled		010	160	1601	0111	(5,457)							
	Elim P/T Supt-Filled		010	160	1601	0160	(12,220)							
	C. Reserve		010	800	8000	8003	51,424	0						
66	Add Asst Traffic Eng	51,424	010	160	1601	0110	33,747							
	Add Asst Traffic Eng		010	160	1601	0111	5,457							
	Add Asst Traffic Eng		010	160	1601	0160	12,220							
	C. Reserve		010	800	8000	8003	(51,424)	0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	Appropriations					Associated Revenue							
		FY 92-93	Fd	Agy	Orgn	Objt	Adjustment Amount	Total	Fd	Agy	Orgn	Objt	Adjustment Amount	Total
67	Add Assoc Traffic Eng	21,868	010	160	1601	0110	14,350							
	Add Assoc Traffic Eng		010	160	1601	0111	2,321							
	Add Assoc Traffic Eng		010	160	1601	0160	5,197							
	C. Reserve		010	800	8000	8003	(21,868)	0						
68	Elim 3 Custodians-1 retiree,1 resign,1 filled	(77,354)	010	190	1921	0110	(17,567)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	190	1921	0111	(2,953)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	190	1921	0160	(6,887)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	490	4912	0110	(13,410)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	490	4912	0110	(18,185)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	490	4912	0111	(2,169)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	490	4912	0111	(2,940)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	490	4912	0160	(7,622)							
	Elim 3 Custodians-1 retiree,1 resign,1 filled		010	490	4912	0160	(5,621)							
	C. Reserve		010	800	8000	8003	77,354	0						
69	Add P/T Planning Tech-1/2 time pos	6,362	010	160	1601	0140	5,970							
	Add P/T Planning Tech-1/2 time pos		010	160	1601	0161	392							
	C. Reserve		010	800	8000	8003	(6,362)	0						
70	Add Bldg Mtc Superintendent	23,942	010	490	4912	0110	15,145							
	Add Bldg Mtc Superintendent		010	490	4912	0111	2,449							
	Add Bldg Mtc Superintendent		010	490	4912	0160	6,348							
	C. Reserve		010	800	8000	8003	(23,942)	0						
71	Elim Bldg Mtc Supv-Filled	(44,880)	010	490	4912	0110	(28,389)							
	Elim Bldg Mtc Supv-Filled		010	490	4912	0111	(4,591)							
	Elim Bldg Mtc Supv-Filled		010	490	4912	0160	(11,900)							
	C. Reserve		010	800	8000	8003	44,880	0						
72	Add Bldg Mtc Supv-New Duties	44,880	010	490	4912	0110	28,389							
	Add Bldg Mtc Supv-New Duties		010	490	4912	0111	4,591							
	Add Bldg Mtc Supv-New Duties		010	490	4912	0160	11,900							
	C. Reserve		010	800	8000	8003	(44,880)	0						

Summary of Public Works Audit
Revenues and Appropriations

Ref. #	Budget Reduction Option	FY 92-93	Appropriations				Adjustment		Associated Revenue				Adjustment		
			Fd	Agy	Orgn	Objt	Amount	Total	Fd	Agy	Orgn	Objt	Amount	Total	
73	Elim Supv II-Filled	(44,576)	010	460	4612	0110	(28,873)								
	Elim Supv II-Filled		010	460	4612	0111	(4,104)								
	Elim Supv II-Filled		010	460	4612	0160	(11,599)								
	C. Reserve		010	800	8000	8003	44,576	0							
74	Add Supv I	44,576	010	460	4612	0110	28,873								
	Add Supv I		010	460	4612	0111	4,104								
	Add Supv I		010	460	4612	0160	11,599								
	C. Reserve		010	800	8000	8003	(44,576)	0							
Benefits Fund															
75	Adjustment to Leaves for P/W Audit (0111 Acct)		751	030	6650	0111	(61,512)								
	Adjustment to Leaves for P/W Audit Revenue								751	030	6650	4991	(61,512)		
	Adjustment to Pers for P/W Audit (0160 Acct)		751	030	6651	0160	(148,698)								
	Adjustment to Pers for P/W Audit (0161 Acct)		751	030	6651	0161	(2,683)	(212,893)							
	Adjustment to Pers for P/W Audit Revenue								751	030	6651	4992	(151,381)	(212,893)	
	Grand Total						(105,893)	(105,893)					(105,893)	(105,893)	

Notes:

1. There were only 10 1/2 ton pickups budgeted in FY 1992-93, not 12; therefore the total Fleet Fund savings are \$20,000, not \$24,000 as was originally estimated.

CITY OF MODESTO**RESOLUTION NO. 92-546****RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN INSTALLMENT FINANCING DOCUMENTS, APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL NOTICE OF SALE AND AN OFFICIAL BID FORM IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO**

RESOLVED, by the City of Modesto, California (the "City"), as follows:

WHEREAS, the City, working together with the Modesto Public Financing Authority (the "Authority"), is proposing to proceed with an installment sale financing;

WHEREAS, in connection therewith, the City proposes to finance the acquisition, construction, installation and equipping of certain improvements to its municipal water system (the "Project"), as more particularly described in the hereinafter defined Installment Sale Agreement and it is in the public interest and for the public benefit that the City authorize and direct execution of the hereinafter defined Installment Sale Agreement and certain other financing documents in connection therewith;

WHEREAS, the financial advisor to the City has been directed to prepare a preliminary official statement containing information material to the offering and sale of the Certificates of Participation described below (the "Preliminary Official Statement") and special legal counsel to the City has been directed to prepare a notice of sale (the "Official Notice of Sale") and a bid form (the "Official Bid Form") relating to the sale of the Certificates of Participation; and

WHEREAS, the documents below specified have been filed with the City and the members of the City Council, with the aid of its staff, have reviewed said documents;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. The below-enumerated documents be and are hereby approved, and the Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute said documents, with such changes, insertions and omissions as may be approved by such official, and the City Clerk is hereby authorized and directed to attest to such official's signature:

(a) a Installment Sale Agreement, relating to the Project, between the Authority, as seller, and the City, as purchaser (the "Installment Sale Agreement"), so long as the stated term of the Installment Sale Agreement does not exceed thirty (30) years, so long as the principal amount of the Installment Sale Agreement does not exceed \$28,000,000, and so long as the net interest cost to the City under the Installment Sale Agreement does not exceed seven percent (7%) per annum; and

(b) a trust agreement, by and among the Authority, the City and State Street Bank and Trust Company of California, N.A., as trustee, the selection of which trustee is hereby approved (the

“Trust Agreement”), relating to the financing, and the execution and delivery of certificates of participation evidencing the direct, undivided fractional interests of the owners thereof in Installment Payments to be made by the City under the Installment Sale Agreement (the “Certificates of Participation”).

Section 2. The City’s financial advisor, on behalf of the City, and its City Clerk, are authorized and directed to cause the Preliminary Official Statement, the Official Notice of Sale and the Official Bid Form to be distributed to such municipal bond broker-dealers, to such banking institutions and to such other persons as may be interested in purchasing the Certificates of Participation therein offered for sale.

Section 3. The City Clerk is authorized and directed to execute the Official Notice of Sale on behalf of the City and to call for bids for the sale of the Certificates. The Mayor, the City Manager or the Finance Director, on behalf of the City, is hereby delegated the authority to accept the best responsible bid for the purchase of the Certificates of Participation, determined in accordance with the Official Notice of Sale. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to accept such bid, for and in the name of the City, by notice to the successful bidder. In the event two or more bids setting forth identical interest rates and premium, if any, are received, the Mayor, the City Manager or the Finance Director, on behalf of the City, may exercise his own discretion and judgment in making the award and may award the Certificates of Participation on a pro rata basis in such denominations as he shall determine. The Mayor, the City Manager or the Finance Director, on behalf of the City, may, in his discretion, reject any and all bids and waive any irregularity or informality in any bid. The Mayor, the City Manager or the Finance Director, on behalf of the City, shall award the Certificates of Participation or reject all bids not later than 26 hours after the expiration of the time prescribed for the receipt of proposals unless such time of award is waived by the successful bidder.

Section 4. The City Council hereby approves the preparation of a Preliminary Official Statement describing the financing, together with any changes therein or additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director. The City Council authorizes and directs the Mayor, the City Manager or the Finance Director, on behalf of the City, to deem “final” pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the “Rule”) the Preliminary Official Statement prior to its distribution by the financial advisor.

Section 5. The Mayor, the City Manager or the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the “Final Official Statement”) and to execute said Final Official Statement, dated as of the date of the sale of the Certificates of Participation, and a statement that the facts contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Certificates of Participation, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Certificates of Participation, and does not, as of the date of delivery of the Certificates of Participation, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Mayor, the City Manager or the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the final Official Statement, which shall include such changes and additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the final Official Statement by the City.

Section 6. The final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Certificates of Participation.

Section 7. The Mayor, the City Manager, the Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed to execute such other agreements, documents, and certificates as may be necessary to effect the purposes of this resolution and the financing herein authorized.

Section 8. This Resolution shall take effect upon its adoption by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

I, the undersigned City Clerk of the City of Modesto, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of the City of Modesto at a meeting thereof on the 6th day of October, 1992, by the following vote of the members thereof:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore


NORRINE COYLE, City Clerk

(SEAL)

11/11

MODESTO CITY COUNCIL
RESOLUTION NO. 92-547

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(139), AS AN
ADDITION TO P-D(139). (JAMES LEARY,
ARCHITECT FOR THE MODESTO CITY HOSPITAL)

WHEREAS, a verified application for an amendment to
Section 28-3-9 of the Zoning Map was filed by James Leary,
Architect, on behalf of the Modesto City Hospital on June 4,
1992, to rezone from Neighborhood Commercial Zone, C-1, to
Planned Development Zone, P-D(139), as an addition to P-D(139),
to allow a parking lot addition and a trash compactor, property
located on the southwest side of 18th Street, northwest of G
Street, in the City of Modesto described as follows:

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

Lots 10, 11, 12, and 13 of Block 129.

Including also the Southwest one-half of 80
foot 18th Street and the Northeast one-half
of the 20 foot alley, all immediately
adjacent to the above described property.

WHEREAS, after a public hearing was held on August 17,
1992, 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. 92-34, that rezoning of the
property as requested is required by public necessity,
convenience and general welfare for the following reasons:

1. The proposed rezoning from C-1 to P-D(139) allows for additional off-street parking while accommodating a necessary trash compactor in an optimum location.
2. The expanding hospital facilities at the current downtown location conforms to the General Plan.

and

WHEREAS, after a public hearing held on October 6, 1992, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of James Leary on behalf of the Modesto City Hospital 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. 92-34 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2830 -C.S. on the 6th day of October, 1992, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(139), as an addition to P-D(139).

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(139), as an addition to P-D(139), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plans and floor plans titled "Modesto City Hospital - Parking Lot Addition", as amended in red, stamped approved by the City Council on October 6, 1992.

2. All conditions of City Council Resolution No. 87-1051 not in conflict with this resolution shall remain in full force and effect and shall be applicable to the above-described property.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(139), as an addition to P-D(139):

The entire construction program shall be accomplished in one phase, construction having begun, and completion to be not later than August 17, 1995.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(139),

as an addition to P-D(139), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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: Cogdill, Dobbs, Friedman, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By William Shields
Planning and Community Development
Department

MODESTO CITY COUNCIL
RESOLUTION NO. 92-548

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-1 TO P-D(139), AS AN ADDITION TO P-D(139). (JAMES LEARY, ARCHITECT FOR THE MODESTO CITY HOSPITAL)

WHEREAS, on October 6, 1992, the City Council introduced Ordinance No. 2830 -C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(139), as an addition to P-D(139), property located on the southwest side of 18th Street, northwest of G Street, in the City of Modesto, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the

subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(139), as an addition to P-D(139), property located on the southwest side of 18th Street, northwest of G Street, 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 6th day of October, 1992, 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: Cogdill, Dobbs, Friedman, Patterson,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-549

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE RUMBLE ROAD LIFT STATION REHABILITATION

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

SECTION 1. The plans and specifications for the Rumble Road lift station rehabilitation , 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 29 , 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October , 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-550

A RESOLUTION ACCEPTING THE BID OF HOWELL CONSTRUCTION FOR WORK ON THE
MCCLURE MANSION CARETAKER'S COTTAGE

WHEREAS, Resolution No. 92-474 , adopted by the Council of the
City of Modesto on August 25 , 1992, approved the plans and
specifications for work on the McClure Mansion caretaker's cottage

and authorized the calling for bids; and

WHEREAS, the bids received for work on the McClure Mansion
caretaker's cottage

were opened at 11:05 a.m. on September 17, 1992, 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 in the amount of
\$41,281.11

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 in the amount of \$41,281.11

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 October
1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-551

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$9,000 FROM CONTINGENCY RESERVE FOR WORK ON THE MCCLURE MANSION CARETAKER'S COTTAGE

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

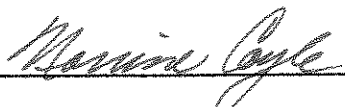
FROM:	Parks Contingency Reserve (140 800 8000 8003)	\$9,000
TO:	McClure Cottage (140 310 C294 6020)	\$7,500
	(140 310 C294 6040)	\$1,500

The project requires an 1100' extension of a gas line to the McClure Mansion cottage. This work was not included in the original budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-552

A RESOLUTION ACCEPTING THE BID OF CONCO WEST FOR THE REPLACEMENT OF THE WOODLAND SEWAGE PUMP STATION SLUICE GATE

WHEREAS, Resolution No. 92-371 , adopted by the Council of the City of Modesto on July 7 , 1992, approved the plans and specifications for the replacement of the Woodland sewage pump station sluice gate

and authorized the calling for bids; and

WHEREAS, the bids received for the replacement of the Woodland sewage pump station sluice gate

were opened at 11:00 a.m. on September 10, 1992, 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 Conco West in the amount of \$94,900

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West in the amount of \$94,900

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 October 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-553

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,883 TO COVER COST OF REPLACEMENT OF THE WOODLAND SEWAGE PUMP STATION SLUICE GATE

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

FROM: Annual Sewer Rehabilitation Account \$25,883
(621 480 C603)

TO: Woodland Avenue Influent Sluice Gates \$25,882
(621 480 B064)

This transfer is needed because some of the assumptions made in the Budget Estimate proved unworkable when a detailed design was undertaken. Real solutions were more expensive than originally estimated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-554

A RESOLUTION ACCEPTING THE INTERIOR COATING OF DIGESTER NO. 3 AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the interior coating of Digester No. 3 at the Water Quality Control Plant

has been completed by Gibbs Painting Co., Inc.

in accordance with the contract agreement dated March 17, 1992.

NOW, THEREFORE, BE IT RESOLVED that the interior coating of Digester No. 3 at the Water Quality Control Plant

be accepted from said contractor, Gibbs Painting Co., Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$120,406 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 October, 1992, by Councilmember Patterson, who moved its adoption, w hich 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-555

A RESOLUTION ACCEPTING THE MUNICIPAL GOLF COURSE PARKING LOT EXPANSION
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works
& Transportation that the Municipal Golf Course parking lot expansion
has been completed by Patch Master of Central California
in accordance with the contract agreement dated March 17, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Golf Course
parking lot expansion

be accepted from said contractor, Patch Master of Central California

;

that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$73,957 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
October, 1992, by Councilmember Patterson, who
moved its adoption, w hich 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-556

A RESOLUTION AMENDING MODESTO CITY COUNCIL
RESOLUTION NO. 91-134 ESTABLISHING CEQA
PROCEDURES FOR THE EVALUATION AND MITIGATION
OF SCHOOL IMPACTS FROM RESIDENTIAL PROJECTS
IN CONJUNCTION WITH A GENERAL PLAN AMENDMENT,
REZONING, PREZONING, OR OTHER LEGISLATIVE ACT
BY THE MODESTO CITY COUNCIL.

WHEREAS, the Modesto City Council adopted Resolution
No. 91-134 establishing CEQA procedures for the evaluation and
mitigation of school impacts from residential projects in
conjunction with the General Plan Amendment, rezoning, prezoning,
or other legislative act by the Modesto City Council on March 5,
1991, and

WHEREAS, the Building Industry Association of Central
California (BIA) has requested minor changes in Resolution No.
91-134 and the CEQA procedures it established to insure that
local school districts will aggressively seek state funds to
partially offset school mitigation requirements, and

WHEREAS, representatives of the local school districts
have met with representatives of the BIA and have agreed upon
changes to the resolution and the CEQA procedures it established,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Modesto City Council Resolution No. 91-134
is hereby amended to read as follows:

In each instance where a residential development
project that is located in an area classified as "Urban Reserve"
by the Modesto General Plan, or in an area classified for

nonresidential use by the Modesto General Plan (i.e. College West) as of March 5, 1991*, seeks legislative approval, and a public school district serving residents of the City of Modesto seeks to impose upon said development project mitigation measures in addition to those which are statutorily authorized and determined to be exclusive, the public school district shall:

1. Make an application to the State of California for the funds to provide school facilities to mitigate the impacts caused by new residential development projects and agree to diligently and expeditiously pursue funds from the State of California to address public school facility needs.
2. Submit to the Planning and Community Development Department of the City of Modesto the following:
 - a. A letter from the District certifying that a valid application for state funding is on file with the state or, in the alternative, a letter from the district certifying that as of the date of the letter the District is ineligible for such funding which also certifies that the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.
 - b. A copy of its current "School Facilities Fees Plans" that documents existing and future enrollment and facilities needs.

Any public school capital facilities mitigation measures imposed in addition to those which are held to be statutorily mandated and exclusive should not apply to future residential projects that have completed the CEQA process (certification of an environmental impact report, adoption of a

negative declaration, or adoption of an exemption determination) as of March 5, 1991*.

As each school district serving the residents of the City of Modesto may have unique capital facilities impacts placed on them by proposed residential projects, it shall be the responsibility of each of said districts to develop and present to the City a mitigation program that best meets their circumstances and needs.

The CEQA procedures attached hereto as Exhibit "A", and made a part hereof will augment existing procedures to systematically address the issues raised by public school districts serving residents of the City of Modesto.

*This resolution shall apply only to those residential development projects requiring legislative approval that have not completed CEQA review on or before October 6, 1992, except that resolution 91-134 as adopted on March 5, 1991, shall continue to apply to projects which have completed CEQA review prior to October 6, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

EXHIBIT "A"

CEQA PROCEDURES FOR THE EVALUATION AND MITIGATION OF SCHOOL IMPACTS FROM RESIDENTIAL PROJECTS APPROVED WITH GENERAL PLAN AMENDMENTS, REZONING, PREZONING, OR OTHER LEGISLATIVE ACTS IN THE CITY OF MODESTO.

The following procedures shall be used to evaluate and mitigate the impacts on school facilities from proposed residential projects within the Modesto Urban Area that require the approval of a General Plan Amendment, rezoning, prezoning, or other legislative act on the part of the Modesto City Council.

1. Developers of residential projects that are subject to these procedures should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc. will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities.
2. Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the present environmental review process.
3. Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA.
4. If it is determined that a proposed residential project may have a significant effect on a school district's facilities, then either an EIR shall be required, or the school impact shall be mitigated by the project applicant. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.

5. The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.
6. The above procedures shall apply when:
 - (a) a residential project seeks the approval of a General Plan Amendment, rezoning, prezoning, annexation, or other legislative act, and
 - (b) the project is located on property classified as "Urban Reserve," or some other nonresidential land use classification of the Modesto General Plan, as it existed on March 5, 1991, and
 - (c) a school district has imposed school mitigation fees pursuant to Government Code Section 53080, and
 - (d) a school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.
7. The above procedures shall not apply to residential projects approved in conjunction with a General Plan Amendment, rezoning, prezoning, annexation, or other legislative act that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration or adoption of an exemption determination) as of March 5, 1991.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-557

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF \$8,000 TO FUND REIMBURSEMENT OF DEL ESTE WATER COMPANY AND THE STANISLAUS COUNTY HOUSING AUTHORITY FOR COSTS INVOLVED WITH RELOCATION OF UTILITY VAULT IN PELTON AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the

following appropriation transfer(s) are approved:

FROM: Gas Tax Reserves \$8,000
(070 800 8000 8003)

TO: Pelton Avenue Improvements \$8,000
(070 430 B524 6020)

The City Attorney's Office has determined that the City is responsible for costs to move a concrete vault containing a Del Este water meter and an 8" backflow prevention device to allow construction of the Pelton Avenue improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-558

A RESOLUTION APPROVING THE REQUEST OF SAM INTERNATIONAL FOR REFUND OF \$3,437.32 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Sam International for refund of \$3,437.32 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-559

A RESOLUTION APPROVING THE REQUEST OF THE WARDEN'S OFFICE FOR REFUND OF \$596.16 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of The Warden's Office for refund of \$596.16 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-560

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO INDEPENDENT LIVING CENTER/DISABILITIES RESOURCES AGENCY FOR INDEPENDENT LIVING FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Independent Living Center/Disabilities Resources Agency for Independent Living for a grant of \$19,000 under the Community Development Block Grant Program for Fiscal Year 1992-93

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 October , 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-561

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COMMUNITY TEMPORARY SHELTER SERVICES FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Community Temporary Shelter Services for a grant of \$35,310 under the Community Development Block Grant Program for Fiscal Year 1992-93

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 October, 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

A TTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-562

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR HUMAN SERVICES FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for Human Services for a grant of \$7,000 under the Community Development Block Grant Program for Fiscal Year 1992-93

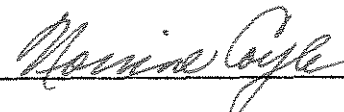
be, and it is hereby approved.

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 October , 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

A TTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-563

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE VOLUNTEER CENTER OF STANISLAUS/ADULT LITERACY PROGRAM FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Volunteer Center of Stanislaus/Adult Literacy Program for a grant of \$24,056 under the Community Development Block Grant Program for Fiscal Year 1992-93

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 October , 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

A TTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-564

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES PROGRAM FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for Senior Employment/Senior Aides Program for a grant of \$15,000 under the Community Development Block Grant Program for Fiscal Year 1992-93

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 October , 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-565

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO PARTICIPATE IN A PROJECT TO MODIFY THE TRAFFIC SIGNALS AT 9TH AND L STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans, to participate in a project to modify the traffic signals at 9th and L Streets

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October , 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-566

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$33,000 TO FUND A NEW CAPITAL IMPROVEMENT PROJECT - MODIFICATION OF TRAFFIC SIGNALS AT 9TH AND L STREETS

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

FROM: Capital Facility Fees \$33,000
 (141 160 P854)

TO: 9th/L Traffic Signals \$33,000
 (141 160 C885 6040)

It is necessary to transfer funds to provide funding of traffic signal modifications at 9th and L Streets to improve traffic safety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October 1992, 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, Patterson,
 Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-567

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONCESSION PLAN THAT ESTABLISHES GOALS OF 14%, 12.5%, AND 25% PARTICIPATION FOR FISCAL YEARS 1993, 1994 AND 1995, RESPECTIVELY.

WHEREAS, on April 30, 1992, the U.S. Department of Transportation published a final rule in the Federal Register amending 49 CFR Part 23, the Disadvantaged Business Enterprise (DBE) regulation, and

WHEREAS, the amendment added a new Subpart F, which establishes requirements of at least a 10% participation goal for DBE firms in airport concessions, and

WHEREAS, said amendment became effective on June 1, 1992, and requires airports that have annual enplanement (passenger boardings) of at least 10,000 passengers to have an approved DBE concession plan, and

WHEREAS, the Modesto City-County Airport in calendar year 1991 recorded a total of 31,230 passenger enplanements, and

WHEREAS, the Federal Aviation Administration (FAA) has notified airports that sponsors who have received a grant for airport development after January 1988 must have a plan approved by the FAA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt a Disadvantaged Business Enterprise (DBE) Airport Concession Plan that establishes goals of 14%, 12.5%, and 25% for Fiscal Years 1993, 1994, and 1995,

respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-568

A RESOLUTION GRANTING THE REQUEST OF VICTORY OUTREACH CHURCH FOR ASSISTANCE BY THE POLICE DEPARTMENT FOR TRAFFIC CONTROL AT NO COST DURING A MARCH AGAINST DRUGS AND GANGS, TO BE HELD ON OCTOBER 24, 1992.

WHEREAS, the Victory Outreach Church proposes to have a march against drugs and gangs on October 24, 1992, and

WHEREAS, the Victory Outreach Church has requested the use of two Reserve Officers, two Motorcycle Officers, and one Black and White Police vehicle for two hours for traffic control on October 24, 1992, at no cost to the Victory Outreach Church, and

WHEREAS, at its meeting of September 24, 1992, the Council Financial Policy Committee considered said request and recommended that the estimated cost of \$272.20 be provided from Organization No. 3622, Cultural-Promotions, Account No. 1000, Miscellaneous Promotions, and

WHEREAS, on October 6, 1992, the Council considered said request of the Victory Outreach Church for the use of two Reserve Officers, two Motorcycle Officers, and one Black and White Police vehicle for two hours on October 24, 1992, for traffic control, at no cost to the Victory Outreach Church, and said request was approved.

BE IT FURTHER RESOLVED that the Council approved the recommendation that the estimated cost of \$272.20 be provided from Organization No. 3622, Cultural-Promotions, Account No. 1000,

Miscellaneous Promotions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, 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,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-569

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RICHARD HAGERTY FROM THE GENERAL PLAN CITIZENS STEERING COMMITTEE, EFFECTIVE OCTOBER 6, 1992

WHEREAS, Richard Hagerty was appointed a member of the General Plan Citizens Steering Committee on August 25, 1992; and

WHEREAS, Richard Hagerty has tendered his resignation from the General Plan Citizens Steering Committee, effective October 6, 1992.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Richard Hagerty from the General Plan Citizens 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 appreciation to Richard Hagerty 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 6th day of October, 1992, 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, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-570

A RESOLUTION APPOINTING MEMBER OF THE GENERAL PLAN CITIZENS STEERING COMMITTEE
(ED BOYLE)

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

SECTION 1. The following person is hereby appointed to the General
Plan Citizens Steering Committee:

Ed Boyle

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the General Plan
Citizens Steering 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 6th day of October , 1992 ,
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, Patterson,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-571

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(490). (THOMAS
D. WOODWORTH)

WHEREAS, a verified application for an amendment to
Section 28-3-9 of the Zoning Map was filed by Thomas D. Woodworth
on June 22, 1992, to rezone from Low Density Residential Zone,
R-1, to Planned Development Zone, P-D(490), to allow a mausoleum
structure on property located on the north side of Scenic Drive
east of Bodem Street described as follows:

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

All of the North 560.00 feet of City of
Modesto Block 595, the West 411.40 feet of
City of Modesto Block 602, and all of City of
Modesto Block 598.

Including all of the Northern one-half of
80.00 foot wide Scenic Drive immediately
adjacent to said Block 598.

Also including the Eastern one-half of 60.00
foot wide Bodem Street and the South one-
half of 60.00 foot wide Cedar Avenue
immediately adjacent to said Block 595.

WHEREAS, after a public hearing was held on August 31,
1992, 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. 92-36, that rezoning of the
property as requested is required by public necessity,

convenience and general welfare for the following reasons:

1. The rezoning from R-2 to P-D for cemetery expansion is in accordance with community objectives as set forth in the General Plan, which provides for compatibility with adjoining land uses.
2. A Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated July 15, 1992 should be certified as adopted.

and

WHEREAS, after a public hearing held on October 13, 1992, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Thomas D. Woodworth 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. 92-36 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2831 -C.S. on the 20th day of October, 1992, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(490).

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

1. All development shall conform to the plot plan and

floor plans titled "Mausoleum for Acacia Memorial Park" as amended in red, stamped approved by the City Council on October 13, 1992.

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. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. 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.
5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
7. All signs shall comply with the sign requirements of the R-2 Zone.
8. 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 P-D Zone 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 developer shall not thereafter

be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(490):

The entire construction program shall be accomplished in one phase, construction to begin on or before August 31, 1994, and completion to be not later than August 31, 1995.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(490) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By William Prubel
Department of Planning and Community
Development

MODESTO CITY COUNCIL
RESOLUTION NO. 92-572

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(490). (THOMAS D. WOODWORTH)

WHEREAS, on October 20, 1992, the City Council introduced Ordinance No. 2831 -C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(490), property located on the north side of Scenic Drive east of Bodem Street, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium

Density Residential Zone, R-2, to Planned Development Zone, P-D(490), property located on the north side of Scenic Drive east of Bodem Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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:

ABSENT: Councilmembers:

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 92-573

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(491). (TIM
FISHER/ARCHITECTURE PLUS)

WHEREAS, a verified application for an amendment to
Section 22-3-9 of the Zoning Map was filed by Tim
Fisher/Architecture Plus on July 16, 1992, to reclassify from
Professional Office Zone, P-O, to Planned Development Zone, P-D,
to allow a two-story expansion of the Stanislaus Surgery Center
and conversion to an acute care hospital and including additional
two- and three-story medical office buildings, property located
between Oakdale Road and Santa Paula Drive north of East
Orangeburg Avenue, described as follows:

P-O to P-D(491)

All that certain real property situate in a portion of
the Northeast quarter of Section 22, Township 3 South,
Range 9 East Mount Diablo Base and Meridian in the City
of Modesto, County of Stanislaus, State of California,
described as follows:

All of Parcels A and B as shown on that certain parcel
map recorded in volume 37 of Parcel Maps at Page 96,
Stanislaus County Records, on March 26, 1986.

All of Parcel B as shown on that certain parcel map
recorded in Volume 34 of Parcel Maps at Page 27,
Stanislaus County Records, on June 23, 1983.

All of Parcel 2 as shown on that certain parcel map
recorded in Volume 43 of Parcel Maps at Page 53,
Stanislaus County Records, on October 26, 1990.

Including also all of the East one-half of 50.00 foot
wide Santa Paula Drive, the North one-half of 60.00
foot wide East Orangeburg Avenue, and West one-half of
100.00 foot wide Oakdale Road immediately adjacent to
the above described property.

and

WHEREAS, after a public hearing held on September 14, 1992, 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. 92-40, 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 is in accordance with community objectives as set forth in the General Plan, which provides for medical offices and hospital to be located in close proximity with one another at major centers of activity.
2. There are no unmitigated traffic impacts with this proposed P-D zone as it relates to the traffic mitigation for the adjoining Union Bank and verified by the negative declaration of environmental impact in E.A. No. 92-64 recommended on August 5, 1992.

and

WHEREAS, after a public hearing held on October 20, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Tim Fisher/Architecture Plus 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. 92-40 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2832 -C.S. on the 20th day of October, 1992, reclassifying

the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(491).

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

1. All development shall conform to the plot plan and floor plans titled "Oakdale Road Master Plan" as amended in red, stamped approved by the Planning Commission on September 14, 1992.
2. Prior to the issuance of a building permit or start of construction, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping including Leyland Cypress shall be installed along the north and a portion of the west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot-high decorative masonry wall setback 15 feet from and parallel to the entire west property line to within 15 feet of E. Orangeburg Avenue, subject also to the clear-vision triangle.
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 on Oakdale Road, E. Orangeburg Avenue, and Santa Paula Drive 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 or start of construction, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
7. Prior to issuance of a building permit or start of construction, the developer shall dedicate two-foot and four-foot planting easements for Oakdale Road and Santa Paula Drive, respectively, as required by the Public Works and Transportation Director.
8. That direct vehicular and pedestrian access between Santa Paula Drive and the project shall be denied except for the emergency access gate as shown on the approved plan.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north and south, substantially as shown in red on the plot plan.
12. Prior to issuance of a building permit or start of construction, 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 P-O Zone except those as required by state law.
14. In the event no building permits or further approval is required from the City of Modesto

prior to the commencement of construction, developer shall, within 30 days or prior to the commencement of construction whichever shall first occur, pay to the City of Modesto the Capital Facilities Fee due for the hospital project.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, offices, 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 P-D Zone approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resources 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 developer shall not thereafter be responsible to defend, indemnify, or hold city harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(491):

The entire construction program be accomplished in one phase, construction to begin on or before September 14, 1994, and completion to be not later than September 14, 1995.

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

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

Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(491), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By William Prucial
Planning and Community Development

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-574

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-O TO P-D(491). (TIM FISHER/ARCHITECTURE PLUS)

WHEREAS, on October 20, 1992, the City Council introduced Ordinance No. 2832-C.S. giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D(491), property located between Oakdale Road and Santa Paula Drive north of East Orangeburg Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to reclassify from

Professional Office Zone, P-O, to Planned Development Zone, P-D(491), property located between Oakdale Road and Santa Paula Drive north of East Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-575

A RESOLUTION ACCEPTING THE BID OF McDONALD GLENN COMPANY FOR REMODELING CONTROL BUILDING AT THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 92-501, adopted by the Council of the City of Modesto on September 8, 1992, approved the plans and specifications for the remodeling of the control building at the Water Quality Control Plant and authorized the calling for bids; and

WHEREAS, the bids received for remodeling of the control building at the Water Quality Control Plant were opened at 11:00 a.m. on October 1, 1992, 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 McDonald Glenn Company in the amount of \$594,125.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of McDonald Glenn Company in the amount of \$594,125.00 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 20th day of October, 1992, 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: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-576

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE DRY CREEK
BIKE TRAIL UNDER THE EL VISTA BRIDGE

WHEREAS, Resolution No. 92-473, adopted by the Council of the City of Modesto on August 25, 1992, approved the plans and specifications for the Dry Creek bike trail under the El Vista bridge Plant and authorized the calling for bids; and

WHEREAS, the bids received for remodeling of the Dry Creek bike trail under the El Vista bridge were opened at 11:00 a.m. on September 17, 1992, 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 \$68,722.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$68,722.00 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 20th day of October, 1992, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-577

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$24,000 TO COMPLETE THE BIKE TRAIL UNDER THE EL VISTA BRIDGE

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

FROM:	Wesson Ranch Neighborhood Park	\$24,000
	(170 310 G963 6040)	
TO:	Dry Creek Bike Trail	
	(170 310 G847 6010)	\$ 800
	6040)	\$19,600
	6050)	\$ 2,600
	6060)	\$ 1,000

There was a shortfall in funds on this project as a result of having to include slope protection adjacent to the bike path to protect it from erosion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-578

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND APPROVING THE USE OF A REQUEST FOR PROPOSALS TO PROCURE A CONTRACTOR TO OPERATE THE MODESTO-STANISLAUS DIAL-A-RIDE SYSTEM

WHEREAS, the existing contract for Dial-A-Ride expires on October 31, 1992; and

WHEREAS, staff feels the Request for Proposals process will encourage a greater variety of proposals and allow the Council more flexibility in selecting a contractor than does the low bid process.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the procurement of a contractor to operate the Modesto-Stanislaus Dial-A-Ride System is hereby waived.

BE IT FURTHER RESOLVED that the use of a Request for Proposals to procure a contractor to operate the DAR system is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-578A

A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH STORER TRANSIT SYSTEMS, INC.
TO EXTEND DIAL-A-RIDE OPERATIONS THROUGH MAY 1, 1993

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Storer Transit Systems, Inc. to extend Dial-A-Ride operations through May 1, 1993, to provide more time for implementation of a new contract, 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 20th day of October, 1992, 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*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-579

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE CONVENTION AND VISITORS BUREAU, TO PROVIDE FOR FUNDING FOR THE PURPOSE OF OPERATING THE CONVENTION AND VISITORS BUREAU

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Chamber of Commerce Convention and Visitors Bureau, to provide for funding for the purpose of operating the Convention and Visitors Bureau

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 October , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-580

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HENRY PALLESCHI FOR A COMMUNITY DEVELOPMENT BLOCK GRANT LOAN OF \$16,377.50 FOR THE REPAIR OF PROPERTY LOCATED AT 118 MADERA AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Henry Palleschi for a Community Development Block Grant loan of \$16,377.50 for the repair of property located at 118 Madera Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-581

A RESOLUTION APPROVING REVISIONS TO CHAPTER 17, PUBLIC SERVICES, AND CHAPTER 18, ECONOMIC DEVELOPMENT REVOLVING LOAN FUND, OF THE COMMUNITY DEVELOPMENT PROGRAM POLICY AND PROCEDURES MANUAL.

WHEREAS, the Housing Program Office staff was directed to develop a plan for monitoring Public Service grantees and to revise the Chapter of the Policy and Procedures Manual on Public Services, and

WHEREAS, the documents were to ensure that units of service delivery are made explicit to:

- a. Assist the Citizens Housing and Community Development Committee and City Council in evaluation of proposals for grants.
- b. Identify a service to be rendered in exchange for Community Development Block Grant funding.
- c. Provide the basis for Housing Program staff monitoring, and

WHEREAS, the proposed monitoring plan and revised Chapter 17 of the Policy and Procedures Manual provide more effective methods for monitoring agencies receiving grants for Public Services projects, and

WHEREAS, the Revolving Loan Fund Program was established in 1987 to assist small businesses who were unable to obtain financing elsewhere, and

WHEREAS, the Housing Program Office has developed

revised policy and procedures as directed, and

WHEREAS, on September 18, 1992, the Economic Development Loan Committee reviewed and recommended approval of the proposed revisions to Chapter 18, Economic Development Revolving Loan Fund, of the Community Development Program Policy and Procedure Manual, and

WHEREAS, on September 25, 1992, the Citizens Housing and Community Development Committee reviewed and recommended approval of the proposed revisions to Chapter 17, Public Services, of the Community Development Program Policy and Procedure Manual and the proposed monitoring plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to provide a plan for monitoring Public Service grantees it does hereby approve the revisions to Chapter 17, Public Services, of the Community Development Program Policy and Procedure Manual, as set forth in Exhibit A, attached hereto, and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it does hereby approve the revisions to Chapter 18, Economic Development Revolving Loan Fund, of the Community Development Program Policy and Procedure Manual, as set forth in Exhibit B, 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 20th day of October, 1992, 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:

ATTEST:


NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, Acting City Attorney

EXHIBIT A

CITY OF MODESTO

COMMUNITY DEVELOPMENT PROGRAM

POLICY & PROCEDURES MANUAL

CHAPTER 17

PUBLIC SERVICES

PUBLIC SERVICES (PS)

17.1 PROGRAM OBJECTIVES:

(i) Public Services are projects that improve the safety or the general welfare of the low-income citizens of Modesto, in general, and the low-income clients of the City's housing rehabilitation programs in particular.

(ii) The U.S. Department of Housing and Urban Development (HUD) defines Public Services in CFR 570.201(e) as:

"Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare, or recreational needs."

(iii) A public service must be either:

1) A new service or,

2) A quantifiable increase in the level of a service above that which has been provided by or on behalf of the City of Modesto.

17.2 LIMITATIONS OF FINANCIAL ASSISTANCE:

The amount of funds used for public services, as defined by HUD, including services provided by sub-recipients, shall not exceed fifteen percent (15%) of the total of each CDBG Entitlement grant made for that program year added to the program income for the previous program year. (CFR 570.201(e)(2)).

17.3 ELIGIBILITY CRITERIA:

(i) The applicant(s) and the activity must be eligible for assistance as set forth in this chapter. The eligibility requirements set forth in this chapter may not be waived.

(ii) Any resident, City agency or nonprofit organization may request or suggest a public service that will be of benefit to low and moderate-income residents of Modesto.

(iii) City departments and/or legally incorporated nonprofit organizations may be eligible for direct funding or program funding of eligible public services.

PROJECT PROPOSAL SELECTION:

(i) Public service project proposals must be submitted on an application form prescribed by the City (see exhibit "A", attached) to the Housing Program Office or the citizen committees as outlined in the Citizen Participation Plan of the current CDBG application process.

(ii) The Housing Program Office staff shall review the public service proposals to determine whether they are eligible activities under CDBG regulations. Project requests that are determined to be eligible for assistance shall be presented to the Citizens Housing and Community Development Committee (CH&CDC) for review and/or modification as may be necessary, and recommendation of approval or disapproval. The CH&CDC shall forward its recommendation to the City Council for its consideration and either approval or disapproval.

(iii) The City Council shall conduct a Public Hearing to provide members of the public an opportunity to comment upon the proposed projects. If the City Council approves the project, the City shall amend its Final Statement of Community Development Objectives and Use of CDBG Funds if approved outside of the annual CDBG application process.

PUBLIC SERVICE PROJECTS APPROVED BY THE CITY COUNCIL:

(i) City departments shall make all arrangements for carrying out approved public service projects they have proposed. The Housing Program Office staff shall provide the City department with the proper budget account numbers and procedures for the project, and the necessary Beneficiary Profile forms. The City department shall be responsible for having the Beneficiary Profile forms properly completed by the clients of the approved public service, and returning them to the Housing Program Office. The City department shall provide the Housing Program Office with the necessary documentation and accounting for all of the disbursed CDBG funds for the project, and a final report on the entire project.

(ii) The City shall establish a written contract and performance measures with the nonprofit organization submitting the approved public service project. The agreement also shall detail the project's objectives, budget and procedures for drawdown of project funds, annual reporting, close-out reporting procedures and spot monitoring.

(iii) The agreement with the nonprofit organization shall be forwarded to the City Attorney for review and approval as to form. Following legal review, the proposed agreement item shall be placed on the City Council Agenda for consideration of approval and authorization for execution by the City Manager. Two (2) original agreements shall be signed by all parties to the agreement, and one (1) signed copy shall be delivered to the CITY CLERK and one (1) signed copy shall be delivered to the nonprofit organization.

17.6 MONITORING

(i) Housing related projects may be listed under the City's general heading of "Public Services" but will not be recorded under that heading for the Grantee Performance Report. Housing related projects are eligible under rehabilitation activities, but may not be restricted to one particular program.

(ii) Housing related projects financed by CDBG have included;

- 1) Contracts for Housing advisors with the Stanislaus County Housing Authority, who provided direct program support for the housing rehabilitation programs.
- 2) Fire Department Safety Program, which provides bilingual (English/Spanish and English/Asian) pamphlets on fire safety in the home. Smoke detectors have also been provided for the home. Smoke detectors have also been provided for distribution by the Fire Department to low-income households.

17.7 MONITORING PLAN FOR NONPROFIT ORGANIZATIONS/SUB-RECIPIENTS

17.7.1. INTRODUCTION

Nonprofit organizations may be eligible to receive funding from Community Development Block Grant (CDBG) funds as subgrantees of the City of Modesto to carry out their programs. In accordance with their agreements with the City, and in compliance with all applicable HUD, Federal and State rules, OMB Circulars and regulations, a standard monitoring plan is adopted and put into operation. The monitoring plan will enable the City to assist nonprofit organizations in the beginning of their projects by identifying problems and/or potential problems and making recommendations for corrections before they get too far off course.

17.7.2. METHODOLOGY TO BE USED FOR MONITORING AGENCIES

The following methodology will be used to monitor agencies receiving CDBG funding for public service projects:

- a. Send letter to ascertain current Board of Directors and their addresses and telephone numbers for nonprofit agencies.
- b. Send letter (see sample, Exhibit "B") requesting a monitoring appointment. The letter includes a request for the documents/records/information the agency should have available when City staff visits. A copy of this letter will be sent to all current members of the agency's Board of Directors (if agency is a nonprofit).
- c. Follow-up by City staff with a phone call setting time and date to begin monitoring. A follow-up letter will be sent to the agency confirming the appointment.
- d. Visit the agency and explain how the monitoring will be performed and obtain a copy of the agency's IRS Letter of Determination; of 501(c)(3), nonprofit status; and California Franchise Tax Board Section 23701 d Notice of Tax Exemption.
- e. Obtain an inventory of equipment and supplies purchased or leased partially or totally with CDBG funds, if applicable.
- f. Review time and attendance records, personnel records, financial records, cancelled checks, bank statements, Board of Directors meeting agendas and minutes, agency by-laws, client case files, private vehicle mileage travel records, telephone bills and any other records/documents/information necessary to complete the monitoring duties.
- g. Upon completing monitoring assignments, a complete written report will be prepared and sent to the agency with a copy to the agency's Board of Directors, the City Manager, Planning and Community Development Director, City Attorney, and Community Development Program Manager.
- h. The attached checklist (see Exhibit "C") will be used as a monitoring guide for each monitoring assignment.

17.7.3 RESULTS OF MONITORING OF AGENCIES:

- a. No Monitoring Findings, Monitoring Concerns or Monitoring Recommendations - If no monitoring findings, concerns or recommendations are found, monitoring staff will send a letter, within 30 days of the monitoring, to the agency noting compliance with its Agreement with the City and with all applicable HUD, State and Federal regulations and OMB Circulars. A copy of the letter will be sent to the City Manager, City Attorney, Finance Director, Planning and Community Development Director, and the agency's current Board of Directors.
- b. Monitoring Findings - A monitoring finding is a program element which does not comply with Federal statute or the City, or severe situations involving the alleged misuse of funds, alleged political activity, alleged fraud, etc.

If monitoring findings are discovered during the monitoring process, the City Manager, within 30 days of completion of the monitoring of the agency, will send a certified letter, return receipt requested, to the Chairperson of the Board of Directors of the agency spelling out the findings, and offering an opportunity for the agency to respond within 14 days of the date of the City Manager's letter.

If the monitoring finding is found to be justified, the agency will be given 30 days to provide a response indicating the corrective action it has taken to correct the monitoring finding. A follow-up monitoring visit to verify that the monitoring finding was corrected will be scheduled within 14 days of receiving information from the agency that the monitoring finding has been corrected. The City Manager, in some cases, may have to request Police Department or the Department of Housing and Urban Development (HUD) involvement to resolve the monitoring finding.

When the monitoring finding has been resolved, the City will, within 30 days, notify the agency administrator as well as all agency's Board of Directors. A copy of all letters will be sent to the same persons mentioned in "a" above.

- c. Monitoring Concerns - A monitoring concern represents either a potential finding or a program deficiency which should be improved before it leads to a finding. If a monitoring concern is detected, a letter will be sent, within 30 days of completion of the monitoring process. The agency will be required to respond within 14 days of the postmark date of the monitoring letter with an explanation of the corrective action it has taken to resolve the monitoring concern. Within 14 days of the postmark date of the letter from the agency, City staff will schedule a follow-up monitoring visit to verify that the monitoring concern was corrected. A letter will be sent to the agency indicating that the monitoring concern had been resolved. A copy of each monitoring letter will be sent to the City Manager, City Attorney, Finance Director, Planning and Community Development Director, the agency administrator and each current member of the agency's Board of Directors.
- d. Monitoring Recommendations - Monitoring recommendations are suggestions to improve program operations or program functions. If recommendations for improvement for the operation of the agency are made during the monitoring process, a letter will be sent within 30 days to the agency administrator with a copy to the Chairperson of the agency's Board of Directors, all current Board members, the City Manager, City Attorney, Finance Director, and the Planning and Community Development Director. The agency is not required to respond to a monitoring recommendation.
- e. If monitoring findings or monitoring concerns are found at the agency during the monitoring process, drawdown of Community Development Block Grant (CDBG) funds will be suspended until the monitoring findings or monitoring concerns are corrected to the satisfaction of the City. If extreme monitoring findings or extreme monitoring concerns exist, the agency may be ineligible for future funding under the CDBG program.

17.7.4 METHOD TO BE USED FOR REVIEWING FUNDING DRAWDOWN REQUESTS BY AGENCIES:

When an agency submits its request for drawdown of funds, the request will be accompanied by a report that will explain the following:

- the annual goals the agency agreed to achieve in its Agreement.
- the goals actually achieved during the period for which the funds are requested.
- the percent of the annual goals that was achieved during the period for which the drawdown is requested.
- if the agency fell short of its prorata percent of the annual goals, it must submit a statement explaining why it fell short of the goals for that period and what it has done or will do to improve its operations to catch up and meet its goals during the next drawdown period.

All drawdown requests will be reviewed by the Housing Program Supervisor and the Housing Financial Specialist prior to being presented to the Community Development Program Manager for approval for payment. The request must contain all statements required by the Agreement between the City and the agency.

City staff may visit the agency's offices or project sites to verify that the information contained in their drawdown report is accurate.

Note: All references to Agency Board of Directors pertain to nonprofit agencies receiving Community Development Block Grant Funds for public service projects.

CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM PROPOSAL
APPLICATION FOR FUNDING - PROGRAM YEAR 199 -9

1. ORGANIZATION NAME: _____ IRS TAX EXEMPT # _____

2. ADDRESS: _____ PHONE NO. _____

3. PROJECT TITLE: _____

4. AMOUNT OF CDBG FUNDS REQUESTED: _____

5. HUD CDBG ELIGIBLE ACTIVITY/CATEGORY: _____

6. CONTACT PERSON: _____ TITLE: _____

7. ADDRESS: _____ PHONE NO. _____

8. PROJECT DESCRIPTION AND SCOPE: _____

9. WHO WILL BENEFIT BY THIS PROJECT/PROGRAM: _____

10. HOW WILL BENEFICIARIES BE COUNTED AND MONITORED? _____

11. ENVIRONMENTAL IMPACT - DESCRIBE ANY POTENTIAL ENVIRONMENTAL HAZARD(S)
THAT MAY RESULT FROM CARRYING OUT YOUR PROJECT/PROGRAM, AND
HOW YOU INTEND TO MITIGATE THESE POTENTIAL HAZARDS:

ALL REQUESTS FOR FUNDING ARE DUE AT THE HOUSING PROGRAM OFFICE, 401 "H" STREET,
MODESTO, CA., 95351, BY _____, _____, _____, _____.

12. DESCRIBE YOUR AGENCY'S EXPERIENCE IN CARRYING OUT THE PROPOSED PROJECT/PROGRAM: _____

13. DESCRIBE OTHER ACTIVITIES BENEFITTING LOW-INCOME PERSONS YOUR ORGANIZATION HAS CARRIED OUT: _____

14. STAFFING: WHAT FULL-OR PART-TIME POSITIONS WILL BE ASSIGNED TO THE PROJECT/PROGRAM? COMPLETE CHART BELOW, INCLUDING VOLUNTEERS AND CONTRACTED EMPLOYEES. ON A SEPARATE SHEET OF PAPER, PREPARE A SHORT PARAGRAPH DESCRIBING DUTIES AND RESPONSIBILITIES FOR EACH POSITION.

<u>POSITION TITLE</u>	<u>NUMBER</u>	<u>HOURLY PAY</u>	<u>WEEKLY HOURS</u>	<u>% OF TIME FOR CDBG</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

15. CONFLICT OF INTEREST - LIST ALL NAMES AND POSITIONS OF MEMBERS OF THE BOARD OF DIRECTORS, OFFICERS, WORKERS OR MEMBERS OF THE ORGANIZATION WHO ARE, OR ARE CLOSELY RELATED TO, AN ELECTED OR APPOINTED CITY OFFICIAL, APPOINTED MEMBER OF A CITY COMMISSION OR COMMITTEE, OR CITY EMPLOYEE. CONFLICT OF INTEREST REQUIRES A WRITTEN WAIVER FROM THE CITY ATTORNEY AND HUD BEFORE AN AGREEMENT IS SIGNED WITH THE CITY OF MODESTO AND CDBG FUNDS ARE DRAWN DOWN: _____

*16. DESCRIBE YOUR FINANCIAL ACCOUNTING SYSTEM, AND HOW IT ADHERES TO OMB CIRCULAR A-110, INCLUDING YOUR ANNUAL AUDIT. ATTACH A COPY OF YOUR MOST RECENT CERTIFIED AUDIT AND FINANCIAL STATEMENT. _____

* Required for nonprofit agencies.

FINANCIAL INFORMATION:

* 17. PROPOSED BUDGET:

	CDBG FUNDS	OTHER FUNDS	TOTAL	CDBG % OF FUNDS
A. Personal Salaries	_____	_____	_____	_____
B. Fringe Benefits	_____	_____	_____	_____
C. Supplies	_____	_____	_____	_____
D. Advertising	_____	_____	_____	_____
E. Printing	_____	_____	_____	_____
F. Utilities	_____	_____	_____	_____
G. Rent	_____	_____	_____	_____
H. Equipment Rent	_____	_____	_____	_____
I. Transportation	_____	_____	_____	_____
J. Contractual Services	_____	_____	_____	_____
K. Insurance	_____	_____	_____	_____
L. Equipment Purchase	_____	_____	_____	_____
M. Miscellaneous (List below)	_____	_____	_____	_____
Total Budget	_____	_____	_____	_____

A certified audit of all projects providing a service shall be required. Include audit costs as part of Contractual Services.

Attach documentation on other funds as to confirmation of the source of these funds and any requirements on the use of other funds.

Miscellaneous: (Please list all miscellaneous items here).

18. WHAT EQUIPMENT/MATERIALS WILL BE PURCHASED PARTLY OR TOTALLY WITH CDBG FUNDS, HOW WILL IT BE DISPOSED OF AT THE END OF THE PROJECT/PROGRAM?

19. DESCRIBE OTHER SOURCES OF FUNDING AND AMOUNTS TO BE UTILIZED:

20. WILL THIS PROJECT/PROGRAM REQUIRE FUNDING IN FUTURE YEARS? NO ___ YES ___. IF YES, DESCRIBE WHAT FUNDING WILL BE REQUIRED AND HOW IT WILL BE OBTAINED:

21. WHAT FEES OR CHARGES WILL BE REQUIRED FOR MEMBERSHIP IN YOUR ORGANIZATION, OR FOR PARTICIPATION IN YOUR PROJECT/PROGRAM?

* Required of nonprofit agencies.

22. STATE THE PERFORMANCE STANDARDS I.E. NUMBER OF MODESTO CLIENTS YOU WILL SERVE PER MONTH, QUARTER OR YEAR? _____

23. CERTIFICATIONS:

ORGANIZATION NAME: _____

PROJECT TITLE: _____

If This application is approved for funding assistance, the organization agrees to comply with all required federal, state, and local laws and regulations. The organization confirms that it is fully capable of fulfilling the obligations as cited in this proposal, and has attached the required documents referred to below.

I understand that any approval of this grant proposal is conditional upon the final acceptance of the Fiscal Year 199 -9 CDBG application and funding by HUD, and signing an agreement with the City of Modesto on implementing the grant and monitoring requirements.

As a duly authorized representative of the organization, I submit this application to the City of Modesto and verify that the information included herein is true, correct, and complete.

PENALTY FOR FALSE OR FRAUDULENT STATEMENT:

U.S. Code Title 18, Section 1001, provides that a fine of up to \$10,000 or imprisonment for a period not to exceed 5 years, or both, shall be the penalty for wilful misrepresentation and the making of false, fictitious or fraudulent statements, knowing same to be false.

SIGNATURE: _____

NAME: _____ DATE: _____
(Print or Type)

TITLE: _____ PHONE: _____
(Print or Type)

AGENCY ADDRESS: _____
(Print or Type)

REQUIRED DOCUMENTS:

- _____ * Copy of Articles of Incorporation as a non-profit corporation from the California Secretary of State.
- _____ * Copy of By-Laws as registered with the California Secretary of State.
- _____ * Copy of the U.S. Internal Revenue Service letter determining tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

- _____ * Copy of letter from the California Franchise Tax Board determining tax-exempt status under Section 23701d, Revenue and Taxation Code.
- _____ * Copy of a project/program budget timetable and fund drawdown schedule acceptable to the City of Modesto's CDBG Program.
- _____ * Copy of the duties and responsibilities for each position listed under staffing.
- _____ * Copy of names, addresses, phone numbers, and titles of current members of the Board of Directors and Officers of the organization.
- _____ * Copy of most recent certified Audit and Financial Statement.
- * If a nonprofit agency applicant.

Dear _____:

RE: APPOINTMENT TO MONITOR

The City of Modesto is in the process of monitoring all of the agencies that have been provided Community Development Block Grant (CDBG) funds for public service projects as subgrantees of the City. Our records show that your agency was awarded _____ (per City Resolution No. _____) on _____.

Ernie Richardson, Housing Program Supervisor, has been assigned the responsibility of monitoring subrecipients. He will be contacting you soon to set a time to visit your agency to conduct his monitoring duties, possibly assisted by other City staff. To speed up the monitoring process, please have the original records/documents/information identified by an "X" for the period from _____ through _____, available (and any other items listed if they are applicable to your agency's operation):

Monitoring Documents/Records/Information

- Employee time and attendance records (timesheets)
- Personnel records (resumes, employment application, I-9's, job vacancy postings, etc.)
- Payroll records (W-4's, W-2's, etc.)
- Training records, if applicable.
- Original of all cancelled checks for CDBG account.
- Original of all bank statements for CDBG account.
- All agency checkbooks for CDBG account.
- All agency accounting/financial/records for CDBG account.
- Inventory list of nonexpendable office furniture and equipment purchased partly or completely with CDBG funds.

- All travel expense records including private auto mileage records for agency business travel that was reimbursed in part or totally with CDBG funds.
- Records of clients served (including racial, ethnic, gender, head of household status, family size, and household income information) by fiscal year.
- Original copies of all telephone bills paid partly or totally with CDBG funds.
- Building or office rent receipts if paid partly or totally with CDBG funds.
- Conference/workshops/seminar/training expense receipts where CDBG funds were used for payment - partly or totally.
- Record by fiscal year of all program income generated partly or totally with CDBG funds.
- Copy of all agency financial audits of CDBG fund accounts.
- Copy of Federal Letter of Determination of 501(c)(3) status and Federal I.D. Number.
- List by years served of all current and past Board Members including their name, current address, current telephone number, position held and time periods they served.
- Copy of Agency By-laws and all by-laws amendments.
- List of Agency CDBG paid staff with name, current title, annual salary and total hours worked per week and percent of salary paid with CDBG funds.
- Copy of Agency personnel policies.
- Copy of all Board Meeting Agendas and Board Meeting Minutes for this monitoring period.
- Copy of job descriptions for positions paid in part or totally with CDBG funds.
- Copy of agreements with the City of Modesto for services agency is to provide.
- Other documents (specified below).

Appointment to Monitor
Page 3

Because we would like to complete the monitoring as soon as possible, and with the minimum amount of inconvenience to you and your agency, I ask your full cooperation with this endeavor. If there are questions, please contact Ernie Richardson at 577-5392.

Sincerely,

Community Development Program Manager

ERR:mjh

cc: Agency's Board Members
Ernest Richardson, Housing Program Supervisor

CITY OF MODESTO

Housing Program Office
Monitoring Checklist for Agencies Receiving
CDBG Funds for Public Service Projects

Agency: _____ Phone No. _____

Address: _____ Date Monitored: _____

Contact Person: _____ Monitored By: _____

Contact Person's Title: _____ CDBG Funding Amount: \$ _____

Board Chairperson's Name: _____ Effective Date of Agreement: _____

Source of Other Funds: _____ Other Funding Amounts: \$ _____

Reason for Monitoring: _____ Monitoring Period Covered: _____

Agency's Contracted Goals: Monthly _____ Quarterly _____ Annually _____

1. Have quarterly program status reports been received by the City?
Yes ___ No ____ . If "yes", date of last report. _____
If "no", explain why not remarks: _____

2. Are complete records being maintained that reflect racial, ethnic,
gender, head of household, and family size data? Yes ___ No ____ .
If "yes", attach a sample of the records to this report. If "no",
explain. _____

3. If after August 31, has an annual activity report been submitted to
the City showing the extent to which the categories of persons in
question #2 have participated in or benefitted from the project?
Yes ___ No ____ . If "yes", was the report complete and accurate,
and what was the date of the report? _____
If "no", explain. _____

4. Was there any program income received? Yes ___ No ____ . If "yes",
how much and when was it turned over to the City? _____
(Attach a copy of the cancelled check to this report. If "no",
explain. _____

5. Was a copy of the executed agreement available for inspection at the project site? Yes ___ No ___. If "yes", where was it located? _____
If "no", explain. _____

6. Were there official documents available at the project site that sanctioned the appointment of Board Members? Yes ___ No ___.
If "yes", attach a copy of the document to this report. If "no", explain. _____

7. Was there a copy, at the project site, of the official document (Board resolution, Minutes of Meeting, etc.) that authorized persons who submitted an application for funding to do so? Yes ___ No ___.
If "yes", attach a copy of the document to this report. If "no", explain. _____

8. Was there a copy at the project site of the official document that authorized the individual(s) to execute the Agreement?
Yes ___ No ___. If "yes", attach a copy to this report. If "no", explain. _____

9. Were the majority of clients served low-income residents of the City of Modesto? Yes ___ No ___. If "yes", what percent? If "no", explain. _____

10. Were properly completed employee time sheets available for review at the project site? Yes ___ No ___. If "yes", where were they located and who maintained them? _____
If "no", explain _____

11. Were required building permits obtained? Yes ___ No ___. If "yes", when? _____
If "no", explain. _____

12. Were agency employees receptive to City staff to have access to and the right to examine records, books, papers or documents relating to the project? Yes ___ No ___. If "no", explain. _____

13. Were adequate property records being maintained at the project site? Yes ___ No ___. If "yes", who maintained them and where were they located? _____ If "no", explain. _____

14. Who are the paid staff members?

<u>Name</u>	<u>Position Title</u>	<u>Weekly Hours Worked</u>	<u>Hourly Rate</u>	<u>CDBG Paid To Date</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

15. Was there evidence of Federal and State Income Taxes being withheld for each employee? Yes ___ No ___. If "no", explain. _____

16. Were travel expenditures accurate, reasonable, and necessary? Yes ___ No ___. If "no", explain. Attach a copy of travel reports.

17. Was the project being carried out as stated in the Agreement? Yes ___ No ___. If "no", explain. _____

18. Has the Agreement been assigned, in whole or in part, to any other organization? Yes ___ No ___. If "yes", name/address/phone number of organization and date assigned. (Attach a copy of the assignment document to this report). _____

19. Who maintains the financial records for the organization?

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Phone Number</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

20. Has notification been received from HUD determining your project ineligible? Yes ___ No ___. If "yes", when? _____. (Attach a copy of the notification document to this report).

21. Are job vacancies for the agency posted in conspicuous places, available to all employees and applicants for employment, and state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap, sexual orientation, ancestry, national origin, or any other basis prohibited by law? Yes ___ No ___. If "yes", attach a copy of the latest posting to this report. If "no", explain. _____

22. Does the agency have current position descriptions at the project site? Yes ___ No ___. If "yes", attach a copy to this report. If "no", explain. _____

23. To the greatest extent feasible, are opportunities for training and employment being given to lower income residents of the City of Modesto? Yes ___ No ___. If "yes", attach evidence to this report. If "no", explain. _____

24. Has agency training been conducted for staff recently? Yes ___ No ___. If "yes", when, type of training, length of training, name and title of persons attending? _____

25. Were all required HUD regulations, handbooks, OMB Circulars A-110, A-122 and status referred to in the agreement, available at the project site? Yes ___ No ___. If "yes", which ones were there and were they current? _____. If "no", explain. _____

26. Is the project manager (person responsible for carrying out the project) familiar with the basic requirements established by HUD and the City for use of these funds? Yes ___ No ___. If "no", explain. _____

27. Is the project manager located on-site and running the day-to-day operation of the program? Yes ___ No ___. If "no", explain. _____

28. Is the project accomplishing what it was designed to do? Yes ___ No ___. If "no", explain. _____

If this project has been designated as a low/moderate benefit project, what number and percentage of persons are served by the project that are lower income? Total # _____ Low/Mod. # _____ Low/Mod % _____.

29. Is the project on schedule? If not, why not? Yes ___ No ___. If "no", explain. _____

31. Is the project operating within the approved budget? If not, why not? Yes ___ No ___. If "no", explain. _____

32. Does the project conform to any additional terms of the contract with the City? If not, why have these changes occurred? Yes ___ No ___. _____

33. If employees work on both CDBG eligible and non-CDBG activities, are appropriate time distribution records being kept? Yes ___ No ___. If "no", explain. _____

34. Has your agency contracted out any of the work to be done under this project? Yes ___ No ___.

- a. If yes, contractor's name: _____
- b. If the permission of the City was required, was it granted? Yes ___ No ___. If "no", explain. _____

35. What procedure does the subrecipient use for procurement? Is it consistent with Attachment "O" of Circulars A-102 (governmental entities), or A-110 (non-profit entities)? Yes ___ No ___. If "no", explain. _____

36. If the agency is required to maintain a client file, does it exist? If yes, review a sample of files if appropriate and retain names and phone numbers for future follow-up. Yes ___ No ___. If "no", explain. _____

37. Is the information revealed by a site visit consistent with the records maintained by the agency and with data previously provided to the City? Yes ___ No ___. If "no", explain. _____

Financial Records Information

- 1. Do the accounting records adequately identify the use of block grant funds (e.g., are expenditures identified according to the eligible activity categories under the CDBG Program)? Yes ___ No ___. If "no", explain. _____

- 2. Does the subrecipient record encumbrances or obligations against CDBG funds when contracts are executed, purchase orders issued, etc.? Yes ___ No ___. If "no", explain. _____

- 3. Are accounting records supported by source documentation (e.g., invoices, contracts, purchase orders)? Yes ___ No ___. If "no", explain. _____

4. Does the financial data sampled reconcile with the reports provided to the City? Yes ___ No ___. If "no", explain. _____

5. Does a spot check of records reveal any obvious instances where the following expenditures were not necessary or reasonable for proper and efficient administration of the program?
- a. Salaries and related costs? Yes ___ No ___
 - b. Administrative services, contracts. Yes ___ No ___
 - c. Travel expenditures. Yes ___ No ___
 - d. Other administrative costs. Yes ___ No ___

If "yes", explain. _____

6. Has the subrecipient requested drawdowns? Yes ___ No ___. If "yes", when and what amounts? _____

Property Records

1. Is an inventory of property kept? Yes ___ No ___. If "no", explain. _____

2. Does this inventory include a description of each item purchased partly or totally with CDBG funds? Yes ___ No ___. If "no", explain. _____

3. Does this inventory include serial numbers? Yes ___ No ___. If "no", explain. _____

4. Does this inventory include the original date and cost of acquisition of each item? Yes ___ No ___. If "no", explain. _____

5. Does this inventory include the location of each item? Yes ___ No ___. If "no", explain. _____

6. Does this inventory include the source of funds item was purchased with? Yes ___ No ___. If "no", explain. _____

7. Has the program operator put identification tags on property? Yes ___ No ___. If "no", explain. _____

8. Does the program operator conduct periodic inventory checks? Yes ___ No ___. If "no", explain. _____

Supporting Documentation For Claims (Accounting Procedures)

1. Are time sheets properly maintained and signed (by person and supervisor?) Yes ___ No ___. If "no", explain. _____

2. Are invoices organized and maintained properly? Yes ___ No ___. If "no", explain. _____

3. Can invoices be reconciled with requests for payment? Yes ___ No ___. If "no", explain. _____

4. Are ledgers up-to-date? Yes ___ No ___. If "no", explain. _____

5. Are there adequate controls on cash receipts, disbursements, etc.? (i.e. is there proper authorization for disbursements; are accounting duties segregated as much as possible or is there an adequate system of checks and balances?) Yes ___ No ___. If "no", explain. _____

6. Are multiple funding sources adequately separated? Yes ___ No ___. If "no", explain. _____

Procurement Procedures

1. Generally review program operator's procurements procedures.

2. Are quick quotes obtained for small purchases (under \$10,000)?
Yes ___ No ___. If "no", explain. _____

3. If any purchases or need for services were over \$10,000, was competitive bid utilized? Yes ___ No ___. (review process, etc.). If "no", explain.

4. Does program operator make efforts to utilize small minority and women-owned businesses? Yes ___ No ___. If "no", explain. _____

5. Are requisitions, purchase orders, or invoices properly processed?
Yes ___ No ___. (i.e. is receipt of supplies recorded so invoices can be paid; are invoices reviewed, etc.?) If "no", explain. _____

Budget

1. Is budget reviewed by your agency on a monthly basis? Yes ___ No ___.
If "no", explain. _____

2. Does program administrator submit budget revisions or adjustments in writing to City staff for approval? Yes ___ No ___. If "no", explain.

September 15, 1992

TO: Economic Development Loan Committee
FROM: Lydia Gonzalez, CDP Specialist *LG*
RE: Revolving Loan Fund Program Procedures

Attached to the Agenda you will find the Revolving Loan Fund Program Procedures with the recommended changes.

A couple of the Committee members indicated they would like to include the loan-to-value ratios in the RLF Procedures while others did not. The inclusion of these ratios would specifically indicate the value placed on the collateral used to secure the loan.

The representatives from HUD, upon their review and recommendation of the Procedures, indicated that though it is advisable to establish those ratios and use them accordingly it is not necessary to include them in the Procedures.

The purpose of the RLF Procedures is to provide an overview of the application process. By including the ratios, then we would have to include the steps to the various type of analysis the applications would have to undergo.

Staff recommendation: To establish the loan-to-value ratios and not to include them in the Procedures, but rather use as a guideline and present the information regarding the collateral to the Committee in the application summary.

EXHIBIT B

CITY OF MODESTO

COMMUNITY DEVELOPMENT PROGRAM

POLICY & PROCEDURES MANUAL

CHAPTER 18

ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (RLF)

CHAPTER 18

ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (RLF)

18.1 PRIMARY OBJECTIVES

The City of Modesto established an Economic Development Revolving Loan Fund (RLF) in 1987 as part of its Community Development Block Grant (CDBG) program to expand economic opportunities benefitting principally persons of low and moderate income in accordance with regulation in Title I of the Housing and Community Development Act of 1974, as amended (24 CFR, Part 570). Loan funds are available for various economic development activities undertaken by private businesses which create or retain jobs for low and moderate income persons, or which provide a needed service to a low income area.

The Economic Development Revolving Loan Fund will provide loans in conjunction with private investment for the development and expansion of businesses, to expand the City's tax base and leverage public and private investment.

The program is intended to provide assistance to projects whose needs are not currently being met by existing Federal program or private financial sources.

The primary purpose of this program is to assist those businesses located within the City limits of Modesto which will create or retain jobs for low to moderate income persons.

18.2 ELIGIBLE APPLICANTS

Funds are available on a competitive basis to assist new and existing businesses located within the City limits of Modesto and as an inducement to encourage firms to locate in the City. Applicants may be a sole proprietorship, a partnership or a for-profit corporation with a proposed project in the City of Modesto.

18.3 ELIGIBLE ACTIVITIES

Eligible activities for funding under the RLF Program include all normal project development costs, including but not limited to:

Land and building acquisition; off-site improvements; building construction, renovation or expansion; capital equipment; interim financing; clearance, demolition and site preparation; parking facilities; relocation; project 'soft costs' (i.e. reasonable engineering and architectural costs); working capital; venture capital; and SBA 504 Program Companion Loans.

Proposed activities are subject to eligibility determination depending on their adherence to the Community Development Block Grant regulations.

18.4 INELIGIBLE ACTIVITIES

The following activities/borrowers will not be eligible for an RLF loan:

Nonprofit organization; speculative building and renovation; land banking; loans for the

sole purpose of investing in high interest accounts or other improvements not related to direct job creation/retention.

18.5 TARGET AREAS

The RLF may be used within the City limits of Modesto providing that it is demonstrated that the funded activities principally benefit low and moderate income persons through job creation/retention and/or by providing a needed service in a low income area (must include documentation to show that the area is low income and requires the proposed service).

18.6 PROGRAM STANDARDS

a). Jobs Created/Retained:

The major goal of this program is to create new permanent full-time jobs and to retain existing jobs. It is expected that at least one new job will be created and/or an existing jobs retained for every \$10,000 in RLF financing provided. At least 51% of the jobs created/retained must be to benefit low to moderate income persons.

b). Maximum Loan Amount:

Except under circumstances determined by the Economic Development Loan Committee an RLF loan will not exceed \$50,000.

c). Client Investment:

Applicants must provide, in general, at least a 10 percent (10%) cash injection for the project except in the case of a SBA 504 Companions Loan. Applicants must demonstrate that an RLF loan would provide "gap" or "last resort" financing.

d). Private Financial Commitments:

Firm private financial commitments must be submitted to the City before preliminary approval and legally binding commitments must be secured prior to any final RLF loan approval. Private financial commitments may be in the form of loans from financial institutions, the SBA, investors or other sources. City RLF participation can be subordinated. Private lender commitments may be qualified only on the condition of City approval of funds and/or the award of other funds to be linked to the RLF loan. Any RLF loan made prior to the full commitment of private funds will be subject that commitment

e). Loan Terms:

The terms of the loan will depend on the type of project being funded. Interest rates shall reflect the amount of risk and pledged security as determined and evaluated by the Economic Development Loan Committee. The interest rate will generally approximate the current commercial bank prime rate.

f). Loan Portfolio:

The City will maintain a loan portfolio which will demonstrate the uses of funds through the Revolving Loan Fund Program. Each year one-third of the Community Development Block Grant Entitlement allocated for the Revolving Loan Fund Program will be earmarked for assisting start-up businesses. The remaining two-thirds will be used to assist existing or established businesses.

g). Security:

The City of Modesto shall obtain sufficient and adequate collateral to secure all RLF loans. This will usually be in the form of liens on the assets financed, including fixed assets such as machinery and real estate, accounts receivable, inventory and lease agreements. Liens upon non-project assets of the borrower may also be used to secure the loan. It will also be the general policy of the City of Modesto to require personal guarantees by the principal borrowers as deemed appropriate in the circumstances. Personal guarantees will normally be required of all persons/entities holding a 20% or more interest.

18.7 NECESSARY AND APPROPRIATE DETERMINATIONS

In order to ensure that any assistance does not unduly enrich the for-profit business, the City shall conduct an analysis to determine that the amount of any financial assistance to be provided is not excessive, taking into account the actual needs of the business in making the project financially feasible and the extent of public benefit expected to be derived from the economic development project. The analysis will be documented as well as any factors it considered in making its determination that the assistance is necessary or appropriate to carry out the project.

18.8 LOAN APPLICATION AND APPROVAL PROCESS

A. INITIAL INTERVIEW

The initial interview will serve as a screening mechanism to determine if the applicant or project meets the requirements set by the U. S. Department of Housing and Urban Development (HUD) and the City of Modesto for the City of Modesto's Revolving Loan Fund Program.

Any outside agency assisting the City of Modesto, whether through a contractual service or grant supported service, must refer applicants to the Housing Program Office when interested in the Revolving Loan Fund Program.

During the initial interview, the Housing Program Office (HPO) staff will discuss the proposed project and determine the following:

1. Explain the purpose of the program and the requirements set by HUD. Emphasize that the purpose of the program is to create jobs for individuals of low to moderate income or where a business provides a needed service to a low income area.
2. Explain that this program is for businesses located within the City limits of Modesto. Determine if the proposed project falls within the City limits of Modesto.
3. Determine if financing is or may be available elsewhere. Indicate to client that program eligibility requires at least one letters of denial from two local lending institutions.
4. Discuss the collateral available to secure the loan. Adequate security for the loan is required.
5. Discuss the applicant's credit history.

The initial interview, whether via phone or office visit, will be documented on the Initial Contact Sheet (Attachment A) and will be a part of the case file/loan file. This form will provide pertinent information to the Staff regarding the Revolving Loan Fund Program, such as:

- a. Types of businesses inquiring about the program.
- b. Determine whether the business is in need of business technical services.
- c. Assist with the marketing aspects of the program.

Contact made with the individual will be documented on the Case Notes Form (Attachment B).

B. LOAN APPLICATION PROCESS

If the client appears to meet the program requirements and guidelines of the Revolving Loan Fund Program according to the initial interview, the applicant will be directed to pick up a loan application package which consists of the following documents:

- a. PROGRAM INFORMATION SHEET (Attachment C) - This form will review the program requirements that were discussed during the initial interview. It will also serve as the welcoming letter and thank you letter for the client's interest in the program.
- b. LOAN APPLICATION (Attachment D) - This document will outline all the pertinent information regarding the proposed loan. This information will assist in determining the feasibility of the project.
- c. PERSONAL FINANCIAL STATEMENT (Attachment E) - This document will provide information which will be used to conduct a portion of the financial analysis. This form will also indicate whether or not there may be additional monies which could be invested into the project by the applicant(s). Each individual who is involved in the business must fill out this form.
- d. CREDIT AUTHORIZATION FORM (Attachment F) - This form will authorize the City of Modesto's Housing Program Office to pull a credit report to assist with the credit analysis. This form must be completed by each individual who will be involved in the business.
- e. PROGRAM ACKNOWLEDGEMENT FORM (Attachment G) - This form will indicate that the City is not guaranteeing the loan and will explain the application process. This form will also summarize the program requirements and with the client's signature it indicates the client acknowledges the program requirements.

The loan application package will not be mailed. The individuals referred by Staff will be directed to pick up the application package at the Housing Program Office. Only those individual which have been through the initial interview and appear to meet the requirements of the program will be directed to pick up the package.

C. LOAN APPLICATION REVIEW

After the client has picked up the application, Staff will wait for the complete loan application to be returned to the Housing Program Office.

When the client has returned the loan application Staff will review the application for completeness. If any section of the application has not been filled out or the letters of denial or any other attachments are not included, Staff will notify the client via mail indicating that the application will not be considered without all the information requested.

Not until all the information has been provided by the client will Staff pull a credit report and conduct the credit analysis. At this time an initial personal budget analysis will be conducted based on the information provided on the personal financial statement(s).

Staff will discuss the project further with the client during the next scheduled appointment. Regardless of whether the initial budget analysis or credit analysis is favorable or not, an

appointment will be scheduled at which the client will be informed.

During the scheduled appointment, Staff will continue discussing the proposed venture with the client and the program requirements. As a result of the interview, Staff will be able to determine if the client still appears to be eligible. Staff will review and provide the client the Loan Package Preparation list (Attachment H). Staff will keep a copy of the list in the client's file which will aid Staff with the flow of paperwork and to indicate which information has been provided by the client.

In reviewing the document check list, Staff will determine if the client will need assistance in preparing the business plan, which consists of the general business information, the market analysis, the hiring plan and the cash flow projections. If Staff cannot immediately handle or foresees not being able to handle the preparation of the business plan, the client will be referred to an outside agency which will provide this service. (If the business plan is prepared by an outside agency, City staff will review for accuracy and completeness as the plan will assist with the Necessary and Appropriate determination and the overall recommendation of the loan). The City will also review all documentation which will support or assist in determining whether the number of jobs to be created are feasible or reasonable (Employment Projection Form).

D. LOAN PACKAGE ANALYSIS

In order for City staff to have a complete picture of the proposed of the program and determine whether or not the proposed project is feasible City staff will conduct the following:

Credit Analysis: This will determine the credit worthiness of the individuals involved. It will give staff an idea of whether the client is responsible in paying financial obligations

Personal Budget Analysis: Based on the information provided on the personal financial statement, the tax returns, the credit report and the cash flow projections. This will determine whether or not the client will be able to meet their personal financial obligations and whether proposed draws are reasonable.

Cost Estimate Analysis: Based on the uses of funds outlined in the loan application. This will assist in determining whether or not the amount requested for the project indicated is reasonable. The general principal is that the level of CDBG assistance cannot be adequately determined if costs are understated or inflated.

Collateral Analysis: Based on the loan application information. Staff will verify that the items listed as collateral will be sufficient to adequately secure the loan. If property or equipment is part of the collateral then the title reports and UCC-3 filings will be pulled.

Financial Analysis: Based on the cash flow projections, current income statements and balance sheets. This will assist in determining the repayment of the loan, the ability to create the proposed jobs and /or whether or not the client may expect an appropriate return. Ratios will be compared to industry averages.

Necessary and Appropriate Analysis: This will be the final analysis and will summarize all the information provided by the client. This information will then be presented to the Economic Development Loan Committee with Staff's recommendation. This report will be in summary form but will include sufficient detail to support the Committee's decisions.

Verification of mortgage balances and bank account balances will be part of the above analyses in order to obtain an accurate view of the client's financial and equity positions.

E. APPROVAL PROCESS

Staff will summarize the information regarding the proposed project in the Necessary and Appropriate Analysis and will present it with Staff's recommendation to the Economic Development Loan Committee.

The clients will be instructed to attend the meeting in order for them to make available any additional information which may be requested by the Committee.

If, after the review of the Necessary and Appropriate Analysis and interviewing the client, the Committee agrees that the loan should be funded, the loan package will be referred to City Council with the Committee's recommendation for approval.

The City Council will be the final approving party for the loan application. Even after Staff and Committee have recommended approval, the City Council may reject the application. Staff will then be responsible for providing the result of the City Council action to the client and to the Economic Development Loan Committee.

If approved the client will complete the process with the signing of the loan documents.

F. LOAN CLOSING AND DISBURSEMENT OF FUNDS

Staff will prepare all loan closing documents, including but not limited to the promissory note, the collateral filings, deeds of trust and recordings, appropriate lien filings, etc. All the documents will then be reviewed by the City Attorney for their accuracy.

Upon the City Attorney's approval, Staff will contact the client and schedule an appointment in order for the client to sign the loan documents. The client will need to pay the appropriate loan application fees plus any additional costs such as UCC filings, DMV fees, etc., at the time of the signing of the documents.

During the signing of the loan documents, the client will be reminded of the purpose of the program and will be made aware of the monitoring schedule. The client will need to sign the following documents.

1. Loan Agreement
2. Promissory Note
3. Security Agreement
4. Borrower acknowledgement and certification
5. UCC filings
6. Vehicle Title slips
7. Deeds of trust - for collateral purposes
8. Consent to removal of fixtures - landlord waiver

After the documents have been signed by the client, they will be forwarded to the City Manager, with a memo, for his/her signature. Only after the loan documents have been signed by the City Manager and returned to the Housing Program Office will the disbursement of funds be considered.

Prior to the disbursement of any CDBG funds Staff will need to document whether or not the client's initial investments have been injected into the business/project. If not, the client will be reminded that those monies must be injected into the business prior to loan funds being disburse. Staff will also need to verify that the client has provided proofs of the necessary insurances if those have been set as a condition of the loan.

Loan proceeds will not be disbursed in one lump sum but rather as invoices are provided to the Staff. Staff will request payment directly to the company providing the service and/or product to the client. If the client has already paid and is requesting to be reimbursed Staff will request a

cancelled check and receipt from the client as proof that the product and/or service has been paid for and received.

Staff will verify invoices by contacting the business imprinted on the invoice. Staff will also monitor the disbursement of the funds to coincide with proposed allocated costs.

18.9 MONITORING PROCESS

The monitoring visits will serve as the means of gathering and providing information to and from the client. By implementing this process, Staff will be able to easily know whether or not the business is meeting the National Objective of creating jobs for individuals of low to moderate income.

Also, Staff will be able to know whether or not the client needs special business technical assistance which has not been yet provided and will refer the client to the appropriate agency. Monitoring the loan will also assist with client's adherence to the conditions of the loan such as providing the necessary insurance coverage, providing the business financial statements, tax returns, etc.

After the funds have been disbursed a monitoring schedule will be presented to the client. The schedule will be as follows:

- A. **FIRST VISIT - Three months after the funding of the loan.**
During the first visit, staff will seek additional information regarding the operation of the business. Staff will inquire if additional assistance is needed by the client in order to provide for an efficient operating business. Staff will provide the client with Employment Verification Forms (Attachment I) to verify job creation. Staff will meet the new hires. Staff will photograph the business site to include in the file.
- B. **SECOND VISIT - Six months after the funding of the loan.**
During the second visit, Staff will request the business financial statements for the first months of operation (for start-up businesses only). If the business funded is an existing business Staff will request business financial statement for the applicable accounting periods. Staff will also inquire whether or not taxes have been paid and will review the business books and provide technical assistance. Staff will continue to monitor for job creation and will meet any new employees which have been recently hired.
- C. **THIRD VISIT - Nine months after the funding of the loan.**
During the third visit, Staff will continue to monitor for job creation. Staff will provide and/or request information to assist the business owner. Staff will also continue to monitor for job creation.
- D. **FOURTH VISIT - Twelve months after the funding of the loan.**
During the fourth visits Staff will continue to monitor for job creation. Staff will request income and balance statements for the appropriate accounting period.

After the fourth visit, Staff will visit the business at six-month intervals until the loan is paid off. Visits will be supplemented with written reports.

On an annual basis, the client will be required to provide their annual income tax filing, current business licenses, current personal financial statements, and year-end business financial statements. Staff will monitor on a monthly basis the repayment of the loan and will assist the Finance Department and provide any appropriate information to the Economic Development Loan Committee regarding the status of the loan.

Certain loans will need more assistance in complying with the loan terms or the conditions of the loan. Staff will continuously monitor these loans and will assist the clients in satisfying both the conditions of the loan and the loan terms.

INTERVIEW & ASSESSMENT

Name of business: _____
Address: _____
City/State/Zip: _____ Phone: _____

Type of business: Wholesale Manufacturing
 Retail Service Other

Specific Product or Service: _____

Status: New Start-up Existing

Type: Sole Proprietor Partnership Corporation

Loan Amount Requested: \$ _____

Purpose of the loan: _____

Referred by: _____

Determinations/Instructions: _____

Business Technical Services/Assistance Needed: YES/NO, specify: _____

Other information: _____

Signed: _____ Date: _____

**CITY OF MODESTO
REVOLVING LOAN FUND PROGRAM
PROGRAM INFORMATION SHEET**

Dear Small Business Owner:

Thank you for your interest in the City of Modesto's Revolving Loan Fund Program. Funds for this program are made available through the U.S. Department of Housing and Urban Development's Community Block Grant Program. The Department of Housing and Urban Development sets the minimum program regulations and it is within those parameters that that it is administered by the City of Modesto's Housing Program Office.

The City of Modesto's Revolving Loan Fund Program was implemented in 1987 and was established primarily to assist small businesses within the City limits of Modesto and who are not able to obtain financing elsewhere.

The purpose of the program is to CREATE JOBS FOR INDIVIDUALS OF LOW TO MODERATE INCOME.

Attached you will find the loan application package. Please fill it out completely. If certain questions do not apply to you indicate by writing N/A. Do not leave any blank space. Return the completed loan application to the City of Modesto Housing Program Office at 401 "H" Street, Modesto, California, 95351.

The application will be reviewed and you will be notified of a second interview to continue discussing the project. If you have any questions or need additional assistance filling out these forms contact the Housing Program Office at 577-5368.

Good luck!!!

CITY OF MODESTO
REVOLVING LOAN FUND PROGRAM

LOAN APPLICATION

Business Name: _____
Address: _____

Business Phone: () _____

Owner (s): _____

Type of business: () Manufacturing () Wholesale () Service
() Retail () other

Business Status: () Start Up Venture - business not yet established
() New business - less than one year since its establishment
() Existing business - more than one year established

Business Description/Type of Product/service provided: _____

Current Number of Employees: _____ Jobs to be created: _____

Method of hiring individuals from low to moderate income (indicate which agencies you will use to assist you in filling the positions created by your company):

- () Job Training Partnership Act- Private Industry Council
- () Greater Avenues for Independence - GAIN Program
- () Other employment agency
- () Employment Development Department

Loan Amount Requested: \$ _____ Client Investment: \$ _____

Source of client's investment: _____

Purpose of the loan: _____

USES OF FUNDS: () Working Capital \$ _____
 () Improvements \$ _____
 () Equipment/Machinery \$ _____
 () Furniture/Fixtures \$ _____
 () Other \$ _____

Collateral to secure the loan:

() Residence: Value: \$ _____
 () Vehicles Value: \$ _____
 () Equipment Value: \$ _____
 () Accounts Receivable Value: \$ _____
 () Other: _____ Value: \$ _____

SOURCES OF FINANCING: Indicate which local lending institutions you have tried to obtain financing from and was denied. *PLEASE ATTACH TWO LETTERS OF DENIAL, without these letters the application is incomplete.*

Name of Bank: _____ Amount \$ _____
 Type of loan: _____
 Name of Bank: _____ Amount \$ _____
 Type of loan: _____

BUSINESS CREDIT REFERENCES (if applicable):

Creditor	Address	Phone	High Credit	Balance	Status

Are your books audited by outside accountants? () Yes () No
 If yes, date of late audit: _____ Name of accountant: _____

Are you applying for additional credit at any other source? () Yes () No
 If yes, at which agency: _____

BUSINESS INFORMATION:

Workman's compensation: Policy # _____

Business Casualty Insurance: Policy # _____ Agent: _____

Banking: () Checking () Savings () Other

Name of bank: _____

(WE) CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND AUTHORIZE THE CITY OF MODESTO TO VERIFY THE ACCURACY OF THESE STATEMENTS. I UNDERSTAND THAT ANY INFORMATION OR DOCUMENTATION PROVIDED TO THE CITY OF MODESTO IN CONSIDERATION OF THIS LOAN APPLICATION MAY BE USED TO COMPILE DATA AND PROVIDE INFORMATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT..

Signed: _____ Date: _____
Applicant's Signature

Signed: _____ Date: _____
Co-Applicant's Signature

CITY OF MODESTO
REVOLVING LOAN FUND

PERSONAL FINANCIAL STATEMENT
FOR

() Applicant () Co-Applicant
doing business as:

Complete this form if you are : 1) the sole proprietor of the business, 2) a partner in a partnership, 3) an officer or stockholder with 20% or more ownership in a corporation; or 4) any other entity providing a guaranty on the loan.

Residence Address: _____

Home Phone: _____

Social Security Number: _____

Date of Birth: _____

ASSETS:

Cash on Hand: _____
Savings: _____
IRA accounts: _____
Accounts Receivable: _____
Real Estate-value: _____
Auto-value: _____
Personal Property: _____

Total Assets: _____

LIABILITIES:

Accounts Payable; _____
Installment Accounts: _____
Revolving Accounts: _____
Auto account balance: _____
Mortgage balance: _____
Unpaid Taxes: _____
Other Liabilities: _____
Total Liabilities: _____
Net Worth: _____
Total: _____

I. SOURCE OF INCOME

Salary: _____
Investment Income: _____
Real Estate Income: _____
Other income: _____
Personal Property: _____

II. CONTINGENT LIABILITIES

As endorser or co-signer: _____
Legal Claims & Judgements: _____
Provision for Federal Income Tax: _____
Other special debt: _____
Auto account balance: _____

Description of items listed in either Section I or Section II above:

III. BANK INFORMATION: () Checking () Savings () Other
Name of Bank: _____

IV PERSONAL CREDIT INFORMATION (if necessary attach an additional sheet):

CREDITOR	HIGH CREDIT	CURRENT BALANCE	MONTHLY PAYMENT	TYPE OF ACCOUNT	CURRENT STATUS

V. REAL ESTATE OWNED (List each parcel separately. Use supplemental sheets if necessary. Each sheet must be identified as a supplement to this and signed.):

Address/ Type	Title in name of	Date of purchase	Original Cost	Mortgage Balance	Present Value	Monthly Payment	Current Status

Lender is authorized to make all inquiries deemed necessary to verify the accuracy of the statements made herein and to determine my credit worthiness. I certify the above statements contained in the schedules are a true and accurate statement of my personal financial condition as of the date indicated below.

Signed: _____ Date: _____

**CITY OF MODESTO
REVOLVING LOAN FUND**

CREDIT AUTHORIZATION FORM

To whom it may concern:

I, _____ am applying for a loan under the City of Modesto's Revolving Loan Fund Program and authorize the City of Modesto to review and analyze my credit history.

My social security number is: _____

Signed: _____

Date: _____

**CITY OF MODESTO
REVOLVING LOAN FUND**

PROGRAM ACKNOWLEDGEMENT FORM

I/We understand the purpose of the City of Modesto's Revolving Loan Fund Program in that is to create jobs for individuals of low to moderate income households. If approved, the business will be monitored to meet the purpose of the program.

I/We also understand that this service is only available to businesses located within the City limits of Modesto. I/We understand that I/we must include at least two letters of denial from two local lending institutions.

The City of Modesto will prepare a set of documents hereinafter referred to as a "loan package". The loan package is specifically intended for application under the Revolving Loan Fund Program.

The loan package will be analyzed to determine if the amount of funds requested are deemed necessary and appropriate by City Staff and by the Economic Development Loan Committee.

I/We understand the reviewing body for these loans is the Economic Development Loan Committee and the approving body is the Modesto City Council.

I/We understand that in the provision of this assistance, the City of Modesto does not and cannot guarantee that I/we will receive any loan(s), loan guarantee(s), or grants from the City of Modesto or from public or private lenders.

I/We further acknowledge that the City of Modesto may request information from/me/us, and that failure to furnish the information on a timely basis will delay the specific assistance provided.

I/We further understand that all information provided to the City of Modesto for the preparation of the loan package will be public information and will be provided to the public, if so requested.

I/We certify that I/we have read the above statements and will be able to provide the necessary documentation to prepare the loan package. I/We understand the purpose of the program which is to create jobs for individuals of low to moderate income.

Signed: _____

Date: _____

Signed: _____

Date: _____

LOAN PACKAGE PREPARATION CHECKLIST

The City of Modesto is requesting the following information from you and your business in order to prepare a loan package for program loan under the City of Modesto's Revolving Loan Fund Program:

- _____ Business Plan
- _____ Partnership Agreement (if applicable)
- _____ Fictitious Name Statement
- _____ City Business License
- _____ Tax Identification Number
- _____ Cost Estimates - (Machinery, Equipment, etc)
- _____ Lease Agreement
- _____ Permits and licenses
- _____ Summary of collateral
- _____ Purchase agreement (if applicable)
- _____ Preliminary plans and specifications
- _____ Balance Sheet - existing business provide the past 3 years plus current
- _____ Income Statement - existing business provide the past 3 years plus current information
- _____ Accounts Receivable Information
- _____ Business Tax Information - Tax Schedule for the past three years
- _____ Federal and State Tax Returns of principal(s) for the past 3 years.
- _____ Resumes of the principals

MODESTO CITY COUNCIL
RESOLUTION NO. 92-582

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO INSTALL WHEELCHAIR RAMPS AND MODIFY THE TRAFFIC SIGNAL ON MCHENRY AVENUE (STATE HIGHWAY 108) AND MORRIS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans to install wheelchair ramps and modify the traffic signal on McHenry Avenue (State Highway 108) and Morris Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October , 1992, 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

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-583

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$54,000 TO FUND INSTALLATION OF WHEELCHAIR RAMPS AND MODIFICATION OF TRAFFIC SIGNAL AND MCHENRY AND MORRIS AVENUES

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

FROM: Capital Facility Fees \$54,000
(141 160 P854)

TO: McHenry/Morris Signal modifications \$54,000
(141 160 C870 6000)

To provide funding for the traffic signal modifications on McHenry Avenue at Morris Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

RESCINDED
1996-87
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 92-584

A RESOLUTION ESTABLISHING ANGLE PARKING IN
THE CITY OF MODESTO AND RESCINDING RESOLUTION
NO. 92-81. *Should be 92-82 ccc 6-23-15*

WHEREAS, Chapter 2 of Title III of the Modesto
Municipal Code authorizes the City Council, by resolution, to
establish angle parking in the City of Modesto.

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

SECTION 1. ANGLE PARKING. Angle parking is hereby
established at the following locations:

Angle Parking:

Portions of 10th Street, between I & K Streets (west
side) (diagonal)

18th Street, between G and H Streets (west side)
(diagonal)

Chestnut Street, between Jefferson and Madison Streets
(south side) (diagonal)

Jefferson Street, between Chestnut and Elm Streets
(west side) (diagonal)

F Street, between 10th and 11th Streets (south side)
(diagonal)

I Street, between 9th and 12th Streets (both sides)
(diagonal)

P Street, between 9th and Needham Streets (both sides)
(diagonal)

Coldwell Avenue, between Tully Road and College Avenue

4th Street, between E Street and G Street (west side)

16th Street, between I Street and J Street (east side)

SECTION 2. The Public Works and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 92-81 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-585

A RESOLUTION APPROVING A PART-WIDTH STREET LESS THAN FORTY (40) FEET IN WIDTH FOR A PORTION OF WALNUT WAY ADJACENT TO APPROVED VESTING TENTATIVE SUBDIVISION MAP BUEHNER ESTATES.

WHEREAS, by Planning Commission Resolution No. 92-42, the vesting tentative subdivision map Buehner Estates was approved by the Planning Commission on September 14, 1992, and

WHEREAS, the approved subdivision divides a 0.6-acre site into five (5) R-1 lots and is located at the northeast corner of Guthmiller Drive and Walnut Way, and

WHEREAS, condition number 3 of said Planning Commission Resolution No. 92-42 reads as follows:

3. That a 40-foot minimum part-width street shall be developed along the Walnut Avenue street frontage where the total dedicated right-of-way is a minimum of 40 feet in width.

and

WHEREAS, the subdivider has control of only the east 25-feet of the south portion of Walnut Way right-of-way and is unable to obtain approval from the owner of the property to the west to construct Walnut Way to at least 40-foot part-width residential street standards, and

WHEREAS, condition number 9 of said Planning Commission Resolution No. 92-42 reads as follows:

9. That the east 25 feet of Walnut Way, where the dedicated right-of-way is 25 feet in width, shall be improved to city standards. A cash deposit or a certificate of deposit shall be provided for the

remaining street improvements for the improvement of the west 15 feet of Walnut Way to complete the street to a 40-foot part-width street standard as approved by the Director of Public Works and Transportation.

and

WHEREAS, Modesto Municipal Code Section 4-4.302(a)(8) requires City Council approval of a part-width street of less than 40 feet, and

WHEREAS, said matter was considered by the City Council on October 20, 1992, in the Council Chambers located at 801 11th Street in the City of Modesto, at which time it was found and determined that for public convenience and necessity approval of a part-width street less than 40 feet in width for Walnut Way adjacent to the approved vesting tentative subdivision map Buehner Estates should be granted, and

WHEREAS, the City Council has reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a Negative Declaration in regard to the environmental impact of the proposed subdivision,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that for public convenience and necessity the construction of the portion of Walnut Way adjacent to Buehner Estates subdivision to a part-width street less than 40 feet wide be, and it hereby is, approved for the following reasons:

1. Walnut Way is along the west boundary of the Buehner Estates subdivision. The south portion of

the west 25 feet of the ultimate Walnut Way street right-of-way is not under the subdivider's control.

2. The development of Walnut Way as a 40-foot part-width street, within the right-of-way under the subdivider's control, would create a 10-foot offset in the center line of Walnut Way.
3. The public interest to develop Walnut Way without an offset in the centerline outweighs the policy of having all part-width streets a minimum of 40 feet in width.

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 in regard to the environmental impact of the vesting tentative map of Buehner Estates Subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-586

A RESOLUTION APPROVING THE REQUEST OF COUNTRY FORD TRUCKS FOR REFUND OF \$21,829.97 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Country Ford Trucks for refund of \$21,829.97 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92- 587

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$13,425 TO COVER THE ADDITIONAL COST OF THE PASSENGER TERMINAL FIRE PROTECTION WATER MAIN

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

FROM:	Airport Contingency Reserve	\$13,425
	(631 800 8000 8003)	
TO:	Passenger Terminal Debt	\$13,425
	(632 480 G472 6040)	

Funds are needed to pay Del Este Water Company for cost overrun of the terminal fire protection water main.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 92-588

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE FUNDING FROM THE GENERAL FUND CONTINGENCY RESERVE FOR THE VILLAGE ONE STREET REALIGNMENT PROJECT, TO BE BUDGETED IN FUND 130.

WHEREAS, funds are needed to develop conceptual street realignments for certain streets within Village One as directed by Council at the September 15, 1992, meeting during review of the Village One Facilities Master Plan, and

WHEREAS, the project will reside in fund 130; however, the funding is provided by the General Fund,

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

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agy/Organization</u>	<u>Increase (Decrease)</u>
Expenditures	
130-430-C897-6010 Village One-Street Alignment	\$1,000
130-430-C897-6040 Village One-Street Alignment	5,000
010-700-7000-7130 Transfer Out to Fund 130	6,000
010-800-8000-8003 General Fund Contingency Reserve	(6,000)
Revenues	
130-700-7000-9010 Transfer In From General Fund	\$6,000

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 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-589

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSALS TO QUALIFIED
CONTRACTORS FOR THE PURPOSE OF DEVELOPING A
PLAN FOR BENEFICIAL REUSE/DISPOSAL OF
WASTEWATER BIOSOLIDS.

WHEREAS, wastewater biosolids are a byproduct of the
wastewater treatment process at the 1221 Sutter Avenue wastewater
treatment facility, and

WHEREAS, disposal of biosolids now requires the
development of a biosolids management program; and, a permit from
the California Regional Water Quality Control Board is also a
mandatory requirement for disposal of biosolids, and

WHEREAS, beneficial reuse is understood to include
recycling in agriculture as a fertilizer soil amendment or
conditioner; composting/co-composting; or any other appropriate use
allowed by local, state and federal regulations, and

WHEREAS, it is the recommendation of City staff that the
Council authorize City staff to issue a request for proposals to
qualified consultants for the purpose of developing a plan for
beneficial reuse/disposal of wastewater biosolids,

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 contractors for the purpose of
developing a plan for beneficial reuse/disposal of wastewater
biosolids.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-590

A RESOLUTION APPROVING AN EXTENSION TO THE CURRENT MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MODESTO CITY EMPLOYEES ASSOCIATION (MCEA) TO INCLUDE FISCAL YEAR 1992-93.

WHEREAS, by Resolution No. 91-503 adopted on July 23, 1991, by the approved a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) for the Fiscal Year 1991-92, and

WHEREAS, the City's negotiators and Modesto City Employees Association have agreed to extend the Fiscal Year 1991-92 Memorandum of Understanding to cover Fiscal Year 1992-93,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve an extension to the Fiscal Year 1991-92 Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association to cover Fiscal Year 1992-93.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-591

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, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, 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:

Junior Civil Engineer
Administrative Services Officer
Laboratory Supervisor
Integrated Waste Specialist
Industrial Waste Supervisor
Fleet Manager
Water Superintendent

Wastewater Collections Superintendent

The specifications for the classification of Junior Civil Engineer (Range 430), as shown on the attached Exhibit "A", Administrative Services Officer (Range 435), as shown on the attached Exhibit "B", Laboratory Supervisor (Range 433), as shown on the attached Exhibit "C", Integrated Waste Specialist (Range 435), as shown on the attached Exhibit "D", Industrial Waste Supervisor (Range 432), as shown on the attached Exhibit "E", Fleet Manager (Range 441), as shown on the attached Exhibit "F", Water Superintendent (Range 441), as shown on the attached Exhibit "G", and Wastewater Collections Superintendent (Range 441), as shown on the attached Exhibit "H", 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 AMENDED. The Positions Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Assistant Civil Engineer

Associate Civil Engineer

The revised specifications for the classification of Assistant Civil Engineer (Range 433), as shown on the attached Exhibit "I", and Associate Civil Engineer (Range 439), as shown on the attached Exhibit "J", 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 3. EFFECTIVE DATE. This resolution shall become effective on and after October 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

JUNIOR CIVIL ENGINEER
ASSISTANT CIVIL ENGINEER

DEFINITION

To perform professional and technical engineering work in assigned areas of responsibility such as plan and development review, contract administration, design, investigation, and construction of public works projects.

DISTINGUISHING CHARACTERISTICS

Junior Civil Engineer - This is the entry level class in the Civil Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a professional engineer.

This class is distinguished from the next higher level of Assistant Civil Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Civil Engineer - This is the second level in the Civil Engineer series. Incumbents in this class are expected to perform a wide variety of professional engineer work of average difficulty. Assistant Civil Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of a professional engineer.

This class is distinguished from the Associate level of Civil Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Civil Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

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

Prepares calculations, cost estimates, and contract drawings and specifications for public works projects on facilities such as buildings, bridges, roads, utility lines, aqueducts, conduits, sewer lines, wastewater facilities, water pump stations and water lines, and similar public works infrastructure.

Assists in reviewing plans, cost estimates, and specifications of other staff, agencies and private developers for conformance with City standard specifications.

Prepares profiles and cross sections and computes stresses and strains; makes foundation studies and lays out water mains, sewers, wastewater plants and drainage systems.

Reviews the work of field survey parties in the making of plans, maps, charts, and diagrams.

Checks subdivision and building plans for compliance with established requirements.

May prepare and check legal descriptions for deeds, easements, and rights-of-way.

May assist in gathering and analyzing data concerning rainfall, runoff, stream flow, water level, water quality, and ground water infiltration.

Reviews routine field and laboratory tests of construction materials; writes memoranda and reports.

Performs engineering design on computer applications and draws plans on CAD systems.

May coordinate engineering projects between contractors and the City.

Performs complex engineering calculations and field inspections.

Assigns work, provides instruction and training, and assists in performance evaluation of subordinate personnel.

Provides engineering data and cost estimates for the City budget.

Checks and analyzes Environmental Impact Reports and other CEQA documents.

Responds to citizen complaints concerning engineering problems.

EXAMPLES OF DUTIES (Continued)

Administers and enforces City codes and standards on engineering projects.

Prepares permit applications to various regulatory agencies related to Public Works projects.

Performs complex engineering calculations.

Checks private building plans for compliance with City building codes and ordinances.

Conducts feasibility studies and planning for water line and sewer line extensions.

Assists in developing Master Plans for sewer collection, storm drain collection, inside Water Treatment Plant and water distribution system.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Performs health related investigations, studies, and other engineering and regulatory activities involving domestic water supply, sewage treatment systems, sewage collection, and disposal systems.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Knowledge of statistics and advance mathematics, including algebra and analytic geometry.

Topographic and construction surveying, stress analysis, analytical mechanics and the strength, properties, and uses of construction materials.

Common methods and equipment utilized in engineering construction and of inspection methods used in reviewing such work.

Real property descriptions.

Civil engineering design and drafting methods and equipment.

QUALIFICATIONS (Continued)

Knowledge of:

Principles and practices of engineering as applied to public works or structural engineering.

Modern developments, current literature, and sources of information regarding engineering.

Learn the use of Computer Assisted Drafting and Design (CAD) software/hardware, and other engineering related software.

IN ADDITION TO THE KNOWLEDGES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Knowledge of:

Pertinent Federal, State, and local rules, regulations, and ordinances.

Ability to:

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Use drafting instruments and ensure proper maintenance thereof.

Use and maintain Computer Assisted Design and Drafting systems.

Develop and maintain effective working relationships with all levels of representatives from governmental and private agencies, construction and consultant contractors, co-workers, and the public.

Communicate clearly and concisely, both orally and in writing.

IN ADDITION TO THE ABILITIES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Ability to:

Learn and apply City engineering policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to prepare, understand, and interpret engineering construction plans, specifications, and other contract documents.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: JUNIOR CIVIL ENGINEER

None required.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil engineering, OR possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

Experience: ASSISTANT CIVIL ENGINEER

One year of directly related engineering experience and possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field. Possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

License or Certificate: (Both)

Possession of, or the ability to obtain, a valid California driver's license.

ADMINISTRATIVE SERVICES OFFICER

DEFINITION

Under general administrative direction, to plan, organize, and direct the administrative services of a department; provide administrative support to the Department Director in assigned program areas; and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the department Director.

May exercise direct supervision over managerial and other subordinate staff.

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

Directs the budgetary and fiscal control process, and prepares the budget.

Supervises the preparation of personnel documents and payroll.

Supervises and directs managerial, technical, and support staff.

Develops and improves programs for the effective utilization of office space, forms and supplies, equipment, and other property.

Develops time and cost studies of unit operations and recommends changes to promote more efficient production.

Develops production standards.

Identifies, analyzes, and recommends solutions to a variety of administrative and fiscal problems.

May oversee and coordinate the activities of a unit/division within the department.

Functions as liaison for review, evaluation, recommendation and implementation of administrative hearing procedures.

Conducts comprehensive cost benefit analyses.

Negotiates terms and conditions of various service contracts.

Prepares and revises departmental rules and manuals of procedure and directs the instruction of their use.

EXAMPLES OF DUTIES - (Continued)

Reviews and analyzes applicable state and federal legislation for departmental impact.

Coordinates departmental training activities.

Conducts special projects and administrative studies, preparing reports of findings and recommendations.

Attends various City Council, Board, Commission, and other governmental meetings; prepares and presents agenda items to the City Council.

Supervises the keeping of property records and recommends the granting of requests for purchase of major items of new property, or repair of existing property.

Confers with representatives of other agencies on administrative services problems; and negotiates leases.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and modern methods of public and business administration with special reference to organization, fiscal, and budgetary preparation and control.

Principles and practices of supervision.

Modern office methods, forms, and equipment.

Technical report writing procedures and grant proposal development.

Applications of statistical methods to management analysis.

Advanced methods of report preparation and presentation.

English usage, spelling, grammar, punctuation at an advanced level.

Administrative research techniques, sources and availability of information.

Applicable Federal, State, and local laws and regulations related to the department

QUALIFICATIONS (Continued):

Ability to:

Plan, organize, and direct the diverse and complex administrative program of the department.

Research, analyze, and make recommendations on administrative, management, and procedural practices.

Conduct fact finding projects.

Perform advanced professional level work in designated areas of the work of the department.

Perform budget analysis, preparation, and monitoring.

Delegate authority and responsibility.

Schedule and program work on a long and short term basis.

Devise and operate effective internal control procedures.

Analyze a variety of complex technical and administrative problems; make sound policy and procedural recommendations.

Prepare, review, and approve comprehensive analyses and reports; make effective presentations of conclusions and recommendations orally and in writing.

Formulate and recommend policies and budgets.

Interpret and make sound decisions in accordance with laws, regulations, and policies.

Read, understand, and apply complex materials.

Establish comprehensive record keeping systems.

Administer contract services.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective relationships with those contacted during the course of work.

Experience and Training Guidelines:

Any combination of training, experience, and education which demonstrates the possession of the knowledge and abilities stated above, and the ability to perform the duties of this position. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of administrative experience at an advanced level in a public agency, including supervisory experience.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in public administration, business administration, economics, accounting, management, personnel, or a related field.

LABORATORY SUPERVISOR

DEFINITION

To collect and analyze the more complicated chemical, biochemical, and bacteriological analyses of water, wastewater, and related solids and liquids, relevant to the operation of wastewater treatment and potable water systems; monitor, maintain and recommend improvements to the Laboratory's quality assurance/quality control programs; plan, organize, direct, and review the work of the subordinate laboratory staff; obtain and renew necessary laboratory procedure certifications; perform related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent. Exercises direct supervision over subordinate laboratory personnel.

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

Provides direction and supervision to staff; recommends selection of staff.

Reviews work performed and adjusts to schedules and available resources.

Provides for staff training and professional development.

Evaluates employee performances and conducts performance reviews.

Assists upper level management in the operation and organization of the laboratory and coordinates laboratory services to other divisions.

Develops and writes procedures for analytical laboratory methods.

Maintains and requisitions laboratory supplies and equipment.

Develops and writes analytical laboratory procedures; instructs laboratory staff in performing all laboratory analyses.

Prepares reports to Federal, State, and Local agencies; maintains up-to-date knowledge of these agencies' regulations pertaining to laboratory, water quality, and wastewater discharge.

Performs routine and non-routine chemical, biological, and microbiological laboratory analyses.

EXAMPLES OF DUTIES - (Continued)

Collects routine and non-routine samples, trains laboratory staff and other staff in sample collection, as required.

Recognizes, corrects, and reports safety hazards.

Performs the more technically complex laboratory tasks.

Uses personal computer to perform word processing, spreadsheet, and specialized functions.

Participates in budget preparation.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern management principles and practices.

Principles and practices of water/wastewater laboratory operations, maintenance, and management.

Principles of chemistry, biology, and microbiology.

Standard approved laboratory practices and procedures.

Laboratory safety.

Mathematics required in a water and wastewater treatment laboratory.

Wastewater and water treatment processes.

Use of laboratory equipment.

Compilation and evaluation of laboratory data, and writing clear and accurate reports.

Applicable regulatory codes and laws.

Effective communication techniques.

QUALIFICATIONS (Continued)

Ability to:

Cooperate and communicate effectively with other City employees, persons from other agencies, and the public.

Effectively plan, direct, and review the work of others.

Perform careful and accurate laboratory analyses.

Understand and carry out other written instructions without close supervision.

Work within City safety standards.

Make sound decisions regarding the proper operation of the laboratory.

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 laboratory analyses experience performing chemical, biological, or microbiological analyses or three years in water/wastewater laboratory operations, including one year in a supervisory capacity.

Training:

Equivalent to a Bachelor's degree in organic/inorganic chemistry, biochemistry, or a closely related field.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

Must possess a Grade II Laboratory Technologist Certificate with the ability to obtain a Grade III Laboratory Technologist Certificate, issued by the California Water Pollution Control Association, no later than two and a half years after employment with the City.

INTEGRATED WASTE SPECIALIST

DEFINITION

Under general direction, plans, organizes, and implements an integrated solid waste management program; represents the City and provides staff support to a variety of intergovernmental committees, subcommittees, and authorities as well as other City staff; performs related duties as required. This position will, in the absence of the Solid Waste Program Manager, supervise the responsibilities of that position.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Solid Waste Program Manager. Exercises direct supervision of professional, technical, and clerical staff engaged in developing and implementing an integrated waste management program.

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

Plans, organizes, and implements an integrated solid waste management program for waste characterization, source reduction, recycling, composting, and transformation.

Reviews and analyzes legislation for impact on solid waste management activities.

Supervises other professional, technical, and clerical staff.

Provides technical expertise and program planning and implementation in the area of integrated solid waste management; monitors solid waste collection and disposal.

Attends City Council and other board meetings, as directed; prepares and presents information to these groups.

Develops new programs and evaluates existing programs, processes, policies and procedures.

Prepares and oversees the preparation and implementation of marketing and public information campaigns designed to secure public input and participation.

Reviews and analyzes issues and proposals and prepares special reports.

Represents the City with State and Federal agencies, community and civic groups and other regulatory bodies.

EXAMPLES OF DUTIES - (Continued)

Plans, develops, and maintains integrated solid waste management program budget.

Serves as liaison with City licensed private disposal companies.

Develops and recommends implementation of fee structures, using cost analysis techniques, to support solid waste management programs.

Develops contracts; monitors implementation of contracts for compliance and levels of service, and assists in the negotiation of terms and contracts.

Uses personal computer to perform word processing, spreadsheet, and specialized functions.

Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

Solid waste collection, disposal, and source reduction methods and systems.

Local, State, and Federal legislation, regulations, and judicial issues and decisions concerning solid waste management.

Environmental issues and concerns related to solid, hazardous, and recoverable waste collection and disposal.

Written and oral communication techniques and methodologies, including graphic presentations.

Principles and practices of public administration, program planning, and implementation.

Cost elements and revenue sources connected to waste collection, disposal, and recovery.

Cost analysis; public sector budget preparation and implementation; state and federal grant programs.

Marketing and public information practices.

Principles and practices of supervision.

QUALIFICATIONS (continued)

Hazardous materials and hazardous waste storage, treatment, and disposal.

Automated information systems.

Ability to:

Plan, develop, organize, and implement an integrated solid waste management program.

Coordinate and integrate waste management programs with other agencies.

Analyze issues, legislation, regulations, and court decisions.

Collect and analyze data to draw logical conclusions and make appropriate recommendations.

Identify operational and administrative problems and implement problem resolving changes.

Conduct cost analysis studies.

Develop and maintain effective working relationships with individuals and with groups.

Prepare written and oral reports; speak to community groups, news media, and the general public.

Communicate clearly and concisely with the general public and also with representatives from County, State, and Federal agencies.

Administer program budgets.

Supervise professional, technical, and clerical staff.

Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of progressively responsible experience in comprehensive waste management, land use, or environmental planning, including one year in a lead or supervisory capacity.

Education:

Graduation from an accredited college or university with a Bachelor's Degree in Public Administration, Environmental Science, Environmental Engineering, or a related field.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

INDUSTRIAL WASTE SUPERVISOR

DEFINITION

Leads the activities of the Industrial Waste Division and Industrial Pretreatment Program. Provides technical guidance and supervision to Industrial Waste Inspectors. Plans, directs, reviews, and evaluates the activities of field technicians. Performs expert inspection on industrial, commercial, and residential discharges to the sewage and storm drain system. Does related work, as required. This is a highly technical and responsible regulatory position involving work independent of close supervision.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent. Exercises direct supervision over Industrial Waste Inspectors.

EXAMPLES OF DUTIES

Duties may include, but are not limited to, the following:

Provides technical guidance and supervision of Industrial Waste Inspectors in support of programs associated with the Pretreatment Program.

Provides review and development of plans and audits to minimize wastewater flow and loading.

Responds to emergency situations involving actual or suspected improper industrial waste discharge, chemical and/or industrial waste violations, and assists in coordinating actions to remedy the situation.

Oversees groundwater discharges to wastewater, and associated permitting processes.

Prepares data for entry into data processing systems.

Provides field expertise in inspection of point and non-point sources and discharges, sampling of industrial wastewater, and field measurements of industrial wastewater flows.

Assists the Deputy Director in the implementation of a grease trap ordinance, and ensures and monitors the ongoing inspection of grease traps of restaurants and businesses.

Investigates reports of illegal discharges and/or dumping of toxic substances into sewers and storm drains.

EXAMPLES OF DUTIES (Continued)

Implements illicit connection prevention program for pretreatment and non-point source programs.

Assists the Water Quality Control Superintendent in the instruction and training of subordinate personnel including the techniques of meter reading, sampling, inspecting, safety, and emergency procedures governing implementation and enforcement of pretreatment regulations.

Serves as the City's Pretreatment Program representative for subjects relating to pretreatment, and non-point source issues.

Initiates legal procedures, in conjunction with violations of Federal, State, and local regulations.

Resolves problems between City and industries related to wastewater discharges and fees.

Supervises storm water monitoring program; monitors storm water discharges from permitted industries for compliance with State permit.

Conducts illicit discharge and illegal dumping prevention program for storm water system.

Monitors water quality of storm water system.

Implements safety rules, regulations, and emergency procedures.

Initiates and prepares special studies and reports.

Assists the Water Quality Control Superintendent with the review and development of industrial waste discharge limits.

May act as an expert witness in court appearances.

Performs other duties as required.

QUALIFICATIONS

Knowledge of:

Modern principles and practices of chemistry, biology, ecology, or geology, as applied to wastewater, industrial wastes, or storm water.

Methods of detection of industrial wastes and effects of wastes on treatment plants and collection systems.

QUALIFICATIONS (Continued)

Knowledge of:

Non-point sources problems and methods of detection, and effects of such problems on collection systems and receiving waters.

Biological treatment processes.

Wastewater sampling techniques and flow measurement techniques.

Procedures associated with hazardous materials clean-up.

Federal, State, and local regulations regarding wastewater and storm water discharges, and the industrial pre-treatment program.

National Pollutant Discharge Elimination System (NPDES).

Confined space entry procedures.

Ability to:

Direct the activities of para-technical personnel.

Work in, with, and around wastewater, industrial wastes, and hazardous substances.

Interpret and apply Federal, State, and local rules, regulations, and standards.

Show proficiency in the use of computer systems and laboratory equipment.

Sample wastewater and discharges of suspected industrial wastes.

Create professional business correspondence, memoranda, reports, and other documentation associated with this classification.

Deal tactfully and effectively with the public and other City employees, individually and in groups.

Work in the immediate vicinity of laboratory chemicals and reactive agents used to analyze suspected industrial wastes.

Respond to emergencies associated with industrial wastes at any time of the day or night.

Perform work in the field; lift and carry sampling equipment, and perform flow metering studies.

QUALIFICATIONS (Continued)

Ability to:

Safely remove and replace up to 100-110 pound manhole covers (20-25 pounds with a 3.2 lifting device).

Work well under pressure.

Wear a respirator or breathing apparatus, and protective clothing and equipment, as needed.

Educate industries on matter of wastewater discharges and the disposition of industrial wastes.

Work in the field without close supervision.

Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in an industrial pretreatment program with a regulatory agency, with at least two years at the level of Industrial Waste Inspector, including one year of supervisory experience.

Education:

Equivalent to graduation from an accredited college or university with a Bachelor's Degree in chemistry, microbiology, environmental science, environmental engineering, biology, sanitary engineering, or a related field.

License or Certificate:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

California Water Pollution Control Association (CWPCA) Grade I Industrial Waste Certificate. An Industrial Pretreatment Inspector Certification is desirable.

FLEET MANAGER

DEFINITION

The Fleet Manager will direct, manage, and organize a fleet management program, including procurement, utilization, repair, operation, budget, cost allocation, fueling, maintenance, and disposition of all City vehicles, heavy and specialized equipment; and perform related work, as assigned.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by a Deputy Director of Public Works; responsibilities include direct and indirect supervision of Equipment Supervisors, Mechanics, and other support staff involved in maintenance and repair operations of City owned facilities.

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

Develops and administers operating procedures for the work unit.

Assists a Deputy Director of Public Works in the development and implementation of goals, objectives, policies, and priorities of the fleet operation.

Develops and administers a computer-based vehicle replacement and rental program to ensure the fleet is kept in good working order and vehicles are replaced on a reasonable schedule.

Develops and administers a fuel usage/consumption computer-based program to ensure accurate monitoring of City-wide fuel usage.

Develops and implements plans to meet environmental goals, including introduction and evaluation of alternative fueled vehicles.

Develops and manages a computer-based preventative maintenance program to ensure effective maintenance of inventory and tracking of vehicle history.

Maintains Federal, State, and Local regulations for the storage, handling, and usage of hazardous materials and hazardous waste.

Initiates new and innovative maintenance programs to improve service to departments and ensure efficient equipment use, including training for equipment operators.

Plans and directs the activities of departmental employees engaged in analyzing defective equipment, as well as repairing, adjusting, servicing, and storing City vehicles.

Analyzes and monitors vehicle expenditures for all City departments making recommendations regarding the use and purchase of new vehicles.

EXAMPLES OF DUTIES (Continued)

Develops and administers a vehicle abuse control program and a vehicle collision prevention program.

Develops proposals for, and recommends improvements to, fleet maintenance facilities.

Conducts cost effective procurement, resource utilization, budget, and project cost analysis.

Prepares and presents reports to the City Council.

Prepares monthly and annual cost and operation reports.

Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

Professional and technical aspects of fleet management.

Current trends and technological developments pertaining to procurement (includes equipment specifications), utilization, operation, budget, cost allocation, usage of alternative fuels, and fueling maintenance.

Principles and practices of public administration, organization, including personnel and fiscal administration.

Business practices applicable to fleet management, including systems analysis, computer utilization, financial record keeping, and management.

Principles of supervision, training, and performance evaluation.

Principles and practices of automotive repair shop management for automotive, heavy equipment, and buses.

Laws and regulations pertinent to safety and environmental concerns.

QUALIFICATIONS (Continued)

Ability to:

Develop, plan, organize, and manage a complex centralized fleet management program including sedans, trucks, heavy equipment, buses, and other equipment.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted during the course of work.

Manage a comprehensive information system for internal auditing, billing, fueling, and equipment management.

Prepare and administer a budget.

Implement vehicle replacement policies and develop and manage a preventative maintenance program.

Plan, organize, evaluate, train, and supervise the activities of specialized and technical employees.

Analyze administrative and technical problems and make policy and procedural recommendations for their solution.

Prepare comprehensive reports of equipment management activities and costs.

Plan, direct, and coordinate the work of others.

Make presentations to the City Council.

Exercise independent judgment within general policy guidelines.

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 AND TRAINING GUIDELINES (Continued)

Experience:

Five years of experience in a responsible management position administering a fleet management operation including the purchase, replacement, maintenance, and disposition of heavy trucks, equipment, and passenger vehicles, three years of which must include supervisory duties.

Training:

Equivalent to a Bachelor's Degree in Public Administration, Business Administration, or a directly related field is desirable.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

WATER SUPERINTENDENT

DEFINITION

To manage, direct, and coordinate the activities of the Water Division of the Public Works and Transportation Department, including water production maintenance, repair, and reconstruction work; to coordinate water related activities with other divisions and departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from a Deputy Director of Public Works. Exercises direct supervision over supervisory, maintenance, and clerical staff.

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

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products and productivity, methods, and procedures.

Assist in the preparation of the organization's operating and capital improvement budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Manage, direct, and organize a program of water production, treatment, and distribution activities.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

EXAMPLES OF DUTIES (Continued)

Receive, investigate, and respond to citizen requests, suggestions, and complaints.

Coordinate organization's activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Deputy Director of Public Works; prepare and present staff reports and other necessary correspondence.

Inspect and monitor the water production and distribution system for needed maintenance and repairs.

Inspect work sites before, during, and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise safety program; coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Prepare various reports and direct special projects as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, and equipment used in water production and distribution maintenance and repair activities.

Principles and practices of supervision, training, and personnel management.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in a water system maintenance and repair program.

Occupational hazards and standard safety precautions necessary in the work.

Record keeping and reporting procedures.

QUALIFICATIONS (Continued)

Water quality regulations pertaining to storm water management: National Pollutant Discharge Elimination System (NPDES) Storm Water Permit regulations, and Underground Injection Control regulations.

Ability to:

Organize, direct, and implement a comprehensive water system maintenance program.

Conduct studies, prepare comprehensive reports, and determine cost effective ways for conducting the assigned maintenance activities.

Supervise, train, and evaluate assigned staff.

Prepare and administer a budget.

Interpret and apply Federal, State, and local policies, procedures, laws, and regulations.

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:

Five years of increasingly responsible experience performing water production, treatment, and distribution maintenance work, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, chemistry technology, personnel supervision, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

American Water Works Association (AWWA) Grade 2 Water Distribution System Certification is desirable.

WASTEWATER COLLECTIONS SUPERINTENDENT

DEFINITION

To manage, direct, and coordinate the activities of the Wastewater Collections Division of the Public Works and Transportation Department, including maintenance, repair, and reconstruction work; to coordinate collection related activities with other divisions and departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from a Deputy Director of Public Works. Exercises direct supervision over supervisory, maintenance and clerical staff.

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

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products, methods, and procedures.

Coordinate organization's activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Deputy Director of Public Works; prepare and present staff reports and other necessary correspondence.

Assist in the preparation of the organization's budget and Capital Improvement Program; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Manage, direct, and organize a program of wastewater and storm water collection activities, including collection system maintenance, and pump station maintenance.

EXAMPLES OF DUTIES (Continued)

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

Receive, investigate, and respond to citizen requests, suggestions, and complaints.

Inspect and monitor the wastewater and storm water collection systems for needed maintenance and repairs.

Inspect work sites before, during, and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise organization's safety program; coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Prepare various reports and direct special projects as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, and equipment used in wastewater and storm water collection systems, including rockwell drainage systems and catchbasins in the positive storm drain system.

Principles and practices of supervision, training, and personnel management.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in a collection system maintenance and repair program.

Occupational hazards and standard safety precautions necessary in the work.

Record keeping and reporting procedures.

Regulations pertaining to storm water management: National Pollutant Discharge Elimination System (NPDES) Storm Water Perrmit regulations, and Underground Injection Control regulations.

QUALIFICATIONS (Continued)

Ability to:

Organize, direct, and implement a comprehensive wastewater collection maintenance program.

Supervise, train, and evaluate assigned staff.

Prepare and administer a budget.

Conduct studies, prepare comprehensive reports, and determine cost effective ways for conducting the assigned maintenance activities.

Interpret and apply applicable Federal, State, and local policies, procedures, laws, and regulations.

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:

Five years of increasingly responsible experience performing wastewater and storm water collection system maintenance work, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology, personnel supervision, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

California Water Pollution Control Association (CWPCA) Grade 2 Wastewater Collection System Certification is desirable.

JUNIOR CIVIL ENGINEER
ASSISTANT CIVIL ENGINEER

DEFINITION

To perform professional and technical engineering work in assigned areas of responsibility such as plan and development review, contract administration, design, investigation, and construction of public works projects.

DISTINGUISHING CHARACTERISTICS

Junior Civil Engineer - This is the entry level class in the Civil Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a professional engineer.

This class is distinguished from the next higher level of Assistant Civil Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Civil Engineer - This is the second level in the Civil Engineer series. Incumbents in this class are expected to perform a wide variety of professional engineer work of average difficulty. Assistant Civil Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of a professional engineer.

This class is distinguished from the Associate level of Civil Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Civil Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

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

Prepares calculations, cost estimates, and contract drawings and specifications for public works projects on facilities such as buildings, bridges, roads, utility lines, aqueducts, conduits, sewer lines, wastewater facilities, water pump stations and water lines, and similar public works infrastructure.

Assists in reviewing plans, cost estimates, and specifications of other staff, agencies and private developers for conformance with City standard specifications.

Prepares profiles and cross sections and computes stresses and strains; makes foundation studies and lays out water mains, sewers, wastewater plants and drainage systems.

Reviews the work of field survey parties in the making of plans, maps, charts, and diagrams.

Checks subdivision and building plans for compliance with established requirements.

May prepare and check legal descriptions for deeds, easements, and rights-of-way.

May assist in gathering and analyzing data concerning rainfall, runoff, stream flow, water level, water quality, and ground water infiltration.

Reviews routine field and laboratory tests of construction materials; writes memoranda and reports.

Performs engineering design on computer applications and draws plans on CAD systems.

May coordinate engineering projects between contractors and the City.

Performs complex engineering calculations and field inspections.

Assigns work, provides instruction and training, and assists in performance evaluation of subordinate personnel.

Provides engineering data and cost estimates for the City budget.

Checks and analyzes Environmental Impact Reports and other CEQA documents.

Responds to citizen complaints concerning engineering problems.

EXAMPLES OF DUTIES (Continued)

Administers and enforces City codes and standards on engineering projects.

Prepares permit applications to various regulatory agencies related to Public Works projects.

Performs complex engineering calculations.

Checks private building plans for compliance with City building codes and ordinances.

Conducts feasibility studies and planning for water line and sewer line extensions.

Assists in developing Master Plans for sewer collection, storm drain collection, inside Water Treatment Plant and water distribution system.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Performs health related investigations, studies, and other engineering and regulatory activities involving domestic water supply, sewage treatment systems, sewage collection, and disposal systems.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Knowledge of statistics and advance mathematics, including algebra and analytic geometry.

Topographic and construction surveying, stress analysis, analytical mechanics and the strength, properties, and uses of construction materials.

Common methods and equipment utilized in engineering construction and of inspection methods used in reviewing such work.

Real property descriptions.

Civil engineering design and drafting methods and equipment.

QUALIFICATIONS (Continued)

Knowledge of:

Principles and practices of engineering as applied to public works or structural engineering.

Modern developments, current literature, and sources of information regarding engineering.

Learn the use of Computer Assisted Drafting and Design (CAD) software/hardware, and other engineering related software.

IN ADDITION TO THE KNOWLEDGES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Knowledge of:

Pertinent Federal, State, and local rules, regulations, and ordinances.

Ability to:

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Use drafting instruments and ensure proper maintenance thereof.

Use and maintain Computer Assisted Design and Drafting systems.

Develop and maintain effective working relationships with all levels of representatives from governmental and private agencies, construction and consultant contractors, co-workers, and the public.

Communicate clearly and concisely, both orally and in writing.

IN ADDITION TO THE ABILITIES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Ability to:

Learn and apply City engineering policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to prepare, understand, and interpret engineering construction plans, specifications, and other contract documents.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: JUNIOR CIVIL ENGINEER

None required.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil engineering, OR possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

Experience: ASSISTANT CIVIL ENGINEER

One year of directly related engineering experience and possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field. Possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

License or Certificate: (Both)

Possession of, or the ability to obtain, a valid California driver's license.

ASSOCIATE CIVIL ENGINEER

DEFINITION

To supervise and perform responsible professional field and office engineering work in connection with the location, design, construction, and maintenance of public works; and to participate in a variety of services and special studies requiring the application of professional knowledge and skills.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering staff. Exercises functional and technical supervision over assigned engineering staff.

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

Supervise and perform engineering design calculations for buildings, water lines, sewer lines, pump stations, roads, storm drains, and other on-site improvements.

Review and check residential and commercial building plans or pumps related to structures such as streets, sidewalks, gutters, and other offsite construction; check plans for conformance with Federal, State, and local regulations including line, grade, size, elevation, and location of structures; check calculations.

Maintain records of all plans and contract documents; prepare and maintain records of plan checking procedures.

Conduct feasibility studies and planning for water line and sewer line extensions.

Investigate field problems affecting property owners, contractors, and maintenance operations.

Coordinate activities with consultants, engineers, developers, contractors, other City departments and divisions, and with outside agencies.

Develop plans, specifications, and other contract documents.

Plan, prepare, and design a variety of engineering projects such as roads, water lines, pump stations, sewer lines, storm facilities and other storage tanks, structures, and pumps.

EXAMPLES OF DUTIES (Continued)

Provide technical and professional engineering support services relative to assigned area of responsibility.

Prepare special engineering studies and reports; perform special assignments on engineering problems as necessary.

Calculate the quantity, quality, and cost of materials used for various projects.

Supervise, coordinate, and direct the activities of plan checking such as permits, preparing and maintaining records of plans and documents.

Assign, schedule, coordinate and review the work and projects of engineering staff; provide training and technical assistance as required.

Resolve work problems and interpret administrative policies to engineering staff, other departments, consultants, contractors, and the general public.

Review and check plans of consulting engineers, architects, and private contractors; make technical engineering decisions and establish technical criteria.

Provide information to the public; respond to and resolve citizen inquiries and complaints.

Perform health related investigations, studies, and other engineering and regulatory activities involving domestic water supply, sewage treatment systems, sewage collection, and disposal systems.

Make and check engineering calculations, designs, drawings, and other engineering documents.

Enforce a wide variety of regulations and laws pertaining to public health.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Prepare plans and specifications, maps, deeds, and legal descriptions.

Participate in the preparation of a budget.

Coordinate Capital Improvements Program submittals.

EXAMPLES OF DUTIES (Continued)

May act as Division Chief as required.

Prepare and coordinate regulatory permits related to Public Works projects.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of civil engineering.

Pertinent Federal, State, and local rules, regulations, and ordinances.

Methods, materials, and techniques used in the construction of private and public works projects.

Modern developments, current literature, and sources of information regarding civil and structural engineering.

Principles of advanced mathematics and their application to engineering work.

Applicable laws and regulatory codes relevant to assigned area of responsibility.

City engineering policies and procedures.

Computer Assisted Drafting and Design software.

Ability to:

Prepare plans and drawings neatly and accurately, using Computer Assisted Drafting and Design.

Make engineering design computations and check, design, and prepare engineering plans and studies.

Learn and apply City engineering policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to prepare, understand, and interpret engineering construction plans, specifications, and other contract documents.

QUALIFICATIONS (Continued)

Ability to:

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Perform technical research and solve engineering problems.

Conduct comprehensive engineering studies and prepare reports with recommendations.

Supervise and train assigned staff.

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 performing the duties of Assistant Civil Engineer in the City of Modesto.

OR

Three years of increasingly responsible experience in professional civil engineering.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate:

Possession of a Certificate of Registration as a professional civil engineer in the State of California.

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-592

A RESOLUTION AMENDING EXHIBIT "G" 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".

WHEREAS, on July 9, 1991, the City Council adopted 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", and

WHEREAS, on February 4, 1992, the City Council adopted Resolution No. 92-62 which amended Exhibit G of Resolution No. 91-464 to change the title of Word Processing System Supervisor, at salary range 423, to Systems Analyst on the Class Range Table, and

WHEREAS, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, and

WHEREAS, said recommendations included in part creation of new job classifications, amendments of some existing classifications and elimination of others, and

WHEREAS, the Council desires to implement certain changes to accommodate a portion of said audit,

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 20, 1992," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" revises class specifications for Assistant Civil Engineer at salary range 433 and Associate Civil Engineer at range 439, and adopts class specifications for Administrative Services Officer at range 435, Laboratory Supervisor at range 433, Integrated Waste Specialist at range 435, Industrial Waste Supervisor at range 432, Junior Civil Engineer at range 430, Fleet Manager at range 441, Water Superintendent at range 441, and Wastewater Collections Superintendent at range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, 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*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 20, 1992

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	

Exhibit "G"

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 20, 1992

RANGE	TITLE
420	Worker's Compensation Claims Representative Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary
421	
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 20, 1992

RANGE	TITLE
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 Assistant Traffic Engineer Industrial Waste Supervisor
433	Assistant Civil Engineer Laboratory Supervisor
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II Land Surveyor

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 20, 1992

RANGE	TITLE
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Public Services Supervisor Budget Officer Financial Analyst Administrative Services Officer Integrated Waste Specialist
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
440	Principal Accountant Purchasing Officer
441	Community Development Program Manager Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Maintenance Supt. Parking & Traffic Supt. Parks Maintenance Supt. Risk Manager Assistant Personnel Director Recreation Superintendent Golf Superintendent Fleet Manager Wastewater Collections Superintendent Water Superintendent

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 20, 1992

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-593

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RALPH LOZANO FROM THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD, EFFECTIVE OCTOBER 20, 1992

WHEREAS, Ralph Lozano was appointed a member of the Downtown Improvement District Advisory Board on January 5, 1988; and

WHEREAS, Ralph Lozano has tendered his resignation from the Downtown Improvement District Advisory Board, effective October 20, 1992; and

WHEREAS, Ralph Lozano 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 Ralph Lozano from the Downtown Improvement District Advisory Board 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 Ralph Lozano 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 20th day of October, 1992, 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: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-594

A RESOLUTION APPOINTING MANUEL GONSALVES 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:

Manuel Gonsalves

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to 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 20th day of October
19 92, 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*
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 92-595**
(Authorizing Resolution)

**BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
RELATING TO THE FINANCING OF A PROJECT AT THE HEALTH
FACILITIES OF MEMORIAL HOSPITALS ASSOCIATION**

RESOLVED, by the City Council of the City of Modesto, California (the "City"), as follows:

WHEREAS, the City, a municipal corporation and charter city, is authorized and empowered by the provisions of the City of Modesto Health Facilities Financing Law (constituting Chapter 4 of Title VIII of the Modesto Municipal Code) (the "Law") to issue revenue bonds to finance construction, expansion, remodeling, renovation, furnishing, equipping, and acquisition of health facilities operated by participating health institutions (including by reimbursing expenditures made or refinancing indebtedness incurred for such purpose);

WHEREAS, Memorial Hospitals Association (the "Corporation") has applied to the City for the issuance of its health facility revenue bonds on behalf of the Corporation in an aggregate principal amount not to exceed twenty-one million dollars (\$21,000,000) for the purpose of providing financing for (a) the refunding and defeasance of the City's Health Facility Revenue Bonds (Memorial Hospitals Association), 1988 Series A (the "1988 Bonds"), the proceeds of which were used to make a loan to the Corporation to finance certain improvements to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, and (b) to provide for the acquisition from Memorial Hospital Foundation of its interest in the Advanced Medical Diagnostic Center building, located on the campus of the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, which provides magnetic resonance imaging, cardiac catheterization, cardiology, myelography and angiography services; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the terms of the issuance and sale of such revenue bonds;

NOW, THEREFORE, it is hereby DETERMINED, as follows:

Section 1. Pursuant to the Law, revenue bonds of the City designated as the "City of Modesto Health Facility Revenue Bonds (Memorial Hospitals Association), 1992 Series A" (the "Bonds"), in an aggregate principal amount not to exceed twenty-one million dollars (\$21,000,000), for the purposes described above, are hereby approved and authorized to be issued.

Section 2. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to sell the Bonds, at any time within one year of the adoption of this Resolution, at public or private sale, in such aggregate amount and at such price and at such interest rate or rates as he, with consent of the Corporation, may determine, and upon such terms and conditions as he, with the consent of the Corporation, may determine.

Section 3. The proposed form of first supplemental loan agreement relating to the Bonds, by and between the City and the Corporation, supplemental to that certain Loan Agreement, dated as of June 1, 1991, by and between the City and the Corporation (the "First Supplemental Loan

Agreement”), as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver to the Corporation a First Supplemental Loan Agreement in substantially said form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by execution and delivery thereof.

Section 4. The proposed form of first supplemental indenture of trust relating to the Bonds, between the City and U.S. Trust Company of California, N.A., as trustee (the “Trustee”), supplemental to that certain Indenture of Trust, dated as of June 1, 1991, by and between the City and the Trustee (the “First Supplemental Indenture”), as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver a First Supplemental Indenture in substantially the form presented to this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof. The date, maturity dates, interest rate or rates, interest payment dates, denominations, forms, registration privileges, place or places of payment, terms of redemption and other terms of the Bonds shall be as provided in said Indenture as finally executed.

Section 5. The proposed form of escrow deposit and trust agreement, relating to the defeasance of the 1988 Bonds, by and among the City, the Corporation and the Trustee, as successor trustee for the 1988 Bonds and as escrow bank, dated the date of delivery of the Bonds (the “Escrow Agreement”), as presented to this meeting, be and the same is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute an Escrow Agreement in substantially the form presented at this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof

Section 6. The proposed form of bond purchase contract, between A.G. Edwards & Sons, Inc., as representative of the underwriters (the “Underwriter”), and the City, approved by the Corporation (the “Bond Purchase Contract”), as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute a Bond Purchase Contract in substantially the form presented at this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 7. The City Council hereby approves the Preliminary Official Statement describing the financing, in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director . The City Council authorizes and directs the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director, on behalf of the City, to deem “final” pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the “Rule”) the Preliminary Official Statement prior to its distribution by the Underwriter.

Section 8. The Underwriter, on behalf of the City, is authorized and directed to cause the Preliminary Official Statement be distributed to such municipal bond broker-dealers, to such banking institutions and to such other persons as may be interested in purchasing the Bonds therein offered for sale.

Section 9. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the “Final Official Statement”) and to execute said Final Official Statement, dated as of the date of the sale of the Bonds, and a statement that the facts relating to the City contained in the Final Official Statement, and any

supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Bonds, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Bonds, and does not, as of the date of delivery of the Bonds, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the final Official Statement, which shall include such changes and additions thereto deemed advisable by the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Final Official Statement by the City.

Section 10. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Bonds.

Section 11. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal of the City shall be affixed thereon (or a facsimile reproduced thereon) and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with said Indenture.

Section 12. The Bonds, when so executed, shall be delivered to the Trustee for authentication by the Trustee. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's Certificate of Authentication appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the purchaser thereof in accordance with written instructions executed on behalf of the City by the Finance Director or any person designated by the Finance Director, which instructions said officers are hereby authorized and directed, for and on behalf of the City, to execute and deliver to the Trustee. Said instructions shall provide for the delivery of the Bonds to the purchaser thereof, upon payment of the purchase price thereof.

Section 13. The City Clerk is hereby authorized and directed to attest the signature of the Finance Director or any person designated by the Finance Director and to affix and attest the seal of the City as may be required in connection with the execution and delivery of the First Supplemental Indenture, the First Supplemental Loan Agreement, the Bond Purchase Contract, the Official Statement and the Bonds in accordance with this Resolution.

Section 14. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated thereby.

Section 15. This Resolution shall take effect upon its adoption by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Dobbs, 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, and in favor thereof: Council Members	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Council Members	None
ABSENT: Council Members	Friedman

ATTEST: *Marianne Cogh*
City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael Millich*
MICHAEL MILLICH, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 92- 596
(TEFRA Resolution)**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING THE ISSUANCE OF REVENUE BONDS AND THE LOAN OF THE
PROCEEDS THEREOF TO MEMORIAL HOSPITALS ASSOCIATION**

RESOLVED, by the City Council of the City of Modesto, California (the "City"), as follows:

WHEREAS, the City, a municipal corporation and charter city, is authorized and empowered by the provisions of the City of Modesto Health Facilities Financing Law (constituting Chapter 4 of Title VIII of the Modesto Municipal Code) (the "Law") to issue revenue bonds to finance construction, expansion, remodeling, renovation, furnishing, equipping, and acquisition of health facilities operated by participating health institutions (including by reimbursing expenditures made or refinancing indebtedness incurred for such purpose);

WHEREAS, Memorial Hospitals Association (the "Corporation") has applied to the City for the issuance of its health facility revenue bonds on behalf of the Corporation in an aggregate principal amount not to exceed twenty-one million dollars (\$21,000,000) for the purpose of providing financing for (a) the refunding and defeasance of the City's Health Facility Revenue Bonds (Memorial Hospitals Association), 1988 Series A, the proceeds of which were used to make a loan to the Corporation to finance certain improvements to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, and (b) to provide for the acquisition from Memorial Hospital Foundation of its interest in the Advanced Medical Diagnostic Center building, located on the campus of the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, which provides magnetic resonance imaging, cardiac catherization, cardiology, myelography and angiography services; and

WHEREAS, section 147(f) of the Internal Revenue Code of 1986 requires the City Council, as the duly elected representative of the City, to approve the issuance of such revenue bonds after a public hearing following reasonable notice;

WHEREAS, the City Council has, on the date hereof, held a public hearing following duly published notice thereof, and all persons desiring to be heard have been heard;

WHEREAS, this resolution constitutes action giving approval for the issuance of the Bonds; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds;

NOW, THEREFORE, it is hereby ORDERED AND DETERMINED, as follows:

Section 1. The issuance of the Bonds in the maximum aggregate principal amount of \$21,000,000 for the purposes described above, is hereby approved.

Section 2. This Resolution shall take effect upon its adoption by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Dobbs, 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, and in favor thereof: Council Members	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Council Members	None
ABSENT: Council Members	Friedman

ATTEST: *Merrin Boyle*
City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael Millich*
MICHAEL MILLICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-597

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING, INC. FOR THE ROBERTSON ROAD NEIGHBORHOOD PARK PROJECT

WHEREAS, Resolution No. 92-488 , adopted by the Council of the City of Modesto on October 1 , 1992, approved the plans and specifications for the Robertson Road Neighborhood Park project

and authorized the calling for bids; and

WHEREAS, the bids received for the Robertson Road Neighborhood Park project

were opened at 11:00 a.m. on October 1, 1992, 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 Grover Landscaping, Inc. in the amount of \$252,430.64

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Grover Landscaping, Inc. in the amount of \$252,430.64 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 October 1992, 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

Lark

MODESTO CITY COUNCIL
RESOLUTION 92-598

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO TRANSFER AND CONSOLIDATE FUNDS FOR THE ROBERTSON ROAD NEIGHBORHOOD PARK-PARTIAL PHASE I DEVELOPMENT.

WHEREAS, this project will regrade the earth, and install the underground utilities and landscaping for the new Robertson Road Park located at the Southwest corner of Red Pine Drive and Hammond Street.

WHEREAS, this project was partially budgeted last year in account 140-310-B014, also the street improvements for this park were budgeted last year in account 140-310-B022.

WHEREAS, this project is anticipated to cost more than originally anticipated, it is now necessary to provide additional funding, savings in the Street improvement account as well as three other projects provides the additional funding.

WHEREAS, for ease of accounting of this project, it is also necessary to consolidate this year's allocation with last years.

THEREFORE, the following adjustments are necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)		
Fund/Agy/Organization		Increase (Decrease)
Expenditures		
130-310-P346-6010	Standiford Neighborhood Park Booster Pump	\$(353)
130-310-P346-6070	Standiford Neighborhood Park Booster Pump	(9,000)
130-700-7000-7140	Transfer out to fund 140	9,353

PARKS FUND (140)		
Fund/Agy/Organization		Increase (Decrease)
Expenditures		
140-310-C569-6040	Robertson NBH Park-Partial Phase I	132,062
140-310-B022-6040	Robertson NBH Park-Street Impts	(31,487)
140-310-B014-6040	Robertson NBH Park-Partial Phase I	(82,410)
140-310-B014-6060	Robertons NBH Park-Partial Phase I	(2,550)
140-310-B023-6040	Pesticide Storage Container	(3,006)
140-310-B023-6060	Pesticide Storage Container	(921)
Revenues		
140-700-7000-9130	Transfer In from fund 130	9,353
140-700-7000-9150	Transfer In from fund 150	2,335

PARK AND RECREATION FACILITIES FUND (150)		
Fund/Agy/Organization		Increase (Decrease)
Expenditures		
150-310-P962-6060	Sonoma NBH Park	(2,335)
150-700-7000-7140	Transfer out to fund 140	2,335

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 October, 1992, 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, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-599

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PROJECT NO. 19 - REPLACEMENT OF CURB, DRIVE APRONS, AND SIDEWALKS AT VARIOUS LOCATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Director of Public Works that the construction of Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations has been completed by W.S. Bennett Construction, Inc. in accordance with the contract agreement dated February 18, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations be accepted from said contractor, W.S. Bennett Construction, Inc.

;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$91,783.52 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 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, w hich 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
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-600


A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHNNIE F. LAU TO PROVIDE PROPERTY OWNER WITH FUNDS TO REPAIR REAL PROPERTY UNDER THE RENTAL REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Johnnie F. Lau to provide property owner with funds to repair real properties located at 2128 Palisades Avenue, No. 3; 2129 Palisades Avenue, No. 1; 2129 Palisades Avenue, No. 4; 2204 Palisades Avenue, No. 3; 2408 Yorkton Avenue, No. 2; 2408 Yorkton Avenue No. 3; and 2409 Yorkton Avenue No. 4, under the Rental Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-601

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR THE PROVISION OF D.A.R.E. CLASSES AT ITS K-8 SCHOOLS FOR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools for the provision of D.A.R.E. classes at its K-8 schools for 1992-93

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October , 1992, 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

A TTEST:



NORRINE COYLE, City Clerk

Cerk

MODESTO CITY COUNCIL
RESOLUTION 92-602

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO DECREASE THE D.A.R.E. REIMBURSEMENT REVENUE AND INCREASE THE DONATIONS REVENUE.

WHEREAS, the Modesto City Schools had executed a D.A.R.E. contract with the City of Modesto for the provision of D.A.R.E. classes at its K-8 schools for the 1992-93 school year. The schools were to reimburse the City \$89,166 for officer's time.

WHEREAS, on September 30, 1992, Modesto City Schools sent a memorandum stating that it was exercising its option to terminate the contract. A new contract, calling for Modesto City Schools to pay \$64,500 was attached to the September 30, 1992 memorandum. The shortfall is \$24,666 .

WHEREAS, the Police Department does not want to scale back the D.A.R.E. classes at this time, as it would be disruptive to the many children currently participating in the classes.

WHEREAS, the Police Department feels this revenue can be recovered with increased D.A.R.E. donations.

THEREFORE, the following adjustments are necessary:

GENERAL FUND (010)

Fund/Agy/Organization	Increase (Decrease)
Revenues	
010-190-1911-3729 D.A.R.E. Reimbursement	\$ (24,666)
010-190-1911-8107 Donations (D.A.R.E.)	\$ 24,666

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 October, 1992, 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, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

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MODESTO CITY COUNCIL,
RESOLUTION NO. 92-603

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GREYHOUND LINES, INC. FOR THE LEASE OF A PORTION OF MODESTO TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Greyhound Lines, 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 27th day of October, 1992, 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

A TTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-604

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR RUDY BONZI, INC. REQUESTING A NEW TEN YEAR LICENSE FOR COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 24, 1992, 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 Rudy Bonzi, Inc.'s request for new ten year license for collection of 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 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratpre, 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. 92-605

A RESOLUTION ACCEPTING THE RESIGNATION OF LAURANCE A. MARTIN FROM THE GENERAL PLAN STEERING COMMITTEE

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

WHEREAS, Laurance Martin has tendered his resignation from the General Plan Steering Committee, effective October 27, 1992.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-606

A RESOLUTION APPROVING THE REQUEST BY KOSO, INC. FOR DIRECT CITY ASSISTANCE FOR A CHRISTMAS PARADE TO BE HELD ON DECEMBER 5, 1992, IN THE CITY OF MODESTO.

WHEREAS, KOSO, Inc., which operates KO93 FM radio in Modesto, by letter dated July 24, 1992, has requested Direct City Assistance to hold a Christmas Parade on December 5, 1992, in the City of Modesto, and

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

WHEREAS, the Council referred the matter to the Financial Policy Committee, and

WHEREAS, at its meeting of October 14, 1992, the Financial Policy Committee reviewed the budget and by a report dated October 22, 1992, recommended to the Council that the Council authorize support for the request, with City expenditures not to exceed \$1,600, and that such funds be appropriated from account 010-360-3622-1000, and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to KOSO, Inc., as recommended by the Financial Policy Committee, to hold a Christmas Parade to be held on December 5, 1992, in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of KOSO,

Inc., to hold a Christmas Parade to be held on December 5, 1992, subject to the following conditions:

1. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 9:00 a.m. for use for the parade on Saturday, December 5, 1992, and will remove said reviewing stand thereafter.

2. The following parade route is approved as the parade route to be used on Saturday, December 5, 1992, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and "F" Streets, north on 10th Street to "I" Street, east on "I" Street to 17th Street; then dismantle.

3. The City Public Works and Transportation Department will supply a street sweeper for the parade.

4. The City of Modesto will provide two (2) Equestrian Police Officers, ten (10) Reserve Officers, and nine (9) Motor Officers to maintain traffic control along the parade route.

5. The City Public Works and Transportation Department will provide two hundred (200) barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

6. KOSO, Inc., shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons

or damage to property, which may arise out of or in any way be connected with the KOSO, Inc., parade.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, 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: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-607

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KLEINFELDER, INC. TO PREPARE A TOXIC EMISSIONS INVENTORY REPORT AND TOXIC EMISSION INVENTORY PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kleinfelder, Inc. to prepare a Toxic Emissions Inventory Report and Toxic Emission Inventory 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 3rd day of November , 1992, 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

A TTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-608

A RESOLUTION ACCEPTING THE FRANZIA COURT AND RENO AVENUE; KANSAS AVENUE AND EMERALD; AND DALE ROAD WATERLINES AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the Franzia Court and Reno Avenue; Kansas Avenue and Emerald; and Dale Road waterlines has been completed by Rolfe Construction Company in accordance with the contract agreement dated January 21, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Franzia Court and Reno Avenue; Kansas Avenue and Emerald; and Dale Road waterlines be accepted from said contractor, Rolfe Construction Company

;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$109,799.05 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Friedman, who moved its adoption, w hich 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. 92-609

A RESOLUTION ACCEPTING THE PUMP STATION NO. 20 EMERGENCY GENERATOR SET
ADDITION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and
Transportation that the Pump Station No. 20 emergency generator set
addition
has been completed by Conco West, Inc.
in accordance with the contract agreement dated May 21, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Pump Station No. 20
emergency generator set addition
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 \$78,425 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
November, 1992, by Councilmember Friedman, who
moved its adoption, w hich 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

0003

MODESTO CITY COUNCIL
RESOLUTION NO. 92-610

A RESOLUTION OF INTENTION TO VACATE AND
ABANDON RENO AVENUE STREET RIGHT-OF-WAY
LOCATED BETWEEN KANSAS AVENUE AND THE
NORTHERLY EXTENSION OF FRANZIA COURT AND
RESERVE AN EASEMENT FOR A CITY OF MODESTO
WATER LINE.

WHEREAS, the City Council has received and referred to the Planning Commission a request by Don Baker to vacate and abandon Reno Avenue between Kansas Avenue and the northerly extension of Franzia Court, and

WHEREAS, a title report was submitted with the abandonment request which vests the underlying fee in Reno Avenue in the name of the last owner prior to the subdivision of the land creating Reno Avenue, which upon abandonment would create a free-standing non-conforming parcel, and

WHEREAS, the City will not allow a free-standing non-conforming parcel to be created and has required the proponent of the abandonment to arrange for the transfer of the underlying fee interest to the City, so the City can transfer the underlying fee to the adjoining owners who are proponents of abandonment, and

WHEREAS, the proposed street abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon Reno Avenue between

Kansas Avenue and the northerly extension of Franzia Court were posted in the area and said public hearing was held by the Planning Commission on July 20, 1992, and

WHEREAS, the Planning Commission by Resolution No. 92-28, adopted on July 20, 1992, found and determined as follows:

1. The Reno Avenue street right-of-way between Kansas Avenue and the extension of Franzia Court is unnecessary for present or prospective public vehicular use. The street right-of-way is duplicated by a street to the west, Franzia Court, which contains a more direct alignment with the northerly portion of Reno Avenue, providing a direct route between Woodland and Kansas Avenues.
2. That utility easements will be reserved for all MID irrigation lines as well as all City water lines.
3. The abandonment and vacation of the subject street right-of-way is in conformance with the City of Modesto General Plan.
4. This abandonment and vacation was subject to environmental review by the City of Modesto Environmental Assessment Committee on June 10, 1992, recommending that a Negative Declaration be certified and filed.

and

WHEREAS, the Planning Commission by said Resolution No. 92-28 recommended to the City Council the vacation and abandonment of a portion of Reno Avenue street right-of-way and the reservation of several utility easements within the subject Reno Avenue street right-of-way abandonment located between Kansas Avenue and Franzia Court, subject to the following conditions:

1. An easement for existing utilities shall be reserved as approved by the Modesto Irrigation

District and the City of Modesto.

2. That the abandoned street shall be closed off at Franzia Court and Kansas Avenue with the installation of curb, gutter and sidewalk and/or barricade in conformance with the City of Modesto's Standard Specifications. Signage will be provided at each end of abandoned street right-of-way that indicates "not a public street".
3. A six-foot-high chain-link fence with wood slats shall be installed along the center line of the abandoned street right-of-way from the Franzia Court-Reno Avenue connection south to the westerly extension of the northerly property line of 1233 Kansas Avenue. A fence or barricade shall extend across the width of the north end of the abandoned right-of-way consistent with setback and clear vision standards. A gate may be provided south of the centerline to serve 920 Franzia. A fence or barricade or gate shall extend east along the north property line of 1237 Kansas Avenue to the required fence along the abandoned right-of-way centerline described above. A fence or barricade shall extend west along the north property line of 1233 Kansas Avenue to the required fence along the abandoned right-of-way centerline described above.
4. That prior to the vacation and abandonment of the street by the City Council, the applicant of the abandonment shall post a security with the City in an amount to be determined by the City Engineer to guarantee construction of the required fence and street improvements.
5. That prior to the vacation and abandonment of the street by the City Council, the applicant of the abandonment shall agree in writing to comply with all conditions of abandonment imposed by the City Council. Said agreement shall also specify that the required improvements will be installed within 90 days following final abandonment action by the City Council.
6. When the underlying title of the abandoned street right-of-way is deeded to the City by the heirs of the original subdivider, the City shall quitclaim its interest to adjacent property owners with no cost to the adjacent property owners. The adjacent property owners will receive right-of-

way to centerline of the street.

7. The abandonment of Reno Avenue shall be limited at its southern end to a distance of 35 feet from the centerline of Kansas Avenue.
8. The City Council shall not consider the street abandonment until the underlying title of the abandoned right-of-way has been legally transferred to the City.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court and the reservation of an easement for a City of Modesto water line, subject to the conditions recommended by the Planning Commission and hereinabove set forth. Said proposed vacation and abandonment is more particularly shown on that certain map entitled "Vacate And Abandon Reno Avenue Right Of Way From Kansas Ave. to Franzia Ct." dated October 12, 1992, which is on file in the office of the City Clerk, and more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highways Codes, Sections 8300-8363 and

Public Streets, Highways, and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that November 24, 1992, at the hour of 4:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in The Modesto Bee, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Planning and Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, to be posted conspicuously at each end of Reno Avenue right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of the street proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1992, 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
JUDY C. HALL, Acting City Clerk

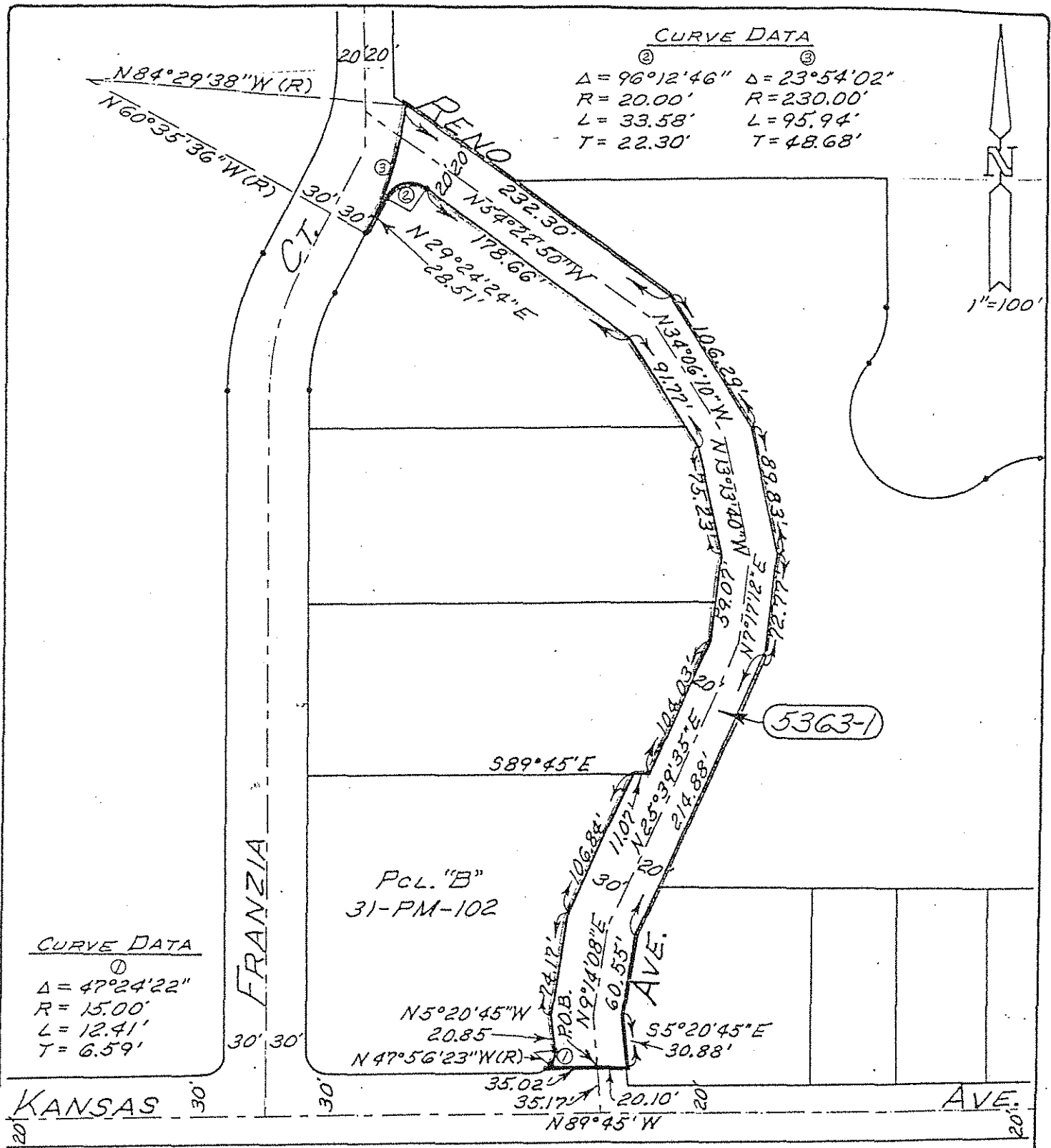
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Christman
Public Works and Transportation
Department, Engineering Services



APPROVED BY:
Kilful

DATE: 10/12/92 R.E. 33655

ASBUILT BY: DATE:

ASBUILT PLOTTED: DATE:

REVISED: DATE:

DATE: Sept, 1992 DRAWN: J. Christiansen

VACATE AND ABANDON
 RENO AVENUE RIGHT
 OF WAY FROM KANSAS
 AVE. TO FRANZIA CT.

CHECKED: D. PHILLIPS

FLD. BK. PG. Bx20-SURVEYS-Pg 20

CITY of MODESTO
 ENGINEERING DEPARTMENT

ACTIVITY NO.

FILE NO. 4-A-759

LD 92-C
Parcel 5363-1

VACATE AND ABANDON RENO AVENUE RIGHT-OF-WAY FROM
KANSAS AVENUE TO FRANZIA COURT

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North 5°20'45" West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North 89°45'00" West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North 47°56'23" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 47°24'22" and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North 5°20'45" West, 20.85 feet; thence continuing along said Eastern boundary of Parcel "B" the following courses: North 9°14'08" East, 74.17 feet, and North 25°39'35" East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South 89°45'00" East, 11.07 feet, to a point on a Western line of 40.00 Reno Avenue; thence along said Western and Southwestern lines of Reno Avenue the following courses: North 25°39'35" East, 104.03 feet; North 7°17'12" East, 59.07 feet; North 13°13'40" West, 75.23 feet; North 34°06'10" West, 91.77 feet; and North 54°22'50" West, 178.66 feet; thence along a tangent curve concave to the South, having a Radius of 20.00 feet, a Central Angle of 96°12'46" and an Arc Length of 33.58 feet, to its point of tangency on the Southeastern line of 60.00 foot Franzia Court; thence along said Southeastern line of Franzia Court, South 29°24'24" West, 28.51 feet, to a point of cusp with a tangent curve; thence Northerly along said tangent curve concave to the West, having a Radius of 230.00 feet, a Central Angle of 23°54'02" and an Arc Length of 95.94 feet, to a point on a Northeastern line of said 40.00 foot Reno Avenue from which point a radial line bears North 84°29'38" West; thence along the Northeastern and Eastern lines of 40.00 foot Reno Avenue the following courses: South 54°22'50" East, 232.30 feet; South 34°06'10" East, 106.29 feet; South 13°13'40" East, 89.83 feet; South 7°17'12" West, 72.77 feet; South 25°39'35" West, 214.88 feet; South 9°14'08" West, 60.55 feet; and South 5°20'45" East, 30.88 feet, to point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from the centerline of Kansas Avenue; thence along said last mentioned parallel line, North 89°45'00" West, 20.10 feet, to the point of beginning.

LD 92-C
Parcel 5363-1

VACATE AND ABANDON RENO AVENUE RIGHT-OF-WAY FROM
KANSAS AVENUE TO FRANZIA COURT

(Page Two)

Reserving therefrom the following described property as a Public Utility Easement:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North $5^{\circ}20'45''$ West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North $89^{\circ}45'00''$ West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North $47^{\circ}56'23''$ West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of $47^{\circ}24'22''$ and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per Map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North $5^{\circ}20'45''$ West, 20.85 feet; thence continuing along said Eastern Boundary of Parcel "B" the following courses: North $9^{\circ}14'08''$ East, 74.17 feet, and North $25^{\circ}39'35''$ East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South $89^{\circ}45'00''$ East, 33.21 feet, to a point on said centerline of Reno Avenue; thence along the centerline of Reno Avenue the following courses: South $25^{\circ}39'35''$ West, 116.76 feet; South $9^{\circ}14'08''$ West, 66.00 feet; and South $5^{\circ}20'45''$ East, 31.47 feet, to the true point of beginning.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-611

A RESOLUTION ACCEPTING SIX QUITCLAIMS FOR THE UNDERLYING FEE OF RENO AVENUE FROM THE NORTHERLY EXTENSION OF FRANZIA COURT TO KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that six quitclaims accepting the underlying fee of Reno Avenue from the northerly extension of Franzia Court to Kansas Avenue be, and they are hereby approved.

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

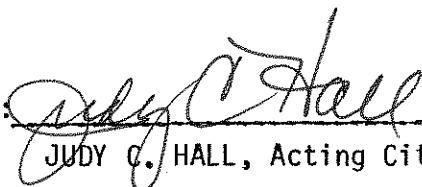
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted 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

9

MODESTO CITY COUNCIL
RESOLUTION NO. 92-612

A RESOLUTION APPROVING ASSUMPTION BY SIERRA VISTA CHILDREN'S CENTER OF TWO COMMUNITY DEVELOPMENT BLOCK GRANTS WITH A COMBINED TOTAL OF \$85,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the two Community Development Block Grants per Resolution No. 87-1138 for \$10,000 and Resolution No. 88-900 for \$75,000, awarded to Brethren Community Services in October 20, 1987 and November 22, 1988, respectively, are hereby approved for assumption by Sierra Vista Children's Center.

BE IT FURTHER RESOLVED that the grant assumption agreement be prepared by City. After said agreement is prepared, execution by the City Manager 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 October, 1992, 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. 92-613

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO EXTEND THE COMPLETION DATE FROM JANUARY 1, 1993, TO MARCH 1, 1993, FOR INSTALLING WHEELCHAIR RAMPS AND TRAFFIC SIGNAL MODIFICATIONS AT 9TH AND D STREETS

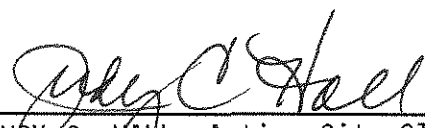
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Caltrans, to extend the completion date from January 1, 1993, to March 1, 1994, for installing wheelchair ramps and traffic signal modifications at 9th and D Streets be, and it is hereby 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 3rd day of November, 1992, 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. 92-614

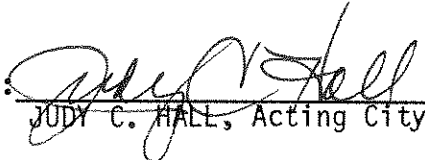
A RESOLUTION APPROVING A GRANT APPLICATION FOR A FULLY FUNDED "STUDENT PEDESTRIAN AND BICYCLE TRAFFIC EDUCATION AND OCCUPANT PROTECTION PROGRAM" THROUGH THE GOVERNOR'S OFFICE OF TRAFFIC SAFETY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant application for a fully funded "Student Pedestrian and Bicycle Traffic Education and Occupant Protection Program" through the Governor's Office of Traffic Safety be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application 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 November, 1992, 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. 92-615

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF DON JORDAN FROM THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AND THE HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE NOVEMBER 3, 1992

WHEREAS, Don Jordan was appointed a member of the Citizens Housing and Community Development Committee on November 12, 1991, and a member of the Rehabilitation Loan Pool Subcommittee on October 25, 1988; and

WHEREAS, Don Jordan has tendered his resignation from the Citizens Housing and Community Development Committee and the Housing Rehabilitation Loan Committee effective November 3, 1992; and

WHEREAS, Don Jordan 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 Don Jordan 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 Don Jordan 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 November 1992, 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. 92-616

A RESOLUTION APPOINTING REUBEN TORCH TO THE CULTURE COMMISSION

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

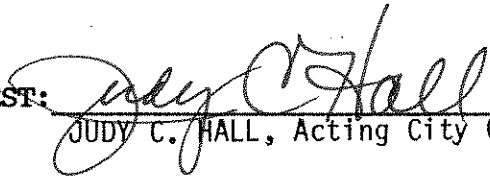
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. That Reuben Torch is hereby appointed to the Culture Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, 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: 
JUDY C. HALL, Acting City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 92-617

A RESOLUTION APPOINTING DENNIS JACKMAN TO THE CITIZENS ADVISORY COMMITTEE
ON RECYCLING

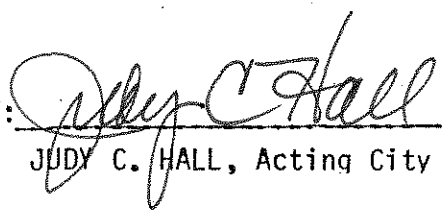
BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Dennis Jackman is hereby appointed to the Citizens Advisory
Committee on Recycling.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Citizens Advisory
Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 3rd day of November, 1992, 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: 

 JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-618

A RESOLUTION APPOINTING FRED SANDOW TO THE HOUSING REHABILITATION LOAN POOL
SUBCOMMITTEE

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

SECTION 1. Fred Sandow is hereby appointed to the Housing Rehabilitation
Loan Pool Subcommittee.

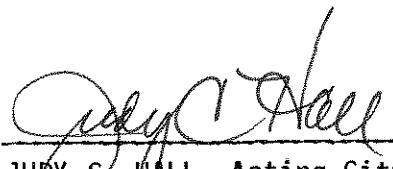
SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Housing Rehabilitation
Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 3rd day of November, 1992, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-619

A RESOLUTION REAPPOINTING ROSE LITTLER 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. That Rose Littler is hereby reappointed to the Human Relations Commission.

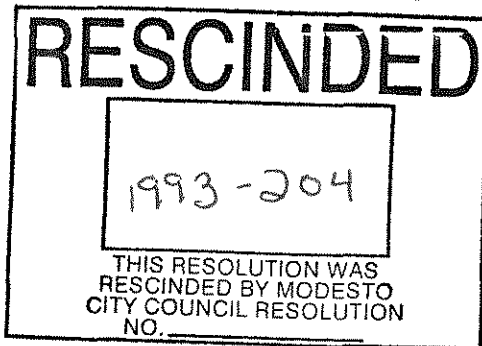
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, 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: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

Boards and Commissions



MODESTO CITY COUNCIL
RESOLUTION NO. 92-620

A RESOLUTION REAPPOINTING TIM FISHER 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;

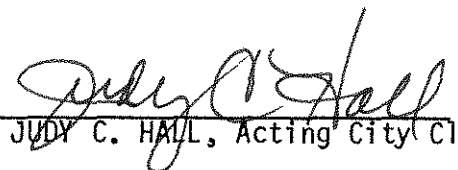
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. That Tim Fisher is hereby reappointed to the Planning Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, 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: 
JUDY C. HALL, Acting City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 92-621

A RESOLUTION ACCEPTING THE 1992 RESIDENTIAL STREET OVERLAYS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the 1992 residential street overlays

has been completed by George Reed, Inc.

in accordance with the contract agreement dated July 14, 1992.

NOW, THEREFORE, BE IT RESOLVED that the 1992 residential street overlays

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 \$415,604.71 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 November, 1992, by Councilmember Muratore, who moved its adoption, w hich 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-622

A RESOLUTION APPROVING A RIGHT OF WAY CERTIFICATION FOR A PROJECT TITLED
OAKDALE ROAD AND SYLVAN AVENUE STREET OVERLAY

WHEREAS, the right of way certification assures the State that necessary right of way has been secured to construct the Oakdale Road and Sylvan Avenue Street overlay project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of way certification for the project titled Oakdale Road and Sylvan Avenue Street Overlay 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 10th day of November, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 92-623

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID A. AND PAMELA S. BASMAJIAN FOR THE PURCHASE OF 21,789+ S.Q. OF THEIR PROPERTY NEEDED FOR THE CLAUS ROAD BRIDGE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David A. and Pamela S. Basmajian for the purchase of 21,789+ s.q. of their property needed for the Claus Road bridge widening 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 10th day of November , 1992, 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

A TTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-624

A RESOLUTION ADOPTING A SCHEDULE FOR PREPARATION OF THE FISCAL YEAR 1993-94 APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AND ATTENDANT CITIZEN PARTICIPATION PLAN

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 1993-94, 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 10th day of November 1992, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried out 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

**COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION PREPARATION PLAN FOR FISCAL YEAR 1993-94**

**CITIZENS PARTICIPATION PLAN
AND TIMELINE OF EVENTS**

Description	NOV	DEC	JAN	FEB	MAR	APR	MAY
1. City Council Meeting to Approve CDBG Application Process and Attendant Citizen Participation Plan; City Hall, 801 11th St.	11-10-92 4:00 P.M.						
2. CH&CDC Meeting to Open the Period for Submission of Requests for Funding; City Hall Council Chambers, 801 11th Street.	11-20-92 12:00 Noon *		1-29-93 5:00 P.M. *-----*				
3. Staff Workshop to Assist Agencies in Submitting Requests for Funding; H.P.O., 401 "H" Street		12-7-92 4:00 P.M.					
4. Begin Staff Analysis of Requests for Funding., H.P.O., 401 "H" Street.			1-29-93 5:00 *-----*	2-22-93			
5. CH&CDC Meeting to Consider Requests for Funding; City Hall Council Chambers, 801 11th Street.					3-3-93 7:00 P.M.		
6. CH&CDC Meeting to Approve Final Staff Recommendations for CDBG Allocations; City Hall Council Chambers, 801 11th Street						4-16-93 12:00 Noon	
7. City Council Public Hearing to Consider CH&CDC Recommendations for CDBG Allocations; City Hall Council Chambers, 801							5-4-93 7:30 P.M.
8. Deadline for Submission of CDBG Application to HUD							5-29-93 5:00 P.M.

Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 92-625

A RESOLUTION APPOINTING PRESTON OLIVER TO THE GENERAL PLAN CITIZENS STEERING COMMITTEE

BE IT RESOLVED by the Council of the City of Modesto that Preston Oliver is hereby appointed to the General Plan Steering Committee.

BE IT FURTHER RESOLVED the City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the General Plan Citizens Steering 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 November, 1992, 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, Friedman, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-626

A RESOLUTION GRANTING APPROVAL TO THE
AMERICAN LEGION POST NO. 74 AND MODESTO
JAYCEES TO CONDUCT A VETERANS' DAY PARADE IN
THE CITY OF MODESTO ON WEDNESDAY, NOVEMBER
11, 1992, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the American Legion Post No. 74 and Modesto
Jaycees 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
Wednesday, November 11, 1992, 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,"
and

WHEREAS, the City Council deems it appropriate to grant
approval to the American Legion Post No. 74 and Modesto Jaycees
relating to said Veterans' Day Parade and to grant the American
Legion Post No. 74 and Modesto Jaycees' 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 American Legion Post No. 74 and
Modesto Jaycees relating to a Veterans' Day Parade to be held on

Wednesday, November 11, 1992, subject to the following

conditions:

1. The parade assembly will take place on November 11, 1992, at the Downey Community Park parking area from approximately 9:00 a.m. to 9:30 a.m. and the parade will commence at approximately 9:30 a.m. and terminate at approximately 11:00 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, 1992, from approximately 8:00 a.m. to 10:00 a.m.
5. The American Legion Post No. 74 and Modesto Jaycees 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 Post No. 74 and Modesto Jaycees 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 Post No. 74 and Modesto Jaycees agrees to provide by November 10, 1992, and keep in force on November 10 and 11, 1992, 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 Post No. 74 and Modesto Jaycees, 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 Post No. 74 and Modesto Jaycees with a copy of this resolution. The American Legion Post No. 74 and Modesto Jaycees 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 10th day of November, 1992, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-627

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF
RESOLUTION NO. 78-~~788~~ ENTITLED "A RESOLUTION
APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE P-D(200)." (SANDCASTLE
PROPERTIES) 78-988

WHEREAS, Planned Development Zone, P-D(200), was
approved by the City Council by Ordinance No. 1774-C.S., which
became effective on October 28, 1978, to allow construction of a
70,000 sq. ft. commercial complex on property located on the east
side of Sisk Road, north of Standiford Avenue, and

WHEREAS, Modesto City Council Resolution No. 78-~~788~~⁹⁸⁸
approved the development plan for Planned Development Zone,
P-D(200), subject to certain conditions of approval contained
therein, and

WHEREAS, on June 18, 1990, the Planning Commission, by
Resolution No. 90-53, approved an amendment to Planned
Development Zone, P-D(200), for a freestanding building addition
at the corner of Sisk Road and Vintage Drive, and

WHEREAS, a verified application for an amendment to
Planned Development Zone, P-D(200), was filed by Sandcastle
Properties on July 14, 1992, to allow the commercial complex to
be developed as a condominium on the property on the northeast
side of Sisk Road between Sullivan Court and Vintage Drive, and

WHEREAS, after a public hearing on October 5, 1992, 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. 92-44, that amendment of Planned Development Zone, P-D(200), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed amendment to P-D(200) will allow separation of ownership of the individual commercial suites, and the parking and open spaces will be maintained in common via a property owners' association.
2. A Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated August 5, 1992, should be certified as adopted.

WHEREAS, by Resolution No. 92-44 the Planning Commission recommended to the Council that Planned Development Zone, P-D(200), be amended to allow a commercial condominium on the property on the northeast side of Sisk Road between Sullivan Court and Vintage Drive, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 8:30 p.m. on November 17, 1992, and

WHEREAS, after said public hearing held on November 17, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Sandcastle Properties for an amendment to Planned Development Zone, P-D(200), should be granted as consonant with public necessity, convenience and general welfare for the reasons set

forth in Planning Commission Resolution No. 92-44 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2833 -C.S. on the 17th day of November, 1992, amending Sections 1 and 2 of Ordinance No. 1774-C.S., to allow a commercial condominium,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 78-~~788~~⁹⁸⁸ entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(200)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(200), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan to Accompany Planned Development Amendment, P-D(200)" as amended in red, stamped approved by the Planning Commission on October 5, 1992.
2. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway and parking easement for on-site traffic circulation and parking for the benefit of Lot 'A' and Parcel 30, substantially as shown in red on the plot plan.
3. Prior to sale of a condominium unit, a parcel map shall be recorded.
4. Prior to City Council approval of a final subdivision map, the subdivider shall submit evidence in a form satisfactory to the City Attorney that there has been created a property owners' Association to guarantee common facility and private property maintenance in accordance with the approved plans.

5. The condominium conversion shall be subject to the provisions of the Condominium Conversion Tenant Displacement Policy adopted by the City Council on September 8, 1981.
6. All conditions of Planning Commission Resolution No. 90-53 not in conflict with this action shall remain in full force and effect.
7. 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 P-D amendment 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."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(200):

That the condominium conversion coincide with the timing allowed for recordation of a final vesting parcel map, based on the October 5, 1992, Planning Commission approval of the vesting tentative parcel map."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-628

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(200) PROPERTY LOCATED ON THE NORTHEAST SIDE OF SISK ROAD BETWEEN SULLIVAN COURT AND VINTAGE DRIVE. (SANDCASTLE PROPERTIES)

WHEREAS, on November 17, 1992, the City Council introduced Ordinance No. 2833-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(200), property located on the northeast side of Sisk Road between Sullivan Court and Vintage Drive, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Planned Development Zone, P-D(200), property located on the northeast side of Sisk Road between Sullivan Court and Vintage Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-629

A RESOLUTION AUTHORIZING AN APPLICATION FOR BICYCLE PROJECT FUNDING UNDER PROPOSITION 116 (CLEAN AIR AND TRANSPORTATION ACT) OF THE CALIFORNIA TRANSPORTATION COMMISSION AND CERTIFYING FINANCIAL COMMITMENT TO THE PROJECT.

WHEREAS, the City of Modesto owns the property or has the right of easement for an eight-foot-wide bike path on the south side of Dry Creek from East La Loma Park to Claus Road, and

WHEREAS, the development of the Dry Creek Bike Path is currently the number one priority in the Modesto Bicycle Plan, and

WHEREAS, with the advent of new air quality legislation and an effort to continue the City's past commitment to bicycle facilities for its citizens, filing an application for funding of the construction of a Class 1 Bikeway along Dry Creek presents the opportunity to secure funding that will not be available next year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the City Manager to file an application for Bicycle Project Funding under Proposition 116 (Clean Air and Transportation Act) of the California Transportation Commission.

BE IT FURTHER RESOLVED that the Council hereby certifies the financial commitment to the project as follows:

a) No other capital funds previously programmed, planned, or approved for bicycle projects will be used for other purposes.

b) New development fees, taxes or exactions, or permit fees have not and will not be included in the operating budgets for this project.

c) No other state funding sources will be used to complete this project if costs exceed those identified in the approved application.

d) The City of Modesto, the applicant agency, has the financial and institutional ability to accept the legal liabilities associated with this project.

BE IT FURTHER RESOLVED that the negative declaration has previously been certified.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any other documents in relation to said application for funding of the Bicycle Project Funding under Proposition 116 (Clean Air and Transportation Act) of the California Transportation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-630

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 DECEMBER 5, 1992, AT
824 KIERNAN AVENUE, AND DECEMBER 7, 1992, AT
501 NORTH JEFFERSON AND 621 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 December 5 and 7,
1992, 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, December 5, 1992, at a large facility
located at 824 Kiernan Avenue, and on Monday, December 7, 1992,
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 17th day of November, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-531

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, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, 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:

Junior Traffic Engineer

Associate Traffic Engineer

Building Maintenance Superintendent

The specifications for the classification of Junior Traffic Engineer (Range 430), as shown on the attached Exhibit "A", Associate Traffic Engineer (Range 439), as shown on the attached Exhibit "B", and Building Maintenance Superintendent

(Range 441), as shown on the attached Exhibit "C", 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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Assistant Traffic Engineer

Building Maintenance Supervisor

The revised specifications for the classification of Assistant Traffic Engineer (Range 433), as shown on the attached Exhibit "D", and Building Maintenance Supervisor (Range 428), as shown on the attached Exhibit "E", 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 3. EFFECTIVE DATE. This resolution shall become effective on and after November 17, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

JUNIOR TRAFFIC ENGINEER
ASSISTANT TRAFFIC ENGINEER

DEFINITION

To perform professional and technical engineering work in assigned areas of responsibility such as field and office research, analysis and records maintenance; design and modify traffic control devices; develop recommendations for coordinating traffic improvement projects; perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Junior Traffic Engineer - This is the entry level class in the Traffic Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of traffic engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a higher level engineering staff.

This class is distinguished from the next higher level of Assistant Traffic Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Traffic Engineer - This is the second level in the Traffic Engineer series. Incumbents in this class are expected to perform a wide variety of professional traffic engineering work of average difficulty. Assistant Traffic Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of higher level engineering staff.

This class is distinguished from the Associate level of Traffic Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Traffic Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

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

Researches, recommends, and implements traffic control and transportation policies and procedures.

Responds to citizen complaints and public requests for traffic control device changes; evaluates requests and prepares recommendations and necessary correspondence.

Track accidents within the City to identify potentially hazardous situations; recommend changes to improve traffic safety.

Conducts hazardous location analysis, traffic studies, and prepares reports on traffic control issues for review by the higher level engineering staff.

Prepares plans, specifications and cost estimates for traffic signal projects.

Programs and operates the City's computerized traffic signal master controller.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Evaluates traffic flow within the City; conducts traffic engineering studies and surveys.

Provides advice and technical assistance to staff and the public on traffic control and transportation planning matters.

Confers with a variety of public and private officials on related issues and may serve as the City's representative to other governmental agencies.

Reviews engineering plans prepared by other agencies and/or consultants, and prepares comments and recommendations.

Designs channelization and other traffic control plans and oversees the installation of the more difficult plans.

Performs related duties as assigned.

IN ADDITION TO THE DUTIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Plans, organizes, and supervises the work of staff in the Traffic Paint Division, Traffic Sign Division, Parking Lot/Bus Shelter Maintenance Division, and the validated parking lot operations.

Recommends and assists in the implementation of goals and objectives; establishes schedules and methods for assigned repair and maintenance; implements policies and procedures.

Participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for budget items; monitors and controls expenditures.

Maintains time, material, and equipment use records.
Performs complex engineering calculations.

QUALIFICATIONS

Knowledge of:

Statistics and engineering mathematics, including algebra and analytic geometry.

Principles and practices of traffic and highway engineering, including highway capacity analysis.

Traffic engineering design and drafting methods and equipment.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, state, and federal laws and guidelines.

Microcomputer applications related to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

IN ADDITION TO THE KNOWLEDGE FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Knowledge of:

Equipment, materials, methods, and tools used in the maintenance and repair of parking facilities, parking meters, traffic signs, and traffic painting and striping.

Elements of agreements for the use of privately owned land for the operation of parking facilities.

Procedures and requirements used in preparing Federal and State grant applications, and preparing grant reports.

Ability to:

Prepare clear, concise, and accurate reports, records, and correspondence; communicate clearly and concisely, both in writing as well as orally.

Apply engineering principles and techniques to evaluate and solve simple to difficult traffic engineering problems.

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Establish and maintain effective working relationships with all levels of representatives from governmental and private agencies, constructions and consultant contractors, co-workers, and the public.

Use and maintain Computer Assisted Design and Drafting systems.

IN ADDITION TO THE ABILITIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Ability to:

Perform technical research.

Prepare and present recommendations.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Prepare, understand, and interpret traffic engineering plans, specifications, and other contract documents.

Assist in supervising a municipal bus system.

Assist in preparing and administering a budget.

Use computer software such as SOAP, PASSER, Transit, and Netsim.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: JUNIOR TRAFFIC ENGINEER

None required.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil or traffic engineering, OR possession of a valid certificate as Engineer-in-Training issued by any State Board of Registration approved by the National Council of Engineering Examiners (NCEE).

License or Certificate:

Possession of, or the ability to obtain, a valid California driver's license.

Experience: ASSISTANT TRAFFIC ENGINEER

One year of directly related engineering experience.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

License or Certificate:

Possession of a valid certificate as Engineer-in-Training issued by the State Board of Registration for approval by the National Council of Engineering Examiners (NCEE).

Possession of, or the ability to obtain, a valid California driver's license.

ASSOCIATE TRAFFIC ENGINEER

DEFINITION

To supervise and perform responsible professional field and office engineering work in connection with traffic engineering and transportation; plan and design traffic control systems; administer traffic control programs; and to participate in a variety of services and special studies requiring the application of professional knowledge and skills.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering staff. Exercises functional and technical supervision over assigned engineering staff.

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

Responsible for a major section of the Traffic Engineering Division, such as the traffic signal/electrical system and traffic operations.

Plan, organize, direct, review, and evaluate the work of the Traffic Engineering Section.

Provide advice and technical assistance to City and Department staff, commissions, committees, and the public on traffic and transportation matters.

Confer with a variety of public and private officials on traffic engineering issues, and serve as the City's representative to other governmental agencies.

Respond to inquiries from state, federal, local agencies, and the public.

Develop traffic administration policies and procedures; provide for the selection, training, and professional development of assigned staff.

Ensure the Public Works and Transportation Department's compliance with applicable ordinances, codes, and laws; review traffic operating conditions in the field.

Issue work orders for new or changed traffic control devices.

Page 2
Associate Traffic Engineer

Respond to public requests for traffic control changes; develop and analyze traffic management plan designs to improve neighborhood livability; and assist in design and continuation of traffic management duties.

Review traffic and transportation elements of environmental impact reports and major developments for compliance with federal, state, and local policies, rules, and regulations.

Direct or conduct studies and prepare reports and correspondence on traffic control issues for presentation to the City Council.

Investigate contested traffic citations.

Answer interrogatories and testify in court relative to traffic violations and vehicle accident and injury claims against the City.

Issue street use permits for offstreet construction, block parties, parades, football games, and related activities.

Conduct radar speed studies.

Applies for and administers traffic or transportation grant funds for studies and construction projects.

Monitor developments in the traffic control field and recommends and implements policy and procedure improvements.

Develop and implement the annual budget for traffic engineering activities for the assigned section.

Communicate effectively in both oral and written format; and perform related work as assigned.

Develop and manage the High Accident Location Management Program and the Arterial Traffic Management Program; perform design review on major development and street construction projects; and coordinate efforts between the City, developers, and other agencies.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of traffic and highway engineering, including highway capacity analysis.

Pertinent Federal, State, and local rules, regulations, and ordinances.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, regulations, and guidelines.

Computer applications relating to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

Principles of grant funding application and administration.

Principles and techniques of effective employee supervision, including selections, training, work evaluation, and discipline.

Principles and practices of budget development and administration.

Ability to:

Listen to and communicate effectively with a wide range of citizens and business groups, both in oral and written format.

To speak effectively in public.

Plan, assign, direct, review, and evaluate the work of others.

Manage and prioritize a diverse traffic control program.

Analyze complex traffic control problems, evaluate alternatives, and reach sound conclusions.

Prepare clear, concise, and accurate reports, records, and correspondence.

Exercise sound independent judgment within established guidelines.

Represent the City effectively in meetings with others.

Research and evaluate potential grants and other funding sources.

Establish and maintain effective 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 performing the duties of Assistant Traffic Engineer in the City of Modesto.

OR

Three years of increasingly responsible experience in professional traffic engineering.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in traffic or highway engineering, or a related field.

License or Certificate:

Possession of a Certificate of Registration as a professional engineer (civil or traffic). Ability to obtain the State of California Certificate within one year of hire.

BUILDING MAINTENANCE SUPERINTENDENT

DEFINITION

To manage, direct, and coordinate the maintenance, repair, and alteration of all City facilities; to protect the City's investment in its facilities and provide the proper physical environment for serving the public; to maintain building and custodial service management and control; to maintain architectural planning and design; to coordinate maintenance activities with programs; and to assess and act on needs of user groups.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from an Assistant Director of Parks and Recreation. Exercises direct supervision over supervisory and maintenance staff.

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

Directs, oversees, and participates in the development of the Division work plan; assigns work activities, projects, and programs; monitors work flow and productivity; implements policies and procedures; reviews and evaluates work products, methods, and procedures.

Develops the organization's budget and Capital Improvement Program; oversees its implementation; participates in the forecast of funds; administers the approved budget.

Implements and operates a maintenance management system for city facilities.

Participates in recommending the appointment of personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures; recommends employee disciplinary actions.

Recommends goals and objectives; assists in the development of policies and procedures.

Manages full range of building maintenance duties for all City buildings, including preventive maintenance of all building structures and stationary equipment on a scheduled basis.

EXAMPLES OF DUTIES - (continued)

Reviews capital improvement plans related to the assigned services and provides input regarding future maintenance activities. Identifies and initiates needed capital improvement projects.

Receives, investigates, and responds to departmental and citizen requests, suggestions, and complaints.

Supervises division's safety program and ensures the adherence to safe work practices by subordinate personnel.

Prepares various reports and directs special projects as required.

Assembles and analyzes cost and performance data.

Develops performance standards and work schedules for staff.

Develops plans and specifications for remodeling, renovation, and small construction projects.

Negotiates, oversees, and coordinates architectural, maintenance and service contracts, and maintains liaison between the architect and/or contractor and the appropriate operating department.

Coordinates and provides technical assistance and advice in the review of plans and specifications, and during construction.

Prepares and reviews cost estimates for proposed work, and recommends final acceptance of completed work.

Develops and executes performance standards, procedures, and methods to assure the physical safety and a clean and healthful environment of all buildings.

Manages building security including the issuance of keys; develops an emergency plan.

Manages energy usage within City facilities, including implementation of energy conservation measures.

Manages building and custodial services to ensure responsiveness to customers, including regular, ongoing communication with operating departments; assesses needs and determines opportunities for improvement in the level of service provided to the department.

Performs related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Custodial service management and control.

Materials, supplies, methods, practices, and equipment used in heating, ventilation, air conditioning, electrical, plumbing, and carpentry activities.

Principles and practices of supervision, training, and personnel management.

Commercial plan review procedures, including reading and interpreting blueprints and/or drawings.

Estimating procedures for additions, remodeling and renovation projects.

Current trends and practices in privatizing services.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in custodial service maintenance and repair program.

Building maintenance principles and practices as applied to public facilities.

Management of facilities security and detection devices.

Energy conservation measures.

Applicable Federal, State, and local building, safety and health codes; handicapped accessibility standards; asbestos abatement and requirements for working with asbestos materials.

Ability to:

Organize, direct, and implement a comprehensive maintenance management program.

Manage, supervise, train, and evaluate assigned staff.

Prepare and administer a budget.

Conduct studies, prepare comprehensive reports, and determine cost effective ways for conducting the assigned maintenance and custodial activities.

QUALIFICATIONS - Continued

Ability to:

Establish, maintain and promote a customer service focus and cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Manage resources to improve productivity.

Use computers and computer assisted design techniques.

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:

Five years of increasingly responsible experience performing custodial service management, building maintenance/renovation/remodeling experience (plumbing, painting, electrical, construction); and architectural planning and design, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in heating, ventilation, and air conditioning (HVAC); and building infrastructure maintenance such as plumbing, electrical, etc.

License or Certificate:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

JUNIOR TRAFFIC ENGINEER
ASSISTANT TRAFFIC ENGINEER

DEFINITION

To perform professional and technical engineering work in assigned areas of responsibility such as field and office research, analysis and records maintenance; design and modify traffic control devices; develop recommendations for coordinating traffic improvement projects; perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Junior Traffic Engineer - This is the entry level class in the Traffic Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of traffic engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a higher level engineering staff.

This class is distinguished from the next higher level of Assistant Traffic Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Traffic Engineer - This is the second level in the Traffic Engineer series. Incumbents in this class are expected to perform a wide variety of professional traffic engineering work of average difficulty. Assistant Traffic Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of higher level engineering staff.

This class is distinguished from the Associate level of Traffic Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Traffic Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

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

Researches, recommends, and implements traffic control and transportation policies and procedures.

Responds to citizen complaints and public requests for traffic control device changes; evaluates requests and prepares recommendations and necessary correspondence.

Track accidents within the City to identify potentially hazardous situations; recommend changes to improve traffic safety.

Conducts hazardous location analysis, traffic studies, and prepares reports on traffic control issues for review by the higher level engineering staff.

Prepares plans, specifications and cost estimates for traffic signal projects.

Programs and operates the City's computerized traffic signal master controller.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Evaluates traffic flow within the City; conducts traffic engineering studies and surveys.

Provides advice and technical assistance to staff and the public on traffic control and transportation planning matters.

Confers with a variety of public and private officials on related issues and may serve as the City's representative to other governmental agencies.

Reviews engineering plans prepared by other agencies and/or consultants, and prepares comments and recommendations.

Designs channelization and other traffic control plans and oversees the installation of the more difficult plans.

Performs related duties as assigned.

IN ADDITION TO THE DUTIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Plans, organizes, and supervises the work of staff in the Traffic Paint Division, Traffic Sign Division, Parking Lot/Bus Shelter Maintenance Division, and the validated parking lot operations.

Recommends and assists in the implementation of goals and objectives; establishes schedules and methods for assigned repair and maintenance; implements policies and procedures.

Participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for budget items; monitors and controls expenditures.

Maintains time, material, and equipment use records.
Performs complex engineering calculations.

QUALIFICATIONS

Knowledge of:

Statistics and engineering mathematics, including algebra and analytic geometry.

Principles and practices of traffic and highway engineering, including highway capacity analysis.

Traffic engineering design and drafting methods and equipment.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, state, and federal laws and guidelines.

Microcomputer applications related to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

IN ADDITION TO THE KNOWLEDGE FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Knowledge of:

Equipment, materials, methods, and tools used in the maintenance and repair of parking facilities, parking meters, traffic signs, and traffic painting and striping.

Elements of agreements for the use of privately owned land for the operation of parking facilities.

Procedures and requirements used in preparing Federal and State grant applications, and preparing grant reports.

Ability to:

Prepare clear, concise, and accurate reports, records, and correspondence; communicate clearly and concisely, both in writing as well as orally.

Apply engineering principles and techniques to evaluate and solve simple to difficult traffic engineering problems.

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Establish and maintain effective working relationships with all levels of representatives from governmental and private agencies, constructions and consultant contractors, co-workers, and the public.

Use and maintain Computer Assisted Design and Drafting systems.

IN ADDITION TO THE ABILITIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Ability to:

Perform technical research.

Prepare and present recommendations.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Prepare, understand, and interpret traffic engineering plans, specifications, and other contract documents.

Assist in supervising a municipal bus system.

Assist in preparing and administering a budget.

Use computer software such as SOAP, PASSER, Transit, and Netsim.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: JUNIOR TRAFFIC ENGINEER

None required.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil or traffic engineering, OR possession of a valid certificate as Engineer-in-Training issued by any State Board of Registration approved by the National Council of Engineering Examiners (NCEE).

License or Certificate:

Possession of, or the ability to obtain, a valid California driver's license.

Experience: ASSISTANT TRAFFIC ENGINEER

One year of directly related engineering experience.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

License or Certificate:

Possession of a valid certificate as Engineer-in-Training issued by the State Board of Registration for approval by the National Council of Engineering Examiners (NCEE).

Possession of, or the ability to obtain, a valid California driver's license.

BUILDING MAINTENANCE SUPERVISOR

DEFINITION

To plan, organize, supervise and provide for the maintenance, repair, and alteration of City facilities; also direct heating, ventilation, and air conditioning (HVAC) and related maintenance and repair. Provide for janitorial services and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receive direction from the Building Maintenance Superintendent. Exercise direct supervision over contractors and assigned maintenance personnel.

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

Plan, organize, and supervise the work of employees engaged in the repair, alteration, and painting of City facilities.

Recommend and assist in the implementation of goals and objectives; establish schedules for building maintenance services.

Assist in preparation of organization's budget and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement disciplinary procedures.

Perform the full range of building maintenance duties as required; perform electrical, plumbing, carpentry, locksmithing, and heating, ventilation, and air conditioning maintenance and repair duties in the upkeep of City building facilities; operate the full range of equipment and tool related assigned activities.

Answer questions and provide information to the public and employees; investigate complaints and recommend corrective action, as necessary, to resolve complaints.

Review plans and specifications for maintenance and repair work done by contractors, and suggest changes.

Inspect completed contract work for acceptability.

Maintain time, material, and equipment use records.

EXAMPLES OF DUTIES - (continued)

Coordinate and work with other departments whenever building modifications are made or office layouts are modified and monitor work performance.

Inspect buildings routinely to check need for maintenance or repairs, compliance with building safety regulations and conformity to fire regulations.

Assist in coordinating building maintenance services activities with other City departments, divisions, and sections, and with outside agencies.

Determine need for repairs and establish work priorities.

Interpret building plans and specifications.

Consult with engineers and outside contractors concerning heating, mechanical, and electrical requirements.

Plan and supervise custodial care for City buildings.

Review and approve requisitions for maintenance and custodial supplies and equipment.

Coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Inspect work sites before, during and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Prepare instructional bulletins and correspondence.

Make verbal and written reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices, and equipment used in electrical, plumbing, carpentry, and heating, ventilation, air conditioning (HVAC), and repair services and activities.

Applicable Federal, State, and local building safety and health codes.

Principles of personnel supervision and training.

QUALIFICATIONS (continued)

Computer operated heating, ventilation, and air conditioning (HVAC) systems and City computer.

Safe work practices.

Ability to:

Interpret building plans and specifications.

Supervise building maintenance services and activities.

Estimate costs of building repairs.

Organize and maintain accurate maintenance records and prepare reports of maintenance projects and activities.

Communicate clearly and concisely, both orally and in writing.

Supervise, train, and evaluate assigned staff.

Ensure adherence to safe work practices.

Establish and maintain effective working relationships with those contacted during 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 increasingly responsible experience performing journey level janitorial and building maintenance duties, including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized training in building maintenance/janitorial or a related field.

License or Certificate:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-632

A RESOLUTION AMENDING EXHIBIT "G" 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".

WHEREAS, on July 9, 1991, the City Council adopted
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", and

WHEREAS, on February 4, 1992, the City Council adopted
Resolution No. 92-62 which amended Exhibit G of Resolution No.
91-464 to change the title of Word Processing System Supervisor,
at salary range 423, to Systems Analyst on the Class Range Table,
and

WHEREAS, on October 1, 1992, the City Council adopted
recommendations for implementation of the Public Works and
Transportation audit, and

WHEREAS, said recommendations included in part creation
of new job classifications, amendments of some existing
classifications and elimination of others, and

WHEREAS, on October 20, 1992, the City Council adopted
Resolution No. 92-692 which amended Exhibit G of Resolution No.
91-464 to revise certain class specifications, and

WHEREAS, the Council desires to implement further
changes to accommodate a portion of said audit,

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 17, 1992", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" revises class specifications for Assistant Traffic Engineer at salary range 433 and Building Maintenance Supervisor at salary range 428, and adopts class specifications for Junior Traffic Engineer at salary range 430, Associate Traffic Engineer at salary range 439, and Building Maintenance Superintendent at salary range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 17, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 17, 1992

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 17, 1992

RANGE	TITLE
420	Worker's Compensation Claims Representative Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary
421	
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I Building Maintenance Supervisor
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 17, 1992

RANGE	TITLE
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. Supv. 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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 17, 1992

RANGE	TITLE
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Public Services Supervisor Budget Officer Financial Analyst Administrative Services Officer Integrated Waste Specialist
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. Parking & Traffic Supt. Parks Maintenance Supt. 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 17, 1992

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

92-633

MODESTO CITY COUNCIL
RESOLUTION NO. 92-633

A RESOLUTION APPROVING THE FINAL MAP OF THE
SUN RIDGE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bright Development, a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.74 acres, known as the Sun Ridge Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 31st day of August, 1992, 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 Sun Ridge Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-634

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BISSELL AND KARN, INC. FOR ADDITIONAL SERVICES RELATED TO THE WIDENING OF THE CLAUS ROAD BRIDGE OVER DRY CREEK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Bissell and Karn, Inc. for additional engineering services related to the widening of the Claus Road bridge over Dry Creek be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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. 92-635

A RESOLUTION APPOINTING ALICE TULLOCH, DEPUTY DIRECTOR OF PUBLIC WORKS AND TRANSPORTATION, TO THE TECHNICAL COMMITTEE FOR THE MID SURFACE WATER PROJECT

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

SECTION 1. Alice Tulloch, Deputy Director of Public Works and Transportation, is hereby appointed as the Regular Member, to the Technical Committee for the MID Surface Water Project.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Technical Committee of the MID Surface Water Project and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, 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. 92-636

A RESOLUTION APPROVING A JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITIES OF CERES, HUGHSON, MODESTO, TURLOCK, DELHI COUNTY WATER DISTRICT, DENAIR COMMUNITY SERVICE DISTRICT, HILMAR COUNTY WATER DISTRICT, AND KEYES COMMUNITY SERVICES DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Joint Exercise of Powers agreement between the cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Service District, Hilmar County Water District, and Keyes Community Services District for the purpose of creating a joint powers authority responsible for providing treated surface water from the Turlock Irrigation District to the aforementioned public entities 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 November, 1992, 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. 92-637

A RESOLUTION DESIGNATING COUNCILMEMBER DAVID COGDILL 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 David Cogdill 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 17th day of November, 1992, 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. 92-638

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ROGER JACKSON FROM THE HUMAN RELATIONS COMMISSION

WHEREAS, Roger Jackson was appointed a member of the Human Relations Commission on January 24, 1989; and

WHEREAS, Roger Jackson has tendered his resignation from the Human Relations Commission, effective November 17, 1992; and

WHEREAS, Roger Jackson 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 Roger Jackson from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Roger Jackson 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 17th day of November, 1992, 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. 92-639

A RESOLUTION VACATING AND ABANDONING RENO AVENUE STREET RIGHT-OF-WAY LOCATED BETWEEN KANSAS AVENUE AND THE NORTHERLY EXTENSION OF FRANZIA COURT AND RESERVE AN EASEMENT FOR A CITY OF MODESTO WATER LINE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 92-610 on November 4, 1992, declaring its intention to vacate and abandon Reno Avenue between Kansas Avenue and the northerly extension of Franzia Court, and

WHEREAS, the Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate And Abandon Reno Avenue Right Of Way From Kansas Ave. to Franzia Ct." dated October 12, 1992, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 92-610 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, November 24, 1992, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 92-28, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that the Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders and declares the vacation and abandonment of the Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, as shown on the map entitled "Vacate And Abandon Reno Avenue Right Of Way From Kansas Ave. to Franzia Ct." on file in the office of the City Clerk, and more particularly described on

Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves an easement for a City of Modesto water line in the Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, and

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Muratore, 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: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

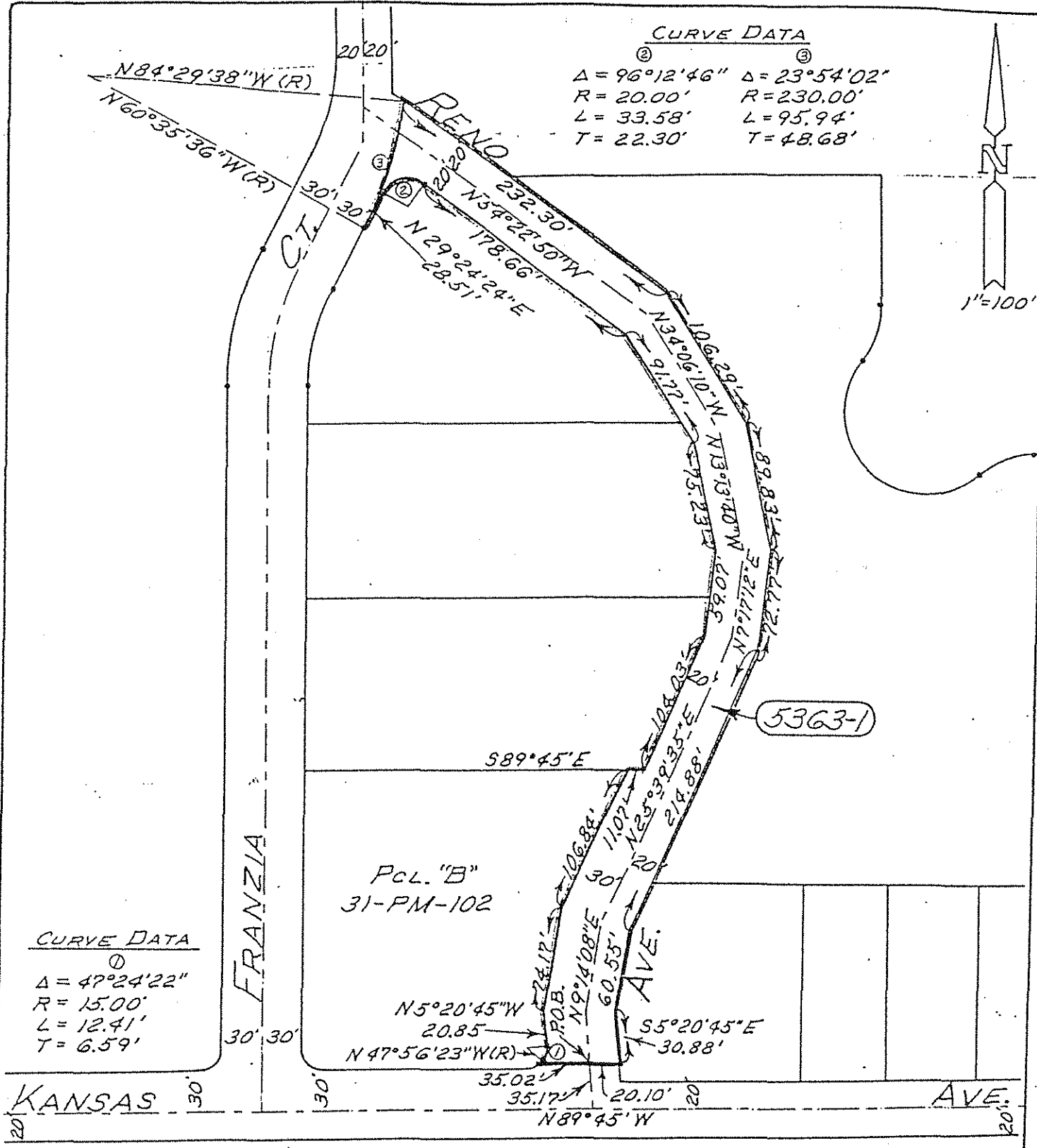
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Linda Boston
PUBLIC WORKS AND TRANSPORTATION
Engineering Services



APPROVED BY:
[Signature]

DATE: 10/12/92 R.E. 33655

ASBUILT BY: DATE:

ASBUILT PLOTTED: DATE:

REVISED: DATE:

DATE: Sept. 1992 DRAWN: J. Christiansen

VACATE AND ABANDON
RENO AVENUE RIGHT
OF WAY FROM KANSAS
AVE. TO FRANZIA CT.

CHECKED: D. PHILLIPS

FLD. BK. PG. 20 SURVEYS = Pg 20

CITY of MODESTO
ENGINEERING DEPARTMENT

ACTIVITY NO.

FILE NO. 4-A-759

LD 92-C
Parcel 5363-1

VACATE AND ABANDON RENO AVENUE RIGHT-OF-WAY FROM
KANSAS AVENUE TO FRANZIA COURT

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North $5^{\circ}20'45''$ West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North $89^{\circ}45'00''$ West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North $47^{\circ}56'23''$ West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of $47^{\circ}24'22''$ and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North $5^{\circ}20'45''$ West, 20.85 feet; thence continuing along said Eastern boundary of Parcel "B" the following courses: North $9^{\circ}14'08''$ East, 74.17 feet, and North $25^{\circ}39'35''$ East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South $89^{\circ}45'00''$ East, 11.07 feet, to a point on a Western line of 40.00 Reno Avenue; thence along said Western and Southwestern lines of Reno Avenue the following courses: North $25^{\circ}39'35''$ East, 104.03 feet; North $7^{\circ}17'12''$ East, 59.07 feet; North $13^{\circ}13'40''$ West, 75.23 feet; North $34^{\circ}06'10''$ West, 91.77 feet; and North $54^{\circ}22'50''$ West, 178.66 feet; thence along a tangent curve concave to the South, having a Radius of 20.00 feet, a Central Angle of $96^{\circ}12'46''$ and an Arc Length of 33.58 feet, to its point of tangency on the Southeastern line of 60.00 foot Franzia Court; thence along said Southeastern line of Franzia Court, South $29^{\circ}24'24''$ West, 28.51 feet, to a point of cusp with a tangent curve; thence Northerly along said tangent curve concave to the West, having a Radius of 230.00 feet, a Central Angle of $23^{\circ}54'02''$ and an Arc Length of 95.94 feet, to a point on a Northeastern line of said 40.00 foot Reno Avenue from which point a radial line bears North $84^{\circ}29'38''$ West; thence along the Northeastern and Eastern lines of 40.00 foot Reno Avenue the following courses: South $54^{\circ}22'50''$ East, 232.30 feet; South $34^{\circ}06'10''$ East, 106.29 feet; South $13^{\circ}13'40''$ East, 89.83 feet; South $7^{\circ}17'12''$ West, 72.77 feet; South $25^{\circ}39'35''$ West, 214.88 feet; South $9^{\circ}14'08''$ West, 60.55 feet; and South $5^{\circ}20'45''$ East, 30.88 feet, to point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from the centerline of Kansas Avenue; thence along said last mentioned parallel line, North $89^{\circ}45'00''$ West, 20.10 feet, to the point of beginning.

LD 92-C
Parcel 5363-1

VACATE AND ABANDON RENO AVENUE RIGHT-OF-WAY FROM
KANSAS AVENUE TO FRANZIA COURT
(Page Two)

Reserving therefrom the following described property as a Public Utility Easement:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North $5^{\circ}20'45''$ West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North $89^{\circ}45'00''$ West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North $47^{\circ}56'23''$ West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of $47^{\circ}24'22''$ and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per Map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North $5^{\circ}20'45''$ West, 20.85 feet; thence continuing along said Eastern Boundary of Parcel "B" the following courses: North $9^{\circ}14'08''$ East, 74.17 feet, and North $25^{\circ}39'35''$ East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South $89^{\circ}45'00''$ East, 33.21 feet, to a point on said centerline of Reno Avenue; thence along the centerline of Reno Avenue the following courses: South $25^{\circ}39'35''$ West, 116.76 feet; South $9^{\circ}14'08''$ West, 66.00 feet; and South $5^{\circ}20'45''$ East, 31.47 feet, to the true point of beginning.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-640

A RESOLUTION ACCEPTING QUITCLAIMS OF THE UNDERLYING FEE OF RENO AVENUE IN CONJUNCTION WITH THE ABANDONMENT OF RENO AVENUE STREET RIGHT OF WAY LOCATED BETWEEN KANSAS AVENUE AND THE NORTHERLY EXTENSION OF FRANZIA COURT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the quitclaims of the underlying fee of Reno Avenue in conjunction with the abandonment of Reno Avenue street right of way located between Kansas Avenue and the northerly extension of Franzia Court be accepted, and hereby approved.

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

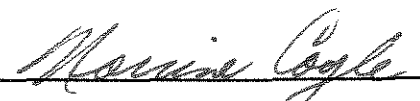
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____


NORRINE COYLE, City Clerk

RESOLUTION NO. 92-641

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF MODESTO VARIABLE RATE DEMAND MULTIFAMILY HOUSING REFUNDING REVENUE BONDS (WESTDALE COMMONS APARTMENTS), 1992 SERIES A, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST, LOAN AGREEMENT, AMENDED AND RESTATED REGULATORY AGREEMENT, OFFICIAL STATEMENT, REMARKETING AGREEMENT, PURCHASE CONTRACT, AGREEMENT REGARDING REDEMPTION, DEFEASANCE AND PAYMENT OF 1983 BONDS, AND AUTHORIZING THE EXECUTION AND DELIVERY OF AND APPROVING OTHER RELATED DOCUMENTS AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH

WHEREAS, Article 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, commencing with Section 53580 (the "Act") authorizes local agencies to incur indebtedness for the purpose of refunding any revenue bonds of the local agency, and the Act provides a complete, additional and alternative method for such financing;

WHEREAS, the City of Modesto (the "City") hereby finds and declares that it is necessary, essential and a public purpose for the City to engage in a program (the "Program") of refunding certain revenue bonds of the City issued to finance the construction and development of multifamily rental housing (the "1983 Bonds"), and has determined to borrow money for such purpose by the issuance of revenue bonds as authorized by the Act;

WHEREAS, the City hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act;

WHEREAS, Westdale Commons, a California Limited Partnership (the "Borrower") has requested that the City issue and sell the Bonds (hereinafter defined) for the purpose of refunding outstanding revenue bonds of the City previously issued to finance the construction and development of a multifamily rental housing project located at 4121 Dale Road in the City of Modesto, California (the "Project"); and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

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

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture (hereinafter defined), refunding revenue bonds of the City, designated as "City of Modesto Variable Rate Demand Multifamily Housing Refunding Revenue Bonds (Westdale Commons Apartments), 1992 Series A" in an aggregate principal amount not to exceed \$5,600,000 (the "Bonds"), are hereby authorized to be issued. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal or facsimile of the seal of the City shall be reproduced thereon and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with the Indenture.

Section 3. The indenture of trust (the "Indenture") between the City and Bank of America National Trust and Savings Association, as trustee (the "Trustee") in the form presented to this meeting, is hereby approved. The Mayor, Mayor Pro Tem, City Manager and the Finance Director (the "Designated Officers") are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Indenture, and the City Clerk or any Deputy City Clerk is hereby authorized and directed, for and in the name and on behalf of the City, to attest the Designated Officer's signature on the Indenture, in substantially said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof (provided that no additions or changes shall authorize an aggregate principal amount of Bonds in excess of \$5,600,000 result in an initial true interest cost on the Bonds in excess of 6.0% per annum or result in an underwriter's discount or fee in excess of 2.0% of the aggregate principal amount of the Bonds), the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Indenture. The date, maturity dates, interest rate or rates, interest payment dates, denominations, form registration privileges, manner of execution, place of payment, terms of redemption, the right of the owners of the Bonds to tender their Bonds for repurchase, and other terms of the Bonds shall be as provided in the Indenture as finally executed.

Section 4. The loan agreement (the "Loan Agreement") among the Trustee, the City and the Borrower, in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Loan Agreement in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to

the City including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Loan Agreement.

Section 5. The amended and restated regulatory agreement and declaration of restrictive covenants (the "Regulatory Agreement") among the City, the Trustee and the Borrower, and the agreement regarding redemption, defeasance and payment of 1983 Bonds (the "1983 Bonds Agreement") among the City, the Borrower, the Trustee and Bank of America National Trust and Savings Association, as successor trustee for the 1983 Bonds, each in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed for and in the name of and on behalf of the City, to execute and deliver the Regulatory Agreement and the 1983 Bonds Agreement in said forms, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such changes to be conclusively evidenced by the execution and delivery by the City of such Agreements.

Section 6. The bond purchase agreement (the "Purchase Contract") among the City, the Borrower and PaineWebber Incorporated, or any successor thereto, (the "Underwriter"), in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to accept the offer of the Underwriters to purchase the Bonds contained in the Purchase Contract (when such offer is made and if such offer is consistent with Section 3 hereof) and to execute and deliver said Purchase Contract in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Contract.

Section 7. The preliminary official statement relating to the Bonds (the "Preliminary Official Statement") and the remarketing agreement among the City, the Borrower, American Savings Bank, f.a., as credit provider, the Trustee and PaineWebber Incorporated, as remarketing agent or any successor thereto, (the "Remarketing Agreement"), in the form presented to this meeting, are hereby approved. The Designated Officers are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to bring to final form the Preliminary Official Statement (the "Official Statement") upon sale of the Bonds and to execute the Official Statement and the Remarketing Agreement in said forms, with such addition thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the

approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Official Statement and the Remarketing Agreement. The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Bonds and are directed to deliver copies of the Official Statement to all actual purchasers of the Bonds.

Section 8. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Underwriter in accordance with written instructions executed on behalf of the City by one of the Designated Officers, which instructions such officers are, and each of them is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Underwriters in accordance with the Purchase Contract, upon payment of the purchase price therefor.

Section 9. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Designated Officers, 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 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 Bonds in accordance with this Resolution and resolutions heretofore adopted by the City and in order to carry out the Program, including but not limited to those certificates, agreements and other documents described in the Indenture, the Loan Agreement, the Regulatory Agreement, the 1983 Bonds Agreement, the Purchase Contract and the other documents herein approved and any certificates, agreements or documents as may be necessary to further the purpose hereof, evidence credit support or additional security for the Bonds (including an intercreditor agreement), or evidence the obligation to purchase Bonds upon tender by the Bondholders (including a tender agent agreement), but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Bonds.

Section 10. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Cogdill, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-642

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER/SEWER BORE AND JACK PROJECT ACROSS STATE ROUTE 99

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

SECTION 1. The plans and specifications for water/sewer bore and jack project across State Route 99, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 17, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, 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, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-643

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF OF ONE POLICE VEHICLE THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested this purchase to replace one police vehicle that possess high mileage and has unacceptable downtime for repairs; and

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

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

BE IT FURTHER RESOLVED that purchase of one Police vehicle through the State of California Cooperative Purchasing Contract for a total price of \$15,447.50 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, 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, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-644

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO ROTARY CLUB FOR INSTALLATION OF THE PLAY EQUIPMENT DONATED TO THE
ROBERTSON ROAD NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and the Modesto Rotary Club
for the installation of play equipment donated to the Robertson Road
Neighborhood Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 24th day of November ,
1992, by Councilmember Muratore, 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:	None
ABSENT:	Councilmembers:	Friedman

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-645

A RESOLUTION RECOMMENDING TO THE COUNTY OF STANISLAUS THAT ZONING USE PERMIT NO. 92-23 BY MARTIN DAVID FOR A GOLF DRIVING RANGE WITH VOLLEYBALL AND RESTAURANT/RETAIL FACILITIES BE DENIED ON PROPERTY LOCATED ON THE NORTH SIDE OF BANGS AVENUE EAST OF DALE ROAD IN THE CITY'S URBAN RESERVE AREA.

WHEREAS, on March 13, 1990, the City of Modesto and the County of Stanislaus entered into an agreement wherein the County agreed to limit development within the City's Sphere of Influence, and

WHEREAS, pursuant to the Modesto-County agreement, the City Council reviews Conditional Use Permits for new uses (other than for churches and agricultural uses), and

WHEREAS, Council Policy 4.028 guides consideration of development proposals within the City's Sphere of Influence, and

WHEREAS, Martin David has filed Use Permit Application No. 92-23 with the County of Stanislaus for a proposed golf driving range with volleyball, restaurant/retail store facilities on property located on the north side of Bangs Avenue east of Dale Road in the City's Urban Reserve Area as designated in the General Plan, and

WHEREAS, of the four distinct county areas within the Sphere of Influence, the aforesaid property is located in Area 4, within the City's Urban Reserve and is designated on the County General Plan map as Urban Transition, and

WHEREAS, the proposed project is within an area which the City Council has directed the General Plan Steering Committee to consider for a Phase I Business Park, and

WHEREAS, City staff has found this proposal to be incompatible with future Business Park use of the area, and

WHEREAS, the proposed development is a commercial establishment which intrudes into an area that is not yet ready for urban development, and

WHEREAS, premature urban development creates planning difficulties because it precludes options in terms of area-wide land use and circulation patterns,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends to the County of Stanislaus that Conditional Use Permit No. 92-23 be denied because of its incompatibility with the future Business Park use of the area.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the Board of Supervisors of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Dobbs, 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, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

14

MODESTO CITY COUNCIL
RESOLUTION NO. 92-646

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$146,422.48 FROM CONTINGENCY RESERVE TO REIMBURSE THE WILLIAM LYON COMPANY FOR STREET AND SEWER IMPROVEMENTS INSTALLED IN THE DRY CREEK MEADOWS SUBDIVISION

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

FROM:	CFF Parks Contingency Reserve	\$1,423.05
	CFF Expressway Loop Reserve	\$31,789.43
	CFF Sewer Contingency Reserve	\$113,210.00
TO:	Yosemite Neighborhood Park	\$1,423.05
	Claus Rd. Street Construction	\$31,789.43
	Extend Subtrunk Sewers	\$113,210.00

The William Lyon Company has completed City required street and sewer improvements in the Dry Creek Meadows Subdivision. The work was performed under approved reimbursement agreements executed in 1990. Funds were not encumbered. Money is needed to pay the Developer, who has completed the work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, 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, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 

NORRINE COYLE, City Clerk

12/12

MODESTO CITY COUNCIL
RESOLUTION NO. 92-647

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL
BUDGET TO SET UP A TRUST ACCOUNT.

WHEREAS, the City owes to William Lyon Company a sum of
\$294,379.48. This amount was due to three reimbursement agreements that had
been entered into as a result of work performed by the William Lyon Company on
the following projects:

135-310-P167-6040	Yosemite Park Improvements	\$ 1,423.00
133-430-P876-6040	Claus Road Street Improvements	179,746.48
621-480-P561-6040	Sanitary Sewer Subtrunk Claus Road	<u>113,210.00</u>
Total		\$294,379.48

and

WHEREAS, the William Lyon Company owes to City \$268,000 in fees
for future improvements at the Yosemite Boulevard/New Claus Road/Garner Road
Intersection. A portion of this money will be used to fund the Del Monte
Corporation gate relocation, and

WHEREAS, the William Lyon Company has requested that the City pay
them the net difference of the amounts, \$26,379.48, and consider their debt
paid in full. This amount will be paid from 621-480-P561-6040 Sanitary Sewer
Subtrunk-Claus Road, and

WHEREAS, the following remaining funds will be moved to a trust
account:

135-310-P167-6040	Yosemite Park Improvements	\$ 1,423.00
133-430-P876-6040	Claus Road Street Improvements	179,746.48
621-480-P561-6040	Sanitary Sewer Subtrunk Claus Road	<u>86,830.52</u>
Total		\$268,000.00

NOW, THEREFORE, BE IT RESOLVED that this resolution transfers the amount originally owed by William Lyon, \$268,000, to a trust account to be used as agreed upon in the development agreement.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, 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, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

17

MODESTO CITY COUNCIL
RESOLUTION NO. 92-648

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARGARET R. SAHLMAN, TRUSTEE FOR THE MARGARET R. SAHLMAN TRUST, FOR THE ACQUISITION OF 1,633 SQUARE FEET OF HER PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Margaret R. Sahlman, Trustee for the Margaret R. Sahlman Trust, for the acquisition of 1,633 sq. ft. of her property needed to widen Scenic Avenue for the appraised value of \$12,200 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 November , 1992, 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, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

A TTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-649

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHIMON AMADIN FOR THE ACQUISITION OF 1,500 SQ. FT. OF HIS PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shimon Amadin for the acquisition of 1,500 sq. ft. of his property needed to widen Scenic Avenue for the appraised value of \$7,400

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 November , 1992, 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, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Friedman

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-650

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 Atmospheric, 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 24th day of November , 1992, 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, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Friedman

A TTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-651

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 1 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyons Company, subdividers of Dry Creek Meadows No. 1 Subd. have filed subdivision bonds for faithful performance and labor and materials in the amount of \$757,300.00 and \$378,650.00 respectively to guarantee improvements in Dry Creek Meadows No. 1 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated November 13, 1992 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 Dry Creek Meadows No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$757,300.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$378,650.00 upon expiration the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

P.L. 92-652

MODESTO CITY COUNCIL
RESOLUTION NO. 92-652

A RESOLUTION APPROVING THE APPLICATION FOR
GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT
AND MITIGATION PROGRAM UNDER THE SECTION
164.56 OF THE STREETS AND HIGHWAYS CODE FOR
THE CLAUS ROAD PEDESTRIAN/BICYCLE TRAIL AND
UNDERCROSSING PROJECT.

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 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 hereby:

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 24th day of November, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-653

A RESOLUTION APPROVING THE APPLICATION FOR
LAND AND WATER CONSERVATION FUNDS FOR THE
EAST LA LOMA NEIGHBORHOOD PARK GROUP PICNIC
SHADE STRUCTURE 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 East La Loma Neighborhood Park
Group Picnic Shade Structure 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,

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 Fund 140, Park Fund, 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 24th day of November, 1992, 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, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-654

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
VAIL ENGINEERING FOR CONSULTANT SERVICES FOR VILLAGE ONE FINANCING PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Vail Engineering for
consultant services for the 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 24th day of November ,
1992, by Councilmember Cogdill , 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, Muratore, Patterson,
Mayor Lang
- NOES: Councilmembers: Dobbs
- ABSENT: Councilmembers: Friedman

A TTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 92-655

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL
BUDGET TO PROVIDE FUNDING FROM THE GENERAL FUND FOR
THE VILLAGE ONE INFRASTRUCTURE FINANCING PLAN.

WHEREAS, on September 8, 1992, the City Council directed staff to
seek a qualified consultant to further assist City staff to:

1. Revise the Village One Financing Plan to accommodate
recently recommended changes in the Village One Public Facilities Master Plan,
and

2. Provide professional assistance to City staff on selecting
appropriate financing mechanisms in Village One, and

WHEREAS, staff has selected Vail Engineering to assist in the
financing mechanisms for Village One, and

WHEREAS, this project is to be financed by the General Fund. The
General Fund is to be reimbursed as Village One develops. The project will
reside in Fund 130, and

WHEREAS, this resolution provides the financing for the project in
the amount of \$38,500,

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

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agy/Organization</u>		<u>Increase (Decrease)</u>
Expenditures		
130-140-C236-6010	Village One Infrastructure Financing Plan	\$38,500
Revenues		
130-700-7000-9010	Transfer in from Fund 010	\$38,500

GENERAL FUND (010)

<u>Fund/Agy/Organization</u>	<u>Increase (Decrease)</u>
Expenditures	
010-700-7000-7130 Transfer Out to Special Fund for Capital Outlays	\$38,500
010-800-8000-8003 General Fund Contingency Reserve	(\$38,500)

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 24th day of November, 1992, by Councilmember Cogdill, 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, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-656

A RESOLUTION DENYING WITHOUT PREJUDICE THE APPEAL FILED BY FREDERICK FABIAN AND RUTH TALBERT TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED ON THE SOUTH SIDE OF EVERGREEN AVENUE EAST OF WEST ORANGEBURG AVENUE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION. (FABIAN/TALBERT)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Frederick Fabian and Ruth Talbert on July 15, 1992, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, described as follows:

All that certain real property situate in a portion of the Northwest quarter of Section 19, Township 3 South, Range 9 East Mount Diablo Base and Meridian in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northwest corner of the Evergreen Park No. 2 Subdivision, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, March 5, 1982, in Volume 29 of Maps, Page 134; thence along the West line of said subdivision Southerly 287.52 feet to the most Northern line of the Orangeview Manor Subdivision, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on February 17, 1988, in Volume 32 of Maps, Page 67; thence along said North line, Westerly 151 feet; thence leaving said North line, Northerly 280.45 feet to the South line of 60.00 foot wide Evergreen Avenue; thence Westerly along said South line being a curve concave to the North, 70.74 feet to a point of tangency with a line bearing Easterly; thence continuing along said South line, Easterly 80.33 feet to the point of beginning.

Including also all of the South one-half of 60.00 foot

wide Evergreen Avenue immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on September 14, 1992, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-41, and denied the application of Frederick Fabian and Ruth Talbert to amend Section 19-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Low Density Residential Zone, R-1, to Planned Development, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, was filed with the Office of the City Clerk by F.M. Fabian, by letter dated September 22, 1992, 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 20, 1992, at 7:30 p.m., and

WHEREAS, a continuance of the appeal hearing was requested by Frederick M. Fabian by letter dated October 19, 1992, said appeal then being continued for 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 December 8, 1992, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, should be denied without prejudice and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 92-41 and quoted below:

1. The proposed P-D zone falls far short of several important and basic development standards for Modesto including excessive density, parking shortage, lack of sufficient building/ parking setbacks and excessive height.
2. The development plan for the proposed housing project does not adequately provide for compatibility with adjoining existing and potential residential properties.
3. The applicant has not demonstrated that he can legally limit the occupancy as presented.

and

WHEREAS, the City Council certifies it has reviewed and considered the findings of the City of Modesto Environmental

Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the requested rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Frederick Fabian and Ruth Talbert to the decision of the Planning Commission denying the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, is denied without prejudice for the reasons set forth in Planning Commission Resolution No. 92-41 and quoted above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By William J. ...
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MODESTO CITY COUNCIL
RESOLUTION NO. 92-657

A RESOLUTION GRANTING THE APPEAL OF DENNIS WILSON, MID-VALLEY ENGINEERING, INC., TO A STAFF DECISION REGARDING AN APPLICATION FOR THE PELANDALE-SNYDER REORGANIZATION, GENERAL PLAN AMENDMENT, PREZONE AND CHANGE OF SPHERE OF INFLUENCE, PROPERTY LOCATED ON THE NORTH SIDE OF SNYDER AVENUE AND MID LATERAL NO. 6, BETWEEN DALE ROAD AND THE UNION PACIFIC RAILROAD.

WHEREAS, on September 3, 1992, the City received an application for the Pelandale-Snyder Reorganization, General Plan Amendment, prezone, change of Sphere of Influence, and environmental review of 403.7 acres on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad tracks, and

WHEREAS, SB 1559, signed on September 14, 1992, mandated an exchange of revenue as well as responsibility of service delivery between the City and County in annexations, and

WHEREAS, by letter dated October 1, 1992, addressed to Dennis Wilson, Mid-Valley Engineering, Inc., from the Planning and Community Development Department, Mr. Wilson was notified, pursuant to Government Code Section 65943, that by staff decision the application was deemed incomplete until the developer could show how the project would resolve the requirements of SB 1559; namely, the issues of revenue and service levels in annexations should be resolved, and

WHEREAS, by letter dated October 16, 1992, from Mr. Wilson an appeal to City staff's decision was filed with the City

Clerk, and

WHEREAS, AB 3029, signed on October 27, 1992, clarified that the issues of revenue and service between the City and County need to be addressed for incorporations only, and

WHEREAS, the Stanislaus Local Action Formation Commission (LAFCO) would still use its local policy and authority to condition the annexation upon City agreement to make the county "revenue neutral", and

WHEREAS, said appeal was set for a public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on November 10, 1992, and

WHEREAS, on November 10, 1992, by motion of the Council, said appeal was referred to the Community Development and Housing Committee for consideration for the Committee to provide a recommendation to the City Council in consideration of AB 3027 and to consider a policy requiring proponents to provide solutions to the County "revenue neutral" issue, and said public hearing on the appeal was continued to December 8, 1992, at 4:00 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, and

WHEREAS, on November 16, 1992, the Community Development and Housing Committee discussed the matter and recommended to Council to not delay prezone/annexation projects, but the proponents must acknowledge the City will not be responsible for any alleged County revenue shortfalls and all LAFCO conditions must

be met, and

WHEREAS, on December 8, 1992, at 4:00 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, the Council held said public hearing on said appeal, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Dennis Wilson, Mid-Valley Engineering, Inc., to a staff decision to not process an application for the Pelandale-Snyder Reorganization, General Plan Amendment, prezone and change of Sphere of Influence, property located on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad, should be granted, and the City staff decision should be overruled for the following reason:

Delay in the development application process will have a negative impact on economic development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reasons set forth above, the decision of City staff to not process the application for the Pelandale Snyder Reorganization, General Plan Amendment, prezone and change of Sphere of Influence, property located on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad, is hereby overruled, the appeal is granted, and City staff is hereby directed to process said prezone and annexation application, subject to the proponent agreeing to

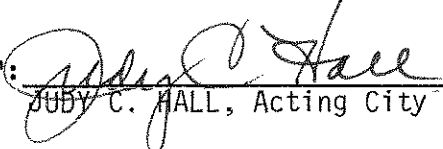
acknowledge in writing that the City will not be responsible for any revenue sharing with the County as a condition of annexation and the annexation cannot be completed until all conditions imposed by LAFCO have been met.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-658

A RESOLUTION DESIGNATING ENSLEN PARK LOCATED
AT STODDARD AND ENSLEN AVENUES 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 August 17, 1992,
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. 16, that
Enslen Park is eligible for designation as a Landmark
Preservation Site for the following reasons:

1. The location and setting is compatible with future
preservation and use.
2. The physical condition is such that preservation,
maintenance, or adaptive use is economically
feasible.
3. The distinguishing characteristics of significance
are for the most part original and intact or
capable of restoration.
4. The existing or proposed use is compatible with
the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on December 8,
1992, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that Enslen
Park 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 Enslin Park is located at Stoddard and Enslin Avenues, and more particularly described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Block 524 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

BE IT FURTHER RESOLVED that Enslin Park has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Enslin Park was purchased in 1906 with \$2,000 given to the Women's Improvement Club (WIC) by James Enslin. The WIC subsequently directed it to the City of Modesto.
2. The park was designed by James McLaren. The Women's Improvement Club supervised the construction of the park and the landscaping.
3. 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 8th day of December, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Linda C. Bostey
PUBLIC WORKS DEPARTMENT
Engineering Division

MODESTO CITY COUNCIL
RESOLUTION NO. 92-659

A RESOLUTION DESIGNATING GRACEADA PARK
LOCATED AT NEEDHAM STREET AND SYCAMORE 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 August 17, 1992,
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. 17, that
Graceada Park is eligible for designation as a Landmark
Preservation Site for the following reasons:

1. The location and setting is compatible with future
preservation and use.
2. The physical condition is such that preservation,
maintenance, or adaptive use is economically
feasible.
3. The distinguishing characteristics of significance
are for the most part original and intact or
capable of restoration.
4. The existing or proposed use is compatible with
the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on December 8,
1992, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that
Graceada Park 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 Graceada Park is located at Needham Street and Sycamore Avenue, and more particularly described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Blocks 531, 532 and 533 of the CITY OF MODESTO, as per maps filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

BE IT FURTHER RESOLVED that Graceada Park has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Graceada Park, consisting of three blocks of land, was donated by Thomas Beard and T. P. Wisecarver in 1906 to the Women's Improvement Club (WIC). The WIC subsequently donated the park to the City of Modesto.
2. John McLaren, who designed Golden Gate Park in San Francisco, was retained as a consultant for developing the plans for the park.
3. 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 8th
day of December, 1992, 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: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Linda C. Bosta
PUBLIC WORKS DEPARTMENT
Engineering Division

MODESTO CITY COUNCIL
RESOLUTION NO. 92-660

A RESOLUTION APPROVING THE ADDITION OF CHAPTER 19, ENTITLED "HOME FUNDED HOUSING REHABILITATION PROGRAM (HP)", TO THE COMMUNITY DEVELOPMENT PROGRAM POLICY AND PROCEDURES MANUAL.

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) has allocated the amount of \$750,000 in HOME Funds to the City of Modesto, and

WHEREAS, the HUD program, which will provide funding for rehabilitation of housing, has regulations, restrictions, and requirements that differ from those of the Community Development Block Grant (CDBG) program, and

WHEREAS, said differences will impact, to some degree, the manner in which the City manages its Housing Rehabilitation program operations; therefore, it is necessary to amend the City of Modesto's Community Development Program Policy and Procedures Manual to address the requirements of said HUD program, and

WHEREAS, on November 20, 1992, the Citizens Housing and Community Development Committee (CH&CDC) completed its review of a new chapter, Chapter 19, entitled "Home Funded Housing Rehabilitation Program (HP)", to be added to said Manual, and

WHEREAS, the CH&CDC has recommended to the City Council the addition of said Chapter 19 to the Community Development Program Policy and Procedure Manual, as set forth in Exhibit A, attached hereto, and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, to insure that staff activities related to use of HOME Funds will be in harmony with HUD regulations, it does hereby approve the adoption of Chapter 19, entitled "Home Funded Housing Rehabilitation Program (HP)", to the Community Development Program Policy and Procedure Manual, as set forth in Exhibit A, attached hereto, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

CHAPTER 19

HOME FUNDED HOUSING REHABILITATION PROGRAM (HP)

19.1 Program Objectives

- A. The HOME Program is designed to expand the local supply of decent affordable housing for low and very-low income families with emphasis on rental housing and to build State and local capacities to administer affordable housing programs, and provide for coordinated assistance to participants in the development of affordable low-income housing.
- B. The HOME Program is funded by a separate grant from the United States Department of Housing and Urban Development (HUD), and all administrative costs are funded through the City of Modesto's Community Development Block Grant (CDBG) funds.
- C. The HOME Program allows the use of funds for owner and non-owner occupied dwellings for low cost rehabilitation, as a means of a cost effective development strategy.

The program enables the rental property owner to upgrade the unit while still providing a cash flow sufficient enough to maintain the property for low-income tenants.

The Housing Authority of Stanislaus County will apply for, a special allotment of Section 8 Certificates or Housing Vouchers for very low income tenants who will live in the completed rental units and who qualify for its program.

The HOME Program has rent limitations that are determined by HUD. They are calculated at 50 percent and 65 percent of Modesto median area income. Actual limits are determined and published by HUD annually.

- D. The key to a successful HOME rental housing project is whether the Rehabilitation is feasible from the standpoint of the investor and whether it is likely that market rents after rehabilitation would not exceed rental levels established by HUD. The City of Modesto, as with all its housing rehabilitation programs, discourages permanent displacement of tenants affected by HOME-funded rehabilitation projects.

19.2 Eligibility Criteria

- A. Both the applicant for assistance and the residential property must be eligible for assistance as set forth in this chapter. The eligibility requirements set forth in this chapter may not be waived.

- B. Except when the Housing Rehabilitation Loan Committee (HRLC) recommends additional assistance to maintain the continued safe occupancy of the property by low-income tenants, participation in the HOME Program is limited to a one-time rehabilitation of an existing structure(s).
- C. The applicant for a HOME-funded project must have legal and/or equitable title to the property, and the property must be located within the incorporated limits of the City Modesto.
- D. Except for the restriction of not combining HOME funded rehabilitation projects with Rental Rehabilitation Program projects, nothing in this chapter should be construed to establish or limit the eligibility for financial assistance under any other housing rehabilitation programs operated by the Housing Program Office.
- E. Denial of any applicant's request for financial and/or technical assistance may be appealed to the HRLC, the CH&CDC, and the Modesto City Council, respectively.
- F. All property owner(s) affected by changes in HOME Program policy shall receive written notification of such changes from the Housing Program Office.
- G. The property owner(s) may apply for financial and/or technical assistance from the Housing Program Office by signing the Request For Assistance form. All persons listed on the title report as having legal interest in the ownership of the property shall be required to sign the Request For Assistance, as well as all other documents necessary for loan origination, loan closing and requests for disbursements of loan funds.
- H. Applicants for rehabilitation assistance are required to submit information about their income, credit, employment, assets, assistance benefits, and other information requested by the Housing Program Office to verify their eligibility for assistance. Full disclosure is required by each individual having a legal interest in the property. Failure to provide all requested information may result in denial of the applicant's loan request.

19.3 Types of Assistance Available

A. Financial Assistance

The amount of financial assistance permitted for a HOME rehabilitation project must be within maximum limits to ensure that the equity is sufficient to secure the loan. Both the amount of financial assistance and extent of repairs must be determined necessary by the Housing Rehabilitation Loan Committee. The Committee will review the HOME project and make a recommendation to the City Council. The City Council will then approve, revise, or deny the Committee's recommendation.

1. Direct City Loan at 5% Interest - Payment Required

The applicant(s) must be the non-occupant owner(s) who will sign an agreement for the term of the loan to rent to tenants who qualify according to the rental levels established by HUD. The property must be in the Mandatory Target Area.

2. Direct City Loan at 3% Interest - Payment Required

The applicant(s) must be the owner-occupant(s) of the unit that is located within the mandatory target area with a total household income that is between 50% and 80% of the Modesto median area income as established by HUD.

3. Deferred Payment Loan at 3% Interest - Payments Not Required

The applicant(s) must be the owner-occupant(s) of the unit with a total household income of up to 50% of the Modesto median area income as established annually by HUD. Installment payments are not required, but may be made at the option of the borrower(s).

All loan principal and accrued interest on these loans are payable in full upon the sale or transfer of the title to the property, or if the property is no longer occupied by the owner.

B. Technical Assistance

1. Applicant(s) may request technical assistance with initial, progress, and final inspections, preparation of plans, work write ups, cost estimating, and bidding assistance.
2. Applicant(s) also may request assistance in monitoring of rehabilitation work.

C. Relocation and Displacement Benefits

Where extensive rehabilitation work causes temporary or permanent displacement of households under this program, relocation benefits will be offered by the Housing Program Office.

D. Paint Rebate and Insulation Programs

Property owners who finance their rehabilitation projects with HOME Program funds are eligible to participate in the Housing Maintenance Paint and Insulation Rebate Programs. Eligibility criteria for participating in these programs are covered in Chapter 11 of the Policy and Procedures Manual. All expenses for the Paint and Insulation Rebate Programs will be paid from Community Development Block Grant (CDBG) Funds.

19.4 Eligible Rehabilitation and Financial Assistance Limits

A. Mandatory Rehabilitation

The City of Modesto requires that repairs designated as "mandatory" by the building inspector be completed by the property owner, whether the property owner receives financial assistance under this program or obtains his funds from other sources.

B. Voluntary Rehabilitation

Repairs designated as "voluntary" by this chapter are eligible for assistance, but are not mandatory unless required for the unit to meet Housing Quality Standards per HUD regulations and for correcting incipient hazards. Incipient hazards are conditions that will become hazards within a short period of time, i.e., six months.

For administrative purposes the repairs have been classified into five categories, as described below:

1. Class A: Housing Code Violations

All violations of the Modesto Housing Code listed in the Notice and Order issued by the Building Inspection Division must be corrected. The limit on the amount of financial assistance available for mandatory repairs may not exceed the maximum amount allowed by HUD. Also, the HRLC must agree the repairs are reasonable and necessary, and there is sufficient equity in the property to secure the loan. The City Council must approve all loans.

2. Class B: Potential or Incipient Hazards

Necessary repairs that will become hazards over the period of the loan, and listed by the Housing Rehabilitation Specialist. The same maximum loan limits apply as in "A" above. All class "A" code violations must be corrected first.

3. Class C: Neighborhood Upgrading

This category includes fencing, landscaping, carport and garage repairs. The same maximum loan limits apply as for class "A" and "B," except class "A" and "B" violations must be corrected first.

4. Class D: General Property Improvement

This class includes all other types of improvements not included in the other classes, including such items as built-in appliances and garbage disposals. Not more than \$2,500 in financial assistance can be provided for items in this Class. Class "A," and "B," items must be corrected first.

5. Class E: Energy Savings

These improvements are available to make homes more energy efficient, and are eligible for financial assistance. There is a limit of \$5,000 in assistance for this Class. The total dollar amount for all rehab cannot exceed the maximum dollar amount established by HUD for the unit size being rehabbed.

19.5 STAFF RESPONSIBILITIES

A. Owner and Tenant Contact For Mandatory Target Area Properties

The Housing Program Office staff determine the legal owner(s) of the property and contact them by telephone, letter or personal visit, to explain the program and arrange the initial inspection. The Housing Program Office staff complete the Inspection Appointment sheet and give a copy to the Housing Rehabilitation Specialist and the Building Inspector. The Housing Rehabilitation Specialist notifies the Housing Financial Specialist who orders a P.I.R.T. from a local title company in advance of the inspection appointment.

If the property owner refuses to authorize the inspection, the assigned Housing Program staff person notifies the Housing Program Supervisor in writing, listing the attempts to contact the property owner(s) and the results of each contact.

The Housing Program Supervisor contacts the property owner(s) by telephone and follows up with a certified letter, explaining the mandatory nature of the program, and requests an inspection. If the property owner still refuses to allow the inspection, the Housing Program Supervisor notifies the Chief Building Official in writing, with copies of all the attempts to contact the property owner(s), and requests assistance with obtaining an Inspection Warrant from the Municipal Court. A courtesy copy of the letter and supporting documentation sent to the Chief Building Official is also forwarded to the City Attorney.

B. Initial Property Inspection

The Building Inspector accompanied by a Housing Rehabilitation Specialist performs the initial inspection to check for compliance with the City of Modesto Housing Code. The Building Inspector explains to the property owner the inspection procedure, that code violations detected during the inspection

will be included in the Notice and Order, and the approximate time the Notice and Order will be mailed.

The Housing Rehabilitation Specialist who accompanies the Building Inspector on the initial inspection fills out the Inspection Survey, and asks the property owner(s) to contact him/her upon receipt of the Notice and Order. The Housing Rehabilitation Specialist also obtains information about tenants or owners that were not included in the inspection appointment notes. The Housing Rehabilitation Specialist then refers all Housing Code questions to the Building Inspector, and makes no further contacts with the property owner(s) unless requested to do so by the City Attorney.

If health and safety hazards are found during the inspection, the Building Inspector, upon return to his office, prepares a Notice and Order. If there are no Housing Code violations, the Building Inspector signs the Inspection Appointment form, marks it "NO CODE VIOLATIONS" and gives it to the Housing Rehabilitation Specialist. The Housing Rehabilitation Specialist sends a letter to the property owner(s) indicating no code violations, and congratulating him/her for maintaining this property well. Also, the property owner is invited to participate in the voluntary programs administered by the HPO.

If the property owner refuses to allow the initial inspection, the Building Inspector refers the case to the Chief Building Official and the City Attorney with a request for an Inspection Warrant.

C. Notice and Order

For units inspected, the Building Inspector prepares a draft of the Notice and Order, then forwards it to the Housing Program Office Secretary for typing. The Building Inspector presents the typed Notice and Order to the Chief Building Official for approval. After receiving approval he returns the approved copy to the Housing Program Office Administrative Staff for mailing by Certified Mail, return receipt requested.

For properties containing code violations, the Building Inspector prepares and signs a Certificate of Existence of Substandard Building and gives it to the Housing Financial Specialist for recording.

For property owners receiving Notice and Orders, the Housing Rehabilitation Specialist contacts them if a building permit has not been obtained and started in the time spelled out in the Notice and Order. If there is no response from the property owner(s), or he refuses to obtain a permit and begin the repairs, the Housing Rehabilitation Specialist requests assistance in writing from the Building Inspector. The Building Inspector sends a 60-Day Notice. At the expiration of the 60-Day Notice, if a building permit has not been obtained and the repair work has not been started, the Building Inspector sends a Final Notice to the property owner(s).

If the property owner does not respond to the Final Notice within 30 days, the Chief Building Official requests assistance from the City Attorney. The Housing Rehabilitation Specialist sends a copy of the file to the Chief Building Official for review prior to his requesting assistance from the City Attorney.

D. Explanation of Program and Options

The Housing Rehabilitation Specialist:

1. Contacts the property owner(s) after receiving evidence that the property owner has received the Notice and Order. The Housing Rehabilitation Specialist then explains the Notice and Order items, and the appeal process.
2. Explains the assistance available through the Housing Program Office; fills out the Request for Assistance form, obtains the property owner(s) signature(s). He then gives one copy to the property owner(s), retains one copy for the case file, and gives the last copy to the Housing Financial Specialist.
3. Reviews the Inspection Survey with the property owner(s) and formulates the basis of a Work Write-Up of eligible mandatory and voluntary rehabilitation work items.
4. Obtains the property owner(s) signature(s) on the Advance Payment Agreement which authorizes ordering of Pest Control Report, property appraisal, architectural drawings/plans.
5. Explains the Owner Participation Agreement to property owner if he wishes to act as his own contractor.
6. Provides a cost estimate for the proposed work and explains that an exact dollar amount will not be available until the bids have been obtained from contractors.
7. Explains the Bid Procedure, Loan Processing Procedure, Contract Monitoring Plan and Payment Procedure.
8. Explains requirements for the Paint and Insulation Rebate Programs.
9. Informs the property owner(s) of available relocation assistance and notifies the Housing Finance Specialist when a relocation plan is needed.
10. Orders the Pest Control Report, inserts all pest control findings into the Work Write-Up, obtains owner(s) approval of the project and posts it for bidding.

- SEE: CHAPTER 6. CONTRACTOR BID PROCEDURE
- CHAPTER 7. LOAN/GRANT PROCEDURE
- CHAPTER 8. CONTRACTOR PAYMENT PROCEDURE
- CHAPTER 9. WORK MONITORING AND QUALITY STANDARDS
- CHAPTER 10. OWNER-BUILDER PROCEDURE

11.6 PROJECT CLOSEOUT

- A. After all Building Permit repair items have been completed, and the Pest Control Clearance has been obtained, the Housing Rehabilitation Specialist and the Building Inspector conduct a final inspection. If all the rehabilitation work is approved, the Building Inspector signs the Certificate of Completion, and the Certificate of Compliance. The Housing Financial Specialist delivers the Certificate of Compliance to the County Recorder for recording.

If there is additional work to be done beyond the Building Permit items, the Housing Rehabilitation Specialist monitors the project until all the additional work is completed. The Housing Rehabilitation Specialist then obtains the signature of the property owner and the contractor on the Certificate of Completion and advises the Housing Financial Specialist that the Certificate of Compliance can be recorded.

- B. The Housing Rehabilitation Specialist obtains all final check requests and documentation, including a copy of the paint rebate and insulation rebate agreements and submits them to the Housing Financial Specialist for processing for final payment.
- C. The Housing Financial Specialist reviews all documents and processes the final check request and sends it to the City Finance Department.
- D. The Housing Rehabilitation Specialist turns in the field file to the Secretary, for combining with the Finance file and labeling for storage.
- E. The Housing Rehabilitation Specialist advises the Housing Program Supervisor when the project is completed. The Housing Program Supervisor sends a Rehabilitation Questionnaire to the property owner to obtain an evaluation of the effectiveness of the rehabilitation project and the type of customer service received from the Housing Program Office Staff. The Rehabilitation Questionnaire when returned is reviewed by the entire Housing Program Office Staff to evaluate:

1. Likes and dislikes about the program.
 2. Recommendations for improvements for the program.
 3. Whether or not the program helped the property owner.
- F. After the Rehabilitation Questionnaire has been reviewed by the Housing Program Office staff and weak areas noted and discussed, the Housing Financial Specialist files it.
- G. Immediately after weak program areas are pointed out in the Rehabilitation Questionnaire, the Housing Program Supervisor will take steps to improve the weak areas.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-661

A RESOLUTION ACCEPTING AS COMPLETE, IMPROVEMENTS IN COLLIER PARK SUBDIVISION
AND AUTHORIZING RELEASE OF CERTIFICATE OF DEPOSIT

WHEREAS, Barry Highiet of DANO Construction, subdivider of Collier Park Subdivision, has filed a Certificate of Deposit for faithful performance and labor and materials in the amount of \$48,300.000 to guarantee improvements in Collier Park Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated November, 19, 1992, 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 Certificate of Deposit upon expiration of the statutory periods.

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

1. The improvements in Collier Park Subdivision are hereby accepted as complete.
2. The City Clerk is hereby authorized to release a portion of the Certificate of Deposit for faithful performance in the amount of \$32,200.00, upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release a postion of the Certificate of Deposit for labor and materials in the amount of \$16,100.00 upon espiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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. 92-662

A RESOLUTION ACCEPTING IMPROVEMENTS IN PINE TREE VILLAGE NO. 3 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, James Horn Construction, subdividers of Pine Tree Village No. 3 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$827,000.00 and \$ 413,500.00 respectively to guarantee improvements in Pine Tree Village No. 3 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated November 19, 1992, 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 Pine Tree Village No. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 827,000.00 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 \$ 413,500.00 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 8th day of December, 19 92, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-663

A RESOLUTION APPROVING A COOPERATIVE ANNUAL AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR PROVIDING AUTOMOTIVE REPLACEMENT PARTS FROM FOUR LOCAL MODESTO FIRMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative annual agreement between the City of Modesto and Stanislaus County for providing automotive replacement parts from four local Modesto firms 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 8th day of December, 1992, 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. 92-664

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WINGS EXPRESS, INC. FOR THEIR OPERATIONS AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Wings Express, Inc. for their operations at the Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said lease 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 8th day of December, 1992, 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. 92-665

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSEPH J. AND ANNA M. GOMES FOR THE ACQUISITION OF 1320 S.F. OF THEIR PROPERTY NEEDED TO WIDEN SCENIC AVENUE FOR THE APPRAISED VALUE OF \$6,350

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joseph J. and Anna M. Gomes for the acquisition of 1320 s.f. of their property needed to widen Scenic Avenue for the appraised value of \$6,350

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 8th day of December , 1992, 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

A TEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 92-666

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGIA E. BARNARD, TRUSTEE FOR THE BARNARD LIVING TRUST, FOR THE ACQUISITION OF 1300 S.F. OF HER PROPERTY NEEDED TO WIDEN SCENIC AVENUE FOR THE APPRAISED VALUE OF \$9,624

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Georgia E. Barnard, Trustee for the Barnard Living Trust, for the acquisition of 1300 s.f. of her property needed to widen Scenic Avenue for the appraised value of \$9,624

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 8th day of December , 1992, 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

A TTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-667

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GALLO GLASS COMPANY FOR THE LEASE OF MARK TWAIN PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gallo Glass Company for the lease of Mark Twain Park site

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

A TTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 92-668

A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. CARNABUCCI, DOING BUSINESS AS NIBBLES, AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended lease agreement between the City of Modesto and Charles J. Carnabucci, doing business as Nibbles, at the Modesto Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

Clerk B

MODESTO CITY COUNCIL
RESOLUTION NO. 92-669

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE DISABLED ACCESS APPEALS BOARD OF
THE CITY OF MODESTO.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

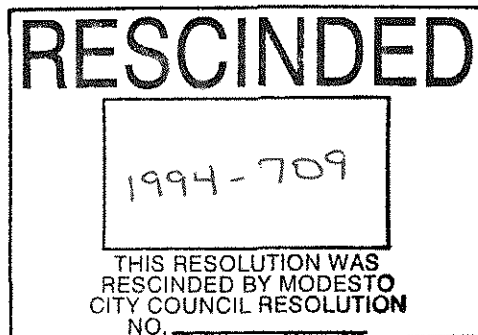
WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council has recently created a Disabled
Access Appeals Board by adoption of Ordinance No. 2804-C.S., and

WHEREAS, the Council at its meeting of December 8,
1992, considered the adoption of a conflict of interest code for
the Disabled Access Appeals Board of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Disabled Access Appeals Board of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

12/08/92



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

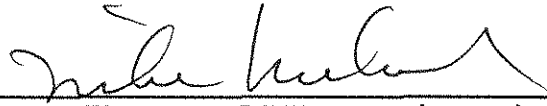
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, Acting City Attorney

CONFLICT OF INTEREST CODE
OF THE
DISABLED ACCESS APPEALS BOARD
OF THE CITY OF MODESTO

Section 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit B specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit B. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests

which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.

All designated employees within this code shall file statements of economic interests with the City Clerk.

Section 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.

(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

Section 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.

(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received

during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment of Real Property Reports. When an investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars

¹ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

² Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests of real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁴ the statement shall

³ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁴ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if

contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect

the clients or customers are within one of the disclosure categories of the filer.

investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 8.3. LEGALLY REQUIRED PARTICIPATION.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing

authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

Section 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

DISABLED ACCESS APPEALS BOARD CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson; Vice Chairperson; all Board members	1
Consultant	2

DISABLED ACCESS APPEALS BOARD CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G, and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-670

A RESOLUTION GRANTING THE REQUEST FOR ADDITIONAL FINANCIAL ASSISTANCE FILED BY MODESTO BABE RUTH BASEBALL IN LIEU OF PARTICIPATION IN THE SOON-TO-BE-ESTABLISHED CITY OF MODESTO YOUTH SPORTS SCHOLARSHIP PROGRAM.

WHEREAS, Modesto Babe Ruth Baseball is suffering from major financial problems, and

WHEREAS, the City of Modesto, through the budget process, has already provided financial assistance to Modesto Babe Ruth Baseball, and

WHEREAS, due to unforeseen circumstances that have put Modesto Babe Ruth Baseball in a difficult financial position during the 1992 season, a request for additional City assistance has been received, and

WHEREAS, City staff is in the process of developing a youth scholarship program that will be in place prior to the Spring, 1993 season which Modesto Babe Ruth Baseball participants would have been eligible for; however, their financial need is immediate, and the additional financial assistance will be in lieu of participation in the soon-to-be-established City of Modesto Youth Sports Scholarship Program, 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 Financial Policy Committee considered said request on November 17, 1992, and has recommended that Modesto

Babe Ruth Baseball be given \$2,500, in lieu of participation in the soon-to-be-established City of Modesto Youth Sports Scholarship Program, and

WHEREAS, the Council has reviewed said policy 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 in lieu of participation in the soon-to-be-established City of Modesto Youth Sports Scholarship Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request for financial assistance filed by Modesto Babe Ruth Baseball in the amount of \$2,500, as recommended by the Financial Policy Committee, in lieu of participation in the soon-to-be-established City of Modesto Youth Sports Scholarship Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-671

A RESOLUTION GRANTING THE REQUEST FOR FINANCIAL ASSISTANCE FILED BY THE BRAVO! REPERTORY DANCE THEATRE TO ASSIST WITH THE COST OF HOSTING THE 1993 REGIONAL DANCE AMERICA/PACIFIC FESTIVAL, MAY 19-23, 1993, AT THE MODESTO CENTRE PLAZA.

WHEREAS, Bravo! Repertory Dance Theatre has been selected to host the 1993 Regional Dance America/Pacific Festival, May 19-23, 1993, which will be held at the Modesto Centre Plaza, and

WHEREAS, a request for financial assistance to help defray the costs of the festival was presented to the Financial Policy Committee at its meeting of November 17, 1993, 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 Financial Policy Committee has recommended that Bravo! Repertory Dance Theatre be given \$2,700, which is ten percent less than the amount requested, 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 the Bravo! Repertory Dance Theatre to help defray the costs of said festival,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request for financial assistance filed by the Bravo! Repertory Dance Theatre in the

amount of \$2,700, as recommended by the Financial Policy Committee, to help defray costs for the 1993 Regional Dance America/Pacific Festival, May 19-32, 1993, to be held at the Modesto Centre Plaza.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

Clerk

**Modesto City Council
Resolution 92-672**

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE DONATION REVENUE AND TO APPROPRIATE THIS REVENUE FOR GRAFFITI ABATEMENT.

WHEREAS, the City Council accepted a contribution of \$8,000 from Resource Development on March 24, 1992, to be used towards graffiti abatement citywide.

WHEREAS, this donation was set aside in a trust account for future use. It is now necessary to appropriate these funds for expenditure.

WHEREAS, it is necessary to increase the revenue estimate and appropriate the following items for Graffiti abatement.

THEREFORE, the following adjustment is necessary:

GENERAL FUND (010)

Fund/Agy/Org/Rev-Obj		Increase/(Decrease)
Expenditures		
010-160-1601-0140	Salary & Wages-part-time	\$ 1,500.
010-140-1405-0368	Graffiti abatement supplies	3,421.
Revenues		
010-510-9510-8107.16	Donations	4,921.

FLEET FUND (720)

Fund/Agy/Org/Rev-Obj		Increase/(Decrease)
Expenditures		
720-480-5814-5061	Airless Paint Sprayer & Supplies	\$3,079.
Revenues		
720-510-9510-8107.16	Donations	3,079.

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 8th day of December, 1992, 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, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-673

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$30,000 FROM CONTINGENCY RESERVE TO THE UNIT 2/3 WASTEWATER TREATMENT PLANT EXPANSION PROJECT ACCOUNT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:	Sewer Fund Contingency Reserve	\$30,000
	(621 800 8000 8003)	
To:	Unit 2/3 Construction	\$30,000
	(625 480 G761 6060)	

Resolution of the claim on the Unit 2/3 Project, and audits on all of the EPA grants will generate additional charges against this account. This transfer will finance the charges associated with the claim resolution and the project audits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

RESCINDED

1993 - 87

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 92-674

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CO-SPONSOR "EARTH DAY IN THE PARK 1993" TO BE HELD ON SUNDAY, APRIL 4TH, IN GRACEADA PARK; ALLOWING THE SALE OF MERCHANDISE IN THE PARK; AND AUTHORIZING THE SOLICITATION OF BIDS FOR THE PURPOSE OF ENTERING 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 solicit bids for the purpose of entering into a contract with a private special events coordinator to coordinate all activities for "Earth Day in the Park 1993" 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 1993" to be held on Sunday, April 4th, 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 solicit bids for the purpose of entering into a contract with a private special events coordinator to coordinate all activities for "Earth Day in the Park 1993".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-675

A RESOLUTION RESOLVING NEGOTIATIONS IMPASSE AND AUTHORIZING IMPLEMENTATION OF THE CITY'S LAST AND FINAL OFFER FOR REVISIONS TO THE MEMORANDUM OF UNDERSTANDING WITH THE MODESTO CITY FIRE FIGHTERS ASSOCIATION.

WHEREAS, the City of Modesto and the Modesto City Fire Fighters Association (MCFFA) have been meeting and conferring in good faith since mid-May, 1992, and have been unable to reach an agreement, and

WHEREAS, the current Memorandum of Understanding with the MCFFA expired on June 30, 1992, and the MCFFA has declared an impasse, having twice failed to ratify the City's last offer, the City's offer is more specifically set forth in an attachment to this resolution which is attached hereto marked Exhibit "A" and made a part hereof, and

WHEREAS, City staff has recommended that the City Council resolve the impasse by authorizing the implementation of the City's last offer, which, when implemented, would allow modification to the Minimum Staffing Policy, in conjunction with the proposed redeployment plan, and provide significant cost savings, while maintaining or improving current service levels, as more specifically set forth in the report referred to above, and

WHEREAS, in addition to the reduction in Minimum Staffing the City's offer provides for written requests for station assignments, modifies the Maternity Leave Policy, provides for Family Care Leave, and allows greater flexibility in health

insurance options for both active members and retirees; the offer also provides for the revision of job descriptions to reflect added duties for personnel assigned to the Airport Fire Station and modifies appeals hearing language,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the City staff has made a good faith effort to reach agreement with the MCFFA and has twice encouraged MCFFA to continue negotiations when the MCFFA declared impasse or indicated that further negotiations were futile; the Council further declares that the MCFFA membership failed to ratify the City's last offer, although the City and the MCFFA reached tentative agreement during negotiations; however, MCFFA has again declared impasse and declined the City's offer of continued negotiations.

BE IT FURTHER RESOLVED that the City has contracted with a consultant, Fire Loss Management Systems, for an independent analysis of the effects of the proposed redeployment in an effort to address any potential employee or public safety and service level or service level issues, and the Consultant's analysis indicates that the same level of service will be maintained City-wide following redeployment, with the service level to the Airport and neighborhoods near the Airport potentially increased. The analysis further indicates that the level of health and safety for fire personnel as it relates to the staffing of apparatus and minimum resource response to incidents will remain unchanged.

BE IT FURTHER RESOLVED that the Council hereby resolves the negotiations impasse and authorizes implementation of the City's last and final offer as set forth in said Exhibit A..

BE IT FURTHER RESOLVED that said implementation shall be effective January 1, 1993.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff to proceed with the amendment of job descriptions for Fire Fighter, Fire Engineer and Fire Captain.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff to proceed with preparation of an amendment to the Budget in January as part of the mid-year budget revisions to accommodate the action taken herein.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff to proceed with contracting for a comprehensive management audit of the Fire Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

CITY'S OFFER TO
MODESTO CITY FIRE FIGHTERS ASSOCIATION
OCTOBER 9, 1992

Airport Protection/Minimum Staffing

Eliminate 6 positions (3 Engineers, 3 Captains) through attrition in lieu of layoffs. Extra personnel to be temporarily reassigned within the Fire Department, pending attrition. Minimum Staffing reduced to 39, as proposed 6-1-92.

Reduce Sworn Staffing at the Bureau

May eliminate one Engineer position, may reassign one non-sworn support position from Support Services to the Bureau.

Request for Station Assignment

Employees may submit written requests prior to January 1 of each year indicating desired station assignment.

Airport Duties

Job descriptions to be modified to indicate that personnel assigned to the Airport Fire Station may be required to perform the functions related to airport security and safety, as proposed 6-8-92.

Pregnancy/Family Leave

Modify pregnancy leave policy to coordinate with the new State Family Leave Law, as proposed 5-19-92.

Appeals Hearing

Modify appeals process to indicate that failure of employee to appear at a hearing shall be deemed withdrawal of the appeal, as proposed 6-1-92.

Health Care Benefits

- 1) Retirees may stay on the City Self-Funded Health Plan beyond age 65, with required Medicare coverage.
- 2) Retirees may draw down their health fund accounts at either the City contribution rate or the full premium rate, with their designation made at the time of retirement or at open enrollment.
- 3) Two California Professional Fire Fighter health plans, Protector and Protector Plus, will be recognized optional plans. Only one of the plans will be designated as "primary" for distribution purposes.

Exhibit "A"

27
MODESTO CITY COUNCIL
RESOLUTION NO. 92-676

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARGARET SNYDER FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE DECEMBER 8, 1992

WHEREAS, Margaret Snyder was appointed a member of the International Friendship Committee on October 4, 1988; and

WHEREAS, Margaret Snyder has tendered her resignation from the International Friendship Committee effective December 8, 1992; and

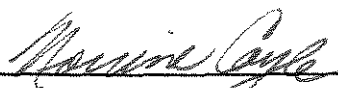
WHEREAS, Margaret Snyder has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Margaret Snyder 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 Margaret Snyder for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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. 92-677

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROL QUINLAN FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE DECEMBER 8, 1992

WHEREAS, Carol Quinlan was appointed a member of the International Friendship Committee on February 19, 1991; and

WHEREAS, Carol Quinlan has tendered her resignation from the International Friendship Committee effective December 8, 1992; and

WHEREAS, Carol Quinlan 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 Carol Quinlan 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 Carol Quinlan for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, 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

Corrected

MODESTO CITY COUNCIL
RESOLUTION NO. 92-678

A RESOLUTION REVISING THE TIPPING FEES AT THE WASTE-TO-ENERGY FACILITY AND RESCINDING RESOLUTION NO. 90-799.

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

WHEREAS, on July 14, 1992, the Board of Supervisors authorized the Stanislaus County Department of Public Works to raise tipping fees at the Fink Road Landfill and at the Ash Monofill located at the Fink Road Landfill, and

WHEREAS, effective January 1, 1993, landfill fees will increase from \$25.00 per ton to 26.50 per ton, and the Ash Monofill tipping fees will increase from \$25.00 per ton to \$29.00, and

WHEREAS, revenue that will be generated by the increase in fees will be needed to pay for State mandated postclosure activities at the City/County closed Geer Road Landfill, and

WHEREAS, the State of California through the Integrated Waste Management Board and under the requirements of Title 14 of the California Code of Regulations, requires that a landfill operator show the ability to finance post closure of a landfill for a period of 30 years after the closure of the landfill, and one of the approved mechanisms for providing the financial guarantee is the obligation of funds form another source, and

Corrected

WHEREAS, since the Geer Road Landfill is a City/County enterprise project, City and County staff met and discussed the available alternatives for providing the long-term funding, and staff agreed that the funding should come from the County-wide waste stream because that is where the waste originated that was disposed of in the Geer Road Landfill, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, the City of Modesto and the Stanislaus County, and the Council is required to hold a public hearing prior to setting tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed this issue and has recommended approval of an increase in the tipping fee, and staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present \$25.00 per ton to \$26.50 per ton, effective January 1, 1993, and

WHEREAS, the 15th day of December, 1992, at 7:30 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in tipping fees at the City-County Waste-to-Energy facility, said tipping fees to be increased from \$25.00 per ton to \$26.50 per ton, said fees to be effective January 1, 1993.

fees to be effective January 1, 1993.

BE IT FURTHER RESOLVED that Resolution No. 90-799 is hereby rescinded, effective December 31, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, 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: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

Corrected

MODESTO CITY COUNCIL
RESOLUTION NO. 92-679

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, ELIMINATING THE CITY OF MODESTO SUBSIDY, AND SUPERSEDING RESOLUTION NO. 91-768.

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

WHEREAS, the City Council has previously, by Resolution No. 91-768, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing January 1, 1993, and

WHEREAS, December 15, 1992, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revised schedule of rates and charges for garbage service in the City of Modesto, and

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

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised commencing on January 1, 1993, as follows: that an increase to the customer of \$1.39 per 90 gallon container and an increase of \$1.25 per 60 gallon container would be justified; that additional containers should be increased from \$7.00 to \$10.00 per month; that an increase of \$0.50 per cubic yard per pickup in commercial rates is needed; and, the subsidy of \$0.68 to each residential household on the initial garbage container should be eliminated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Schedule of Rates and Charges, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective January 1, 1993, until revised by the City Council.

BE IT FURTHER RESOLVED that the City of Modesto subsidy of \$0.68 to each residential household on the initial garbage container is hereby eliminated.

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

BE IT FURTHER RESOLVED that Resolution No. 91-768 is hereby superseded, effective December 31, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, 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:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	Bird
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Monthly Rates
(Once a Week Pickup Service)

One 60 gallon container	\$10.55
One 90 gallon container	12.69
Each additional container	10.00

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

DETACHABLE CONTAINERS
Number of Collections Per Week

Container Size	1	2	3	4	5	6
1 CY	26.80	43.60	60.40	77.20	94.00	110.80
1 1/2 CY	35.20	60.40	85.60	110.80	136.00	161.20
2 CY	43.60	77.20	110.80	144.40	178.00	211.60
3 CY	60.40	110.80	161.20	211.60	262.00	312.40
4 CY	77.20	144.40	211.60	278.80	346.00	413.20
5 CY	94.00	178.00	262.00	346.00	430.00	514.00
6 CY	110.80	211.60	312.40	413.20	514.00	614.80

DETACHABLE CONTAINER RENTAL RATES
ARE INCLUDED IN ABOVE SCHEDULE

Detachable container size	1 CY to 6 CY
Monthly rental rate	10.00

DROP BOX CONTAINERS

Pickup charge	\$80.00	Pickup
Rental	2.00	Day with \$46.00 maximum for each 30-day rental period
Disposal charge		Actual charge to be paid by customer

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

COMPACTORS
Number of collections per week

Front Loader Type	1	2	3	4	5	6
3 CY	72.40	144.80	217.20	289.60	362.00	434.20
4 CY	93.20	186.40	279.60	372.80	466.00	559.20

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

EXTRA PICKUPS

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

SPECIAL SERVICE CONDITIONS

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

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<u>1 CY</u>	<u>1 1/2 CY</u>	<u>2 CY</u>	<u>3 CY</u>	<u>4 CY</u>
9.20	10.00	11.00	14.00	18.40

NOTATIONS

- The above residential rates include the 10 cent per month per household recycling surcharge.

2

MODESTO CITY COUNCIL
RESOLUTION NO. 92-680

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LINDEN STREET, MARTIN LUTHER KING BOULEVARD AND LAUREL AVENUE STORM DRAIN EXTENSION

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

SECTION 1. The plans and specifications for the Linden Street, Martin Luther King Blvd. & Laurel Ave. Storm^{Drain Extension}, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 14, 1993, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-681

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING TWO STREET SWEEPERS

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

SECTION 1. The plans and specifications for furnishing two 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 January 4, 1993, 1992, at 11:00 am. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs _____, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-682

A RESOLUTION ACCEPTING THE BID OF HIWAY MARKING SYSTEMS, INC. FOR:
THERMOPLASTIC TRAILERS WITH PREMELTING KETTLES

WHEREAS, Resolution No. 92-422 , adopted by the Council of the
City of Modesto on July 28 , 1992, approved the plans and
specifications for thermoplastic applicator, trailer and kettles

and authorized the calling for bids; and

WHEREAS, the bids received for thermoplastic applicator, trailer
and kettles

were opened at 11:00 a.m. on August 24, 1992, 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 Hiway Marking Systems, Inc. in the amount of
\$27,737.00

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Hiway Marking Systems, Inc. in the amount of \$27,737.00

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 15th day of December,
1992, by Councilmember Dobbs , 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. 92-683

A RESOLUTION REJECTING BIDS RECEIVED FOR THERMOPLASTIC APPLICATOR OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 24, 1992, AND AUTHORIZING INFORMAL REBIDDING

WHEREAS, Resolution No. 92-422, adopted by the Council of the City of Modesto on July 28, 1992, approved the plans and specifications for thermoplastic applicator, trailer and kettles; and

WHEREAS, the bids received for thermoplastic applicator, trailer and kettles were opened at 11:00 a.m. on August 24, 1992;

WHEREAS, the specifications for thermoplastic applicator no longer meet current requirements.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for thermoplastic applicator, opened in the office of the City Clerk on August 24, 1992, are hereby rejected.

BE IT FURTHER RESOLVED that new specifications for thermoplastic applicator be written and the item rebid using the informal bid process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the the 15th day of December, 1992, by Councilmember Dobbs, 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

Clark

MODESTO CITY COUNCIL
RESOLUTION 92-684

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR THE VILLAGE ONE STREET ALIGNMENTS.

WHEREAS, this project will provide funds for consultant services to engineer precise street realignments and to modify the utility systems to conform to the realignments.

WHEREAS, the Council previously appropriated funds to this project at the September 15, 1992 Council meeting, and recommended further study. These new realignments are a result of that study.

WHEREAS, this project is budgeted in Fund 130, and the funding is provided by the General Fund. It is therefore necessary to transfer funds from Fund 010 to Fund 130.

THEREFORE, the following adjustment is necessary:

General Fund (010)

<u>Fund/Agy/Org/Rev-Obj</u>		<u>Increase (Decrease)</u>
Expenditures		
010-800-8000-8008	General Fund Contingency Reserve	\$ (50,000)
010-700-7000-7130	Transfer out to Fund 130	50,000

Special Fund for Capital Outlays (130)

Revenues		
130-700-7000-9010	Transfer In From Fund 010	\$ 50,000
Expenditures		
130-430-C897-6010	Village One Street Realignment	50,000

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 15th day of December, 1992, 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, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-685

A RESOLUTION AUTHORIZING SELECTION PROCESS FOR CONSULTANT SERVICES TO ENGINEER PRECISE STREET REALIGNMENTS IN VILLAGE ONE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR CONSULTANT SERVICES.

WHEREAS, staff has developed recommended conceptual street realignments for streets in Village One as directed at the September 15, 1992, Council meeting, and the Community Development and Housing Committee has reviewed staff's recommended conceptual street realignments and concurs with the proposal, and

WHEREAS, staff recommendations for street realignments include (1) the realignments previously reviewed and approved at the September 15, 1992, Council meeting, and (2) the realignments resulting from further study that Council requested, and

WHEREAS, an informal selection process for consultant services will reduce the time to complete the precise alignments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue an informal request for proposal to local engineering firms for consultant services to engineer precise street realignments in Village One, to select a local engineering firm based on proposals received and the firm's qualifications, and to negotiate an agreement for services with the selected firm.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement contingent upon approval by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, 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*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-686

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FINANCING AGREEMENTS WITH OWNERS OF PROPERTIES FOR THE PURPOSE OF REHABILITATING THOSE PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute financing agreements with Johnnie F. Lau, Mike Christoulakis and Roldolfo Sandoval, owners of properties on Chrysler Drive and Rosedale Avenue, for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs , 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-687

A RESOLUTION APPOINTING ZANA ROBERSON AND ROBERT ANDREWS 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 persons are appointed to the Affirmative
Action/Disability Commission:

Zana Roberson and Robert Andrews

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed members 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 15th day of December,
1992, by Councilmember Dobbs , 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

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 92-688

A RESOLUTION APPOINTING TERRY MANZONI 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: Terry Manzoni

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 15th day of December, 1992, by Councilmember Dobbs , 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

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 92-689

A RESOLUTION APPOINTING WILLIAM FAGAN 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:

William Fagan

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 15th day of December, 1992, by Councilmember Dobbs , 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

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 92-690

A RESOLUTION APPOINTING MICHAEL FRANZIA 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:

Michael Franzia

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 15th day of December,
1992, by Councilmember Dobbs , 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

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 92-691

A RESOLUTION REAPPOINTING ALBERTA MARTONE 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 ^{re-}appointed to the
International Friendship Committee :

Alberta Martone

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed 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 15th day of December
1992, by Councilmember Dobbs , 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

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 92-692

A RESOLUTION REAPPOINTING LOUIS LEVIN 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 reappointed to the Human Relations Commission:

Louis Levin

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 15th day of December, 1992, by Councilmember Dobbs , 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

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 92-693

A RESOLUTION REAPPOINTING WILLIAM COVEY 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 ^{re-}appointed to the
Housing Rehabilitation Loan Committee:

William Covey

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed 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 15th day of December
1992, by Councilmember Dobbs , 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

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 92-694

A RESOLUTION REAPPOINTING SYLVESTER AGUILAR TO THE ECONOMIC DEVELOPMENT
LOAN COMMITTEE

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

SECTION 1. The following person is hereby reappointed to the
Economic Development Loan Committee:

Sylvester Aguilar

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed member of the Economic Development
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 15th day of December
1992, by Councilmember Dobbs , 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

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 92-695

A RESOLUTION REAPPOINTING KARL MASON AND DARTH MILLER 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 persons are hereby reappointed to the Affirmative Action/Disability Commission:

Karl Mason and Darth Miller

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members 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 15th day of December, 1992, by Councilmember Dobbs , 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

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 92-696

A RESOLUTION DENYING THE APPEAL OF RUDOLPH A. STRUNK TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING AN APPLICATION FOR A VARIANCE TO ALLOW THE DEVELOPMENT OF TWO SINGLE-FAMILY HOMES TO ENCROACH IN TO THE REQUIRED REAR YARD SETBACKS OF TWO THROUGH LOTS ON PROPERTIES LOCATED AT THE SOUTHERN END OF MONTROSE COURT, ON THE NORTH SIDE OF SCENIC DRIVE BETWEEN BRIGHTON AVENUE AND SUNNYSIDE AVENUE IN AN R-1 ZONE.

WHEREAS, an application for a variance from the provisions of Section 10-2.509(b) of the Modesto Municipal Code to permit development of a single-family house to encroach into the required 15-foot setback along Scenic Drive on two properties located at the southern end of Montrose Court, generally located on the north side of Scenic Drive between Sunnyside and Brighton Avenues in an R-1 Zone was filed by Rudolph A. Strunk on September 29, 1992, and

WHEREAS, Sections 10-1.202(a) and 10-2.1501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on November 19, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 1495 on November 19, 1992, which denied the requested application filed by Rudolph A. Strunk

for a variance, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's denial of the request for a variance was filed by Rudolph A. Strunk by letter dated November 24, 1992, 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 December 22, 1992, at 4:00 p.m., at which time said hearing was held and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment which denied an application for a variance to allow the development of two single-family homes to encroach into the required rear yard setbacks of two through lots on properties located at the southern end of Montrose Court on the north side of Scenic Drive between Brighton Avenue and Sunnyside Avenue in an R-1 Zone, should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reasons that Sections 10-1.202(a) and 10-2.1501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and the Board of Zoning Adjustment found and determined that the required findings could not be met for the reasons set forth in Board of Zoning Adjustment Resolution No. 1495 and quoted

below:

1. That there are no special circumstances or conditions applicable to the property or buildings in question which do not exist for other property or buildings in the same vicinity for the following reasons:
 - a. There is nothing unique or special about the physical shape of the property, which prevents or prohibits the lot from being developed with a single-family dwelling.
 - b. All new housing that is developed on lots which contain double street frontages are required to maintain a 15-foot setback from each frontage.
 - c. The subject lots are considered through lots because they each have street frontage onto Montrose Court in the front, and onto Scenic Drive in the rear. There are many through lots in the City which have been developed with single-family dwellings.
2. The only special circumstance or conditions in which strict application of the rules limiting the applicant's use of the property are the lots' CC & R's adopted by the subdivider for Scenic Estates Subdivision Map.

The City's zoning provisions are not the factor which is limiting the size of the applicant's dwelling size. The subject lots can accommodate two-story dwellings consisting of at least 2,000 square feet. In addition, two-story dwellings can be developed on through lots which contain minimized exposure to streets or in areas in which higher noise levels are produced.

The Board of Zoning Adjustment also found that the applicant's failure to research the proper setback requirements for the development of the properties is not a special circumstance. The effort in designing a house plan for one of the properties could have been avoided and does not represent a special condition for granting the variance.

3. Granting this variance will not be consistent with the intent of the setback requirements for R-1

through and back-up lots for the following reason:

Both the Planning Commission and the City Council specifically considered this issue in the past and concluded that a minimum 15-foot setback along major streets for both back-up and through lots is appropriate. They purposefully wanted to eliminate the visual effect of crowding and believed that a reduced yard was visually unattractive and also created a "dead space."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Rudolph A. Strunk to the decision of the Board of Zoning Adjustment which denied an application for a variance to allow the development of two single-family homes to encroach into the required rear yard setbacks of two through lots on properties located at the southern end of Montrose Court on the north side of Scenic Drive between Brighton Avenue and Sunnyside Avenue in an R-1 Zone, is hereby denied and the decision of the Board of Zoning Adjustment is affirmed 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 22nd day of December, 1992, 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: Dobbs, Friedman, Muratore, Patterson
Mayor Lang

NOES: Councilmembers: Bird, Cogdill

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

6

MODESTO CITY COUNCIL
RESOLUTION NO. 92-697

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING ONE FIRE APPARATUS FOR THE FIRE DEPARTMENT

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

SECTION 1. The plans and specifications for furnishing one fire apparatus for the Fire Department , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 25 , 1992, at 11:00a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-698

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ELEVEN USED FOUR-DOOR AND TWO-DOOR 1992 SEDANS FROM GOLDEN GATE AUTO AUCTION AND BAY CITIES AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division has requested the purchase of eleven used four-door and two-door 1992 sedans 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 eleven used four-door and two-door 1992 sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of eleven used four-door and two-door 1992 sedans from Golden Gate Auto Auction and Bay Cities Auto Auction for a total cost not to exceed \$154,250, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 92-699

A RESOLUTION ADOPTING A CITY COUNCIL POLICY
RELATING TO PREZONE AND/OR ANNEXATION
APPLICATIONS.

WHEREAS, on November 10, 1992, the City Council directed the Community Development and Housing Committee to consider a policy requiring applicants to provide solutions to the County revenue and service issue at the earliest stage of a prezone application, and

WHEREAS, on November 16, 1992, the Community Development and Housing Committee discussed the matter and agreed to recommend that Council not delay prezone and/or annexation projects, and the City will not be responsible for any alleged County revenue shortfalls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt a Policy entitled "Prezone/Annexation Policy", a copy of which is attached hereto marked Exhibit "A" 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 December, 1992, by Councilmember Muratore, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

EXHIBIT "A"

PREZONE/ANNEXATION POLICY

Purpose:

Put the proponents on notice about the risks of proceeding with a prezone/annexation application prior to a resolution of the County "revenue neutral" issue.

Background:

In recent annexations, LAFCO has required Cities in Stanislaus County to cover the projected costs of County services for ultimate development of the annexed area. This requirement is intended to make the County "revenue neutral".

More Specific to the City of Modesto, the North Beyer Park Annexation was approved by LAFCO in June of 1992 with a condition that prior to completion of annexation, the City and the County enter into an agreement for mitigation of fiscal impacts to both parties prior to approval of any development. The Claratina-Coffee Annexation was denied in August of 1992 to allow the proponent to resolve the "revenue neutral" and other issues prior to LAFCO approval.

In September of 1992, the Pelandale-Snyder Annexation with prezone, General Plan amendment and Sphere of Influence change was submitted. City staff determined to not process the application until the "revenue neutral" issue was resolved first. The proponents appealed staff's' decision requesting the application be processed.

On November 16, 1992, the Community Development and Housing Committee discussed the matter and recommended the Council adopt a policy to not delay processing prezone/annexation projects. However, proponents must acknowledge the City will not be responsible for any alleged County revenue shortfalls and annexation would not be completed until all of LAFCO conditions are met.

Policy:

Proponents acknowledge that an annexation cannot be completed until all conditions imposed by LAFCO have been met. Proponents shall acknowledge in writing that the City will not be responsible for any revenue sharing that may be demanded by the County as a condition of annexation.

This policy shall apply to those annexation requests by private property owners for which the City does not agree to act as the "proponent" under the Cortese-Knox Act.

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 92-700

A RESOLUTION APPROVING FOR FORWARDING TO HUD THE FISCAL YEAR 1993 ANNUAL UPDATE OF THE COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) ENABLING MODESTO TO PARTICIPATE IN THE HOME PROGRAM, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND OTHER FEDERAL HOUSING PROGRAMS.

WHEREAS, the 1990 National Affordable Housing Act changed the requirements for applying for Federal housing funds, and

WHEREAS, the Housing Assistance Plan (HAP) and the Comprehensive Homeless Assistance Plan (CHAP) were replaced by the Comprehensive Housing Affordability Strategy (CHAS), a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the CHAS contains an assessment of community housing resources, a strategy to accomplish stated goals, and it is updated annually, by this submission to HUD, and

WHEREAS, Modesto's CHAS describes the housing rehabilitation programs the City has undertaken for 18 years, and the CHAS notes that Modesto's primary strategy using Federal funds is to complete the mandatory housing rehabilitation areas, and

WHEREAS, additional programs will depend on the Village One Affordable Housing Plan, HOME funding, and Redevelopment Agency affordable housing funds, and

WHEREAS, HUD requires that the citizens of Modesto be provided with a 30-day comment period, therefore, a public data-gathering meeting was held on November 6, 1992, and

WHEREAS, the draft CHAS annual update was presented by the Citizens Housing & Community Development Committee at their meeting on November 12, 1992, to the public for the required 30-day period, which period was from November 12, 1992, to December 14, 1992, and no substantive pertinent comments from the public were received during said period, and

WHEREAS, HUD requires a CHAS be approved by the local regional HUD office before the local jurisdiction can be approved for funding under HOME and the CDBG program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 1993 annual update of the CHAS, a copy of which is attached hereto and incorporated herein by reference, is hereby approved for forwarding to HUD, and the City Manager is authorized to certify that Modesto will "affirmatively further fair housing" and comply with all Uniform Relocation Act regulations so as to enable Modesto to participate in the HOME Program, Community Development Block Grant Program, and other Federal Housing programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, 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

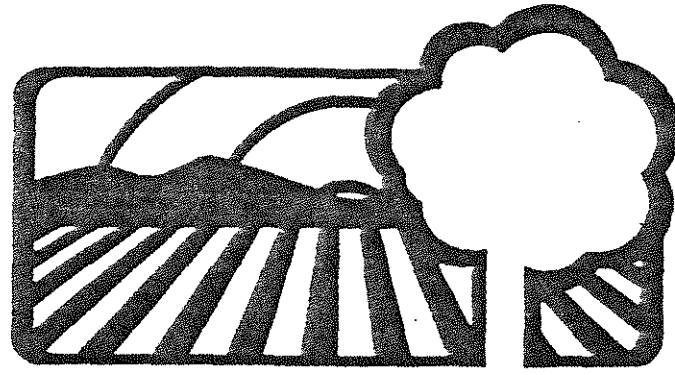
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney



CITY OF MODESTO

**COMPREHENSIVE
HOUSING AFFORDABILITY
STRATEGY**

(CHAS)

**FIRST YEAR ANNUAL UPDATE
OCTOBER 1, 1992 TO SEPTEMBER 30, 1993**

**CITY OF MODESTO
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**Housing Program Office
401 H Street
Modesto, Ca. 95351
(209) 577-5245**

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a. SUMMARY OF CHAS UPDATE DEVELOPMENT PROCESS

The first Annual Update for the City of Modesto's CHAS was prepared by the Housing Program Office Section of the Planning and Community Development Department. A public notice was placed in the Modesto BEE on Wednesday, November 4, 1992, inviting the public to a meeting on November 6, 1992 to gather data for the draft CHAS. City staff sent letters to the following agencies and organizations interested in housing, requesting their input and attendance at the November 6, 1992 data gathering meeting:

Housing Authority of Stanislaus County
Stanislaus Area Association of Governments
State of California Housing and Community Development Dept
Stanislaus County Department of Social Services
Stanislaus County Mental Health Department (Sunshine Place)
Area Agency on Aging
Community Temporary Shelter Services
Community Transitional Resources
Senior Opportunity Services Program
Modesto Men's and Women's Gospel Mission
Stanislaus Women's Refuge Center (HAVEN)
Center for Human Services (Hutton House)
Salvation Army, Modesto Corps.
Stanislaus Residential Services
Modesto Independent Living Center
Lao Family Community, Modesto office
Modesto Bridge
Habitat for Humanity, Stanislaus Chapter
Stanislaus County Affordable Housing Corporation (STANCO)
Modesto Community Housing Resources Board (MCHRB)
Modesto Chamber of Commerce
California Rural Legal Assistance
California Association of the Physically Handicapped # 37
Modesto Association of Realtors
Association for Retarded Citizens
Hispanic Chamber of Commerce of Stanislaus County
Mejoramiento Hispano De Modesto
United Way of Stanislaus County
League of Women Voters
Growth, Orderly, Affordable, Livable (GOAL)
Ecology Action
Building Industry Association
Hispanic Leadership Conference
Modesto Apartment Association
Coalition of Labor and Business

Data was gathered from the City's Housing Element, and from the five year CHAS accepted by the U.S. Department of Housing and Urban Development in April, 1992.

SPECIFIC DISCUSSIONS WITH SOCIAL SERVICE AGENCIES:

Modesto Men's and Women's Gospel Mission: Barbara Deatherage, Executive Director, discussed via telephone the housing needs of the homeless that the Gospel Missions serve. The Gospel Missions are negotiating to take over a former industrial building near the men's Gospel Mission, and are raising funds to build a new dormitory.

The men's Gospel Mission has a capacity of 34 beds, but typically provides sleeping accommodations for 90 men per night, by utilizing sleeping mats in the chapel. The women's Gospel Mission has a capacity of 17 beds, but typically accommodates 40 women and children each night. Because of a religious requirement, the Gospel Missions do not qualify for public funds, and depend on donations from the private sector to carry out their programs.

Ms. Deatherage stated the greatest need is for more low income housing units based on the tenant's income. She said that many people are constantly in danger of losing what housing they have because of the high cost and their low income.

Stanislaus Residential Services (SRS): Dan Thayer, President of SRS, stated that they have two halfway houses for men who are coming out of a chemical dependency program, and need houses for women, also. SRS has plans for rehabilitating two currently vacant houses for use as a halfway house for women, and will apply for City Community Development Block Grant funds in 1993. Mr. Thayer stated that there is a great need for housing for persons who are rehabilitated through their program, but who can't afford decent housing. There is a high risk that they will return to their addiction if they cannot secure decent housing.

Community Transitional Resources (CTR): Linda Skinner, Project Specialist, stated that CTR is seeking funding for additional bedroom units for a pilot program for mentally ill persons who are homeless or at risk of being homeless. CTR utilizes State McKinney Homeless funds, and has a contract with Housing for Independent People to manage the units. CTR is limited to assisting 110 persons in transitional housing for a maximum of 24 months. CTR is concerned that many of their clients will not be able to secure affordable housing when they "graduate" from the CTR program, and will be homeless again.

COMMENTS PRESENTED AT THE DATA GATHERING PUBLIC MEETING, November 6, 1992:

Thirteen persons, representing several agencies and organizations, attended the data gathering public meeting on November 6, 1992, at the City Council Chambers, City Hall, and presented the following comments and data:

Irene Westbury - Haven Women's Center: This agency has a new facility with a capacity of 25 women and children, and has to turn people away because it takes 60-90 days to place a woman with children in a transitional house. The need is for more transitional housing facilities for women and small children who are without resources and who require more time to find employment and housing.

A. Richard Chubon - Housing Authority of Stanislaus County: The Federal focus on public housing is towards family self-sufficiency, requiring training and employment opportunities. The Housing Authority and STANCO applied for a HOPE III planning grant, which was not funded, but they will apply again for a specific project. There is a need to maintain the quality of the existing public housing, using the Comprehensive Grant Program. The Housing Authority will expand the community facilities at the Robertson Road apartments, and will continue making more units accessible under the Section 504 regulations.

The Housing Authority believes that the traditional housing stock must be preserved, especially the downtown hotels. They are preparing an offer to the owners of the Royal Hotel, contingent upon a clean Environmental Impact Report, and will need City assistance to move the project forward.

Tim Fisher - Chamber of Commerce Affordable Housing Task Force: The Affordable Housing Task Force previously presented its report to the City Council with five recommendations which were adopted by the Council. The five recommendations are:

1. Establish a city-wide Housing Trust Fund with funding from redevelopment and State and Federal grants. This would be separate from the Village 1 Housing Trust Fund.
2. Review and evaluate fees paid by the development industry and defer fees for affordable housing. Some fees have come down, but all need to be evaluated and a nexus shown.

3. Participate in the HOME program as a county-wide consortium. This could increase the amount of HOME funds overall.
4. Develop "small lot-residential" P-D (Planned Development) Zones. This would allow more flexibility and encourage smaller, more affordable houses.
5. Affordable housing through policy change: Deposit City funds in banks with good Community Reinvestment Act (CRA) activities; Participate in the Association of Realtors "Pilot City Program"; Review economic development programs to provide higher scale wages; Utilize existing community based organizations to accomplish these recommendations, instead of hiring more City staff.

Tony Boicelli - Calif. Association for the Physically Handicapped: There is a hidden population of persons with severe disabilities, for which this agency is attempting to develop a residential center. There is a lack of housing and services that could allow these people to live independently, instead of in an institution. There is a need for more financial assistance to help nonprofit organizations who are trying to provide housing for these severely disabled persons.

Ora Scruggs - Multi Cultural Center, CH&CDC: There is a need for community based organizations to serve the community, with people who live in the community, instead of people who are just here for a job and then move on. There is a need for housing with 4 to 6 bedrooms to house large families. There is a need for funding to assist community based organizations with training, and low income people need to be involved in the planning of programs which are to serve them.

Nancy Smith - Calif. Rural Legal Assistance: They have already presented data to the City for the Housing Element, which the CHAS is in agreement with. There is a need to conserve the existing housing stock, but there is a critical lack of affordable housing. They suggest looking at legislative relief in just cause evictions, and possibly rent control for mobile home parks. There is a need for farmworker housing, and housing for large families. The vacant downtown hotels should be developed to provide more housing units for persons with few resources.

Questions raised and discussed by City staff and members of the audience concerned the direction of Federal housing funding, and the need for assisting community based organizations to develop more capacity. Questions were raised about the Housing Authority special funding for Southeast Asian Refugees and how it has been used with the City's Rental Rehabilitation Program.

PUBLIC COMMENT PERIOD, November 12, 1992 - December 14, 1992:

Organizations, agencies and individuals were invited to a public meeting via a notice published in the Modesto BEE on November 8, 1992. The public meeting was held on November 12, 1992, at the Modesto City Council chambers, City Hall, to start the 30 day public comment period. The meeting was conducted by the Citizens Housing and Community Development Committee (CH&CDC), which provides citizen input and oversight for the City's Community Development Block Grant activities.

Citizens and organizations were invited to examine the FY 93 CHAS Annual Update during the required 30-day public comment period, between November 12, 1992 and December 14, 1992.

Copies of the FY 93 CHAS Annual Update were made available to the public at the following places:

Modesto City Clerk's Office, City Hall
Planning and Community Development Department, City Hall
Housing Program Office, 401 H Street, Modesto
City-County Public Library, 1500 I Street, Modesto

Copies of the FY 93 CHAS Annual Update and the FY 92 CHAS Annual Performance Report were mailed to the organizations listed on page 1, who were solicited for information for the draft CHAS.

One (1) comment was received from the public during this period, which is noted under "Summary of Citizen Comments".

The Modesto City Council considered and adopted the FY 93 CHAS Annual Update at a public hearing on December 22, 1992.

b. STRATEGY IMPLEMENTATION

1. Priority #1: To increase the number of safe, decent and affordable housing through rehabilitation, primarily in selected Target Areas.

i. Investment Plan (Activities and Programs)

The City will continue the Housing Maintenance Program, in its nineteenth year of providing safe and affordable housing through housing rehabilitation and enforcement of minimum health and safety requirements. This program has assisted over 1,700 dwellings in low income areas of Modesto. The City requires that all dwellings located in a selected Target Area must be inspected for housing code violations by a City Building Inspector. If significant housing code violations are found, the dwelling is declared to be substandard and is required to have the code violations corrected. The City provides financial assistance to qualified property owners in a Target Area, with a combination of Community Development Block Grant (CDBG), Rental Rehabilitation Program income, and HOME Program funds. The City has a \$6 million dollar loan portfolio of housing rehabilitation loans, which provides an annual program income of \$850,000. This program income will be used to repay the City for the extra housing rehabilitation loans made during the 1990-91 Fiscal Year, and will be used to finance new housing rehabilitation loans in Fiscal Year 1993-94.

Although HUD has ended the Rental Rehabilitation Program the City will continue to use income from the program and other funding sources to perform additional rehabilitation of rental dwellings. HOME program funds of \$637,000 will be used to fund housing rehabilitation in the Target Area.

The City will continue the Home Enhancement Loan Program (HELP) with \$75,000 in CDBG funds. The Home Enhancement Loan Program provides loans to very low and low income homeowners to correct serious health and safety hazards in their homes.

The Housing Authority of Stanislaus County will continue rehabilitating rental houses whose residents are Southeast Asian refugees with the balance of the HUD Secretary's Discretionary Grant received by Stanislaus County. This program will be coordinated with the City's Rental Rehabilitation Program when rental units are eligible under both programs.

The Housing Authority will continue the second year of a Comprehensive Improvement Assistance Program (CIAP) funding and invest \$160,000 in rehabilitating public housing units in FY 1993. FY 1994 CIAP funds will be rolled over into the newer Comprehensive Grant Program.

The City of Modesto will support and encourage applications for rehabilitation of houses or conversion of buildings into residential units from other agencies and nonprofit organizations who have the capacity to accomplish their projects. The City will consider the use of CDBG and HOME funds for matching funds when eligible and when other funding sources are not available. Appropriate safeguards for maintaining any assisted housing units as low income housing will be required with any matching funds.

Central Valley Opportunity Center (CVOC) will continue to weatherize houses throughout Modesto utilizing Low Income Home Energy Assistance Program and Department of Energy funds.

The goal is to rehabilitate 120 homes in FY 93 with these resources:

<u>CDBG/Rental Rehab:</u>	<u>Renters</u>			
	<u>Elderly</u>	<u>Small (2-4)</u>	<u>Large (5 or more)</u>	<u>Others</u>
Very-low Income (0-50% MAI)	7	8	13	2
Low Income (50-80% MAI)	7	6	7	0

<u>HOME:</u>	<u>Homeowners</u>			
	<u>Elderly</u>	<u>Small (2-4)</u>	<u>Large (5 or more)</u>	<u>Others</u>
Very-low Income (0-50% MAI)	9	8	16	2
Low Income (50-80% MAI)	8	10	15	2

ii. Geographic Distribution

The City will fund housing rehabilitation in Census Tracts 17 and 22, on the westside of Highway 99, in accordance with the attached maps. Census Tracts 17 and 22 are 79% low income, per the 1980 Census, and have some of Modesto's oldest housing stock. This area is also heavily populated with citizens of minority ethnicities, many of whom are low income. This area is Target Area #3, started in 1980, and completing the revitalization of this area is a long term City goal.

The City will allow limited housing rehabilitation funding in other parts of Modesto through the HELP program, for which individual homeowners must qualify as very low or low income.

Weatherization and other housing assistance will be undertaken by other agencies and organizations throughout the City.

iii. Service Delivery and Management

The Housing Program Office Section of the Planning and Community Development Department is responsible for carrying out the Housing Maintenance Program with the assistance of the City Building Inspection Division, Finance Department, and the City Attorney's Office. The Rental Rehabilitation Program will be coordinated with the Housing Authority of Stanislaus County, when eligible for rent subsidies under the Section 8 Program.

2. Priority #2: To increase the availability of housing for large families.

i. Investment Plan (Activities and Programs)

The City will continue to use program income from the Rental Rehabilitation Program to fund rehabilitation of rental units, many of which are overcrowded. The Housing Maintenance Program, using CDBG and HOME funds, will be used to expand dwellings to accommodate larger families who qualify for the Program. It is estimated that four (4) dwellings will be enlarged during FY 93 under these programs.

The City will cooperate with community based organizations to produce housing units for large families, including the Stanislaus County Affordable Housing Corporation (STANCO), Habitat for Humanity, and other organizations. The City will assist these organizations in applying for funding and by providing technical assistance.

The City is developing a Housing Trust Fund for the Village One development, on the City's northeast corner. This Fund will be derived from a fee paid by developers of houses; i.e., 80 cents (\$.80) per each square foot over 800 square feet. These funds will be used to lend out to qualified homebuyers through an Equity Sharing Program, to further the City's efforts in fostering home ownership. It is anticipated that some of these homes will be for large families.

ii. Geographic Distribution

The Housing Maintenance Program is only used in Target Area #3 on Modesto's westside, in Census Tracts 17 and 22. The Rental Rehabilitation Program is available citywide, as long as the neighborhood around the assisted property is available to low/moderate income persons. The Housing Trust Fund for Village One will only be used in Village One, on the City's northeast area, in Census Tract 9.04. The City will not allow development of low income housing in census tracts that have an existing majority of

low income residents, unless it is a senior citizen project. The City encourages low income housing to be scattered throughout the City through the use of mortgage revenue bonds and density bonuses.

iii. Service Delivery and Management

The Housing Program Office Section of the Planning and Community Development Department is responsible for carrying out the Housing Maintenance Program, with the assistance of the City Building Inspection Division, Finance Department, and the City Attorney's Office. The Rental Rehabilitation Program will be coordinated with the Housing Authority of Stanislaus County, because of its eligibility for the Section 8 Program. The Planning Section of the Planning and Community Development Department is responsible for mortgage revenue bonds and density bonuses. Both the Housing Program Office and Planning Sections will assist in the Village One programs.

3. Priority #3: To increase the availability of housing for families and individuals with special needs.

i. Investment Plan (Activities and Programs)

The City of Modesto works with the U.S. Department of Housing and Urban Development (HUD) area office in Fresno, California, when a HUD-acquired property becomes available in Modesto. The City has ten (10) such homes leased from HUD for \$1 dollar/year which are being used for a homeless transitional program. The City works with Community Temporary Shelter Service (CTSS), which provides homeless families who are ready to move into transitional housing with counseling services. These families pay a minimal rent and are able to move into independent housing within a short time.

The City is working with a representative group for families of severely developmentally disabled persons in developing a housing center that will enable these individuals to live independently. It is expected that this group will apply for Section 811 funds and other Federal and State funds to purchase property and build a residential center.

The City works with the Stanislaus County Mental Health Department in providing temporary housing for clients. This service is provided in a City-owned house that was formerly used for temporary relocation under the Housing Maintenance Program.

The Housing Authority of Stanislaus County has indicated that it will discuss developing a housing project for persons with AIDS and AIDS-related complexes.

Through the use of County Welfare Funds, Community Temporary Shelter Services provides emergency housing to families at the

Modesto Inn. The Men's and Women's Gospel Missions provide shelter to approximately 130 persons each night, and are negotiating for a larger building. The Gospel Missions are not eligible for public funding due to their religious requirements. Community Transitional Resources (CTR) has signed an agreement with Housing for Independent People (HIP), a private nonprofit housing developer based in San Jose, to provide 50 bedroom units for mentally ill persons who are at risk of becoming homeless. Four houses with three bedrooms each are ready for occupancy near Maze Boulevard and Emerald Avenue, on the City's westside. CTR will supply the clients and provide ongoing counseling, and HIP will act as property managers and maintain the units. CTR uses State McKinney Homeless funds for this activity.

The Childrens Crisis Center provides temporary shelter to children in a family emergency, if the family is suddenly homeless and the children are endangered. The City utilized CDBG funds to repair health and safety hazards at the Center.

Hutton House provides a short term residential shelter for runaway and homeless youth, including individual, family and group counseling. The City utilized CDBG funds to assist in the purchase of the land for Hutton House and for the addition of fire-safety requirements.

Central Valley Opportunity Center (CVOC) utilizes State and private funds to assist families at risk of eviction by providing emergency payments to keep them in their houses. CVOC assists eligible families that have been evicted by providing the first month's rent and deposits for moving into a new house or apartment. CVOC also assists families with energy payments when they are in danger of having their utilities turned off.

The City of Modesto will continue the Handicapped Barrier Removal Program, which assists persons with disabilities by making their residences accessible. The City has funded, and will distribute, a directory of accessible housing throughout the city. The directory was developed by Modesto Independent Living Center using CDBG funding provided by the City.

ii. Geographic Distribution

Housing units assisted under this priority are scattered throughout the City, and are not concentrated in low income census tracts.

iii. Service Delivery and Management

The Housing Program Office and the Planning Sections of the Planning and Community Development Department are the primary units to fulfill the City's responsibilities under this priority. The City staff cooperates with and assists Community Temporary Shelter

Service, Housing Authority of Stanislaus County, Modesto Independent Living Center, California Association of the Physically Handicapped, Center for Human Services, and Childrens Crisis Center.

4. Priority #4: To assist residents of public housing units, low income multi-family units, and mobile home parks in becoming owners of their units, or in becoming first-time homebuyers.

i. Investment Plan (Activities and Programs)

The Housing Authority of Stanislaus County is working with the Family Self Sufficiency Program to assist public housing residents in becoming more independent of public-assisted housing. The Housing Authority is working with tenant groups to develop expertise as well as tenant-controlled businesses.

The City has been approached by residents of mobile home parks to adopt legislation that will place controls on unreasonable rent increases. Many of these residents are senior citizens on low fixed incomes who own their mobile home and rent the space from a private mobile home park operator. The City Council is currently studying these proposals. City staff will assist low income residents of mobile home parks to apply for financial assistance for acquisition of their mobile home park spaces under existing State programs, if new funding rounds are announced.

It is anticipated that public housing residents will register to use the Village One Equity Sharing Program to become first-time homebuyers, as homes begin to develop in that area. There is not expected to be much activity under this program until housing is developed in Village One and fees are produced for the Housing Trust Fund.

The Housing Authority of Stanislaus County and Stanislaus County Affordable Housing Corporation (STANCO), a private nonprofit organization, applied unsuccessfully for HOPE III funds, and will reapply for this program in the next funding round, with a specific project.

ii. Geographic Distribution

The main public housing units are on Robertson Road on Modesto's westside, in Census Tract 16.

iii. Service Delivery and Management

The Planning and Community Development Department will cooperate with the Stanislaus County Housing Authority and STANCO in developing projects if HOPE III funds are secured. The City and

the Housing Authority are working together in a joint community police activity to increase the safety of the public housing tenants and to reduce drug activity.

5. Priority #5: To monitor and assist very low and low income tenants of apartment complexes whose owners may choose to "opt-out" of their Federal financing agreement that will return the affordable rental units to market rate housing.

i. Investment Plan (Activities and Programs)

The City of Modesto will continue to monitor housing units at risk of "opting-out" of a Federal financing agreement. Two such projects are eligible to "opt-out". However, the projects have been sold and the new owners have indicated that they will retain the units as affordable housing. The depressed state of the economy has dampened any thought of paying off a Federal subsidy and converting to a market-rate housing project. City staff has remained in contact with HUD staff who are involved with the HUD financing programs, and with California Housing Partnership Corporation, which was recently named as the buyer of last resort in case of an "opt-out" apartment complex that does not receive any other bona fide purchase offers. The City will continue to monitor these units and offer assistance to the low income tenants if the owners decide to proceed with a Federal payoff.

ii. Geographic Distribution

The two apartment units eligible for "opting-out" are the El Casa Grande I and II complexes on Robertson Road on the westside, in Census Tract 16.

iii. Service Delivery and Management

The Planning and Community Development Department will continue to monitor these units at risk of "opting-out", with the assistance of California Housing Partnership Corporation.

CHAS Table 3A

Investment Plan

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Comprehensive Housing Affordability Strategy (CHAS)
Instructions for Local Jurisdictions

Name of Jurisdiction: CITY OF MODESTO, CALIFORNIA FY: 93

Funding Source	Amount Received by the Jurisdiction Last Fiscal Year (\$000s) (A)	Plan to Apply/ Submit (B)	Planned Use of Resources Expected to be Received during the FY								Amount Received by Other Entities Last Fiscal Year (\$000s) (K)	Support Application by Other Entities (L)
			Acquisition (C)	REHAB (D)	New Construction (E)	Rental Assistance (F)	Home Buyer Assistance (G)	Planning (H)	Support Services (I)	Operating Costs (J)		
A. Formula/Entitlement Programs												
1. HOME	750	X		85%	15%							
2. CDBG (\$2,217,000)	700	X		100%								
3. ESG												X
4. DOE/Other Energy Programs												
5. Public Hsg. Comprehensive Grant				100%							1,693	X
6. Subtotal - Formula Programs												
B. Competitive Programs												
7. HOME												
8. HOPE 1												X
9. HOPE 2												X
10. HOPE 3		X										X
11. ESG		X										X
12. Transitional Housing		X										X
13. Permanent Housing for Handicapped		X										X
14. Shelter Plus Care		X										
15. SAFAH		X										X
16. Sec. 202 Elderly												X

* Eligible only under certain circumstances.

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CRMS Table
Investment P. - Continued

Funding Source	Amount Received by the Jurisdiction Last Fiscal Year (\$000s) (A)	Plan to Apply/ Submit (B)	Planned Use of Resources Expected to be Received during the FY								Amount Received by Other Entities Last Fiscal Year (\$000s) (K)	Support Application by Other Entities (L)
			Acquisition (C)	REHAB (D)	New Construction (E)	Rental Assistance (F)	Home Buyer Assistance (G)	Planning (H)	Support Services (I)	Operating Costs (J)		
B. Competitive Programs Continued												
17. Sec. 811 Handicapped												X
18. Moderate Rehab SRO												X
19. Rental Vouchers						100%					2,986	X
20. Rental Certificates						100%					11,316	X
21. Public Housing Development											2,580	X
22. Public Housing MROP												X
23. Public Housing CIAP											160	X
24. DOE/Other Energy Programs CVOC				100%							459	
25. LIHTC												X
26. FmHA												
27. Other State Rental Rehab	80			90%						10%		
28. Other Rental Rehab Prog. Income	18			100%								
29. Other												
30. Subtotal Competitive Programs												
C. 31. Total - Federal	1,486											
32. Total - State	80											
33. Total - Local												
34. Total - Private												
35. Total - All Sources	1,548										19,194	

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CHAS Table 3B

Goals for Households & Persons to be Assisted with Housing

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Comprehensive Housing Affordability Strategy (CHAS)
Instructions for Local Jurisdictions

Name of Jurisdiction:

CITY OF MODESTO, CALIFORNIA

FY:

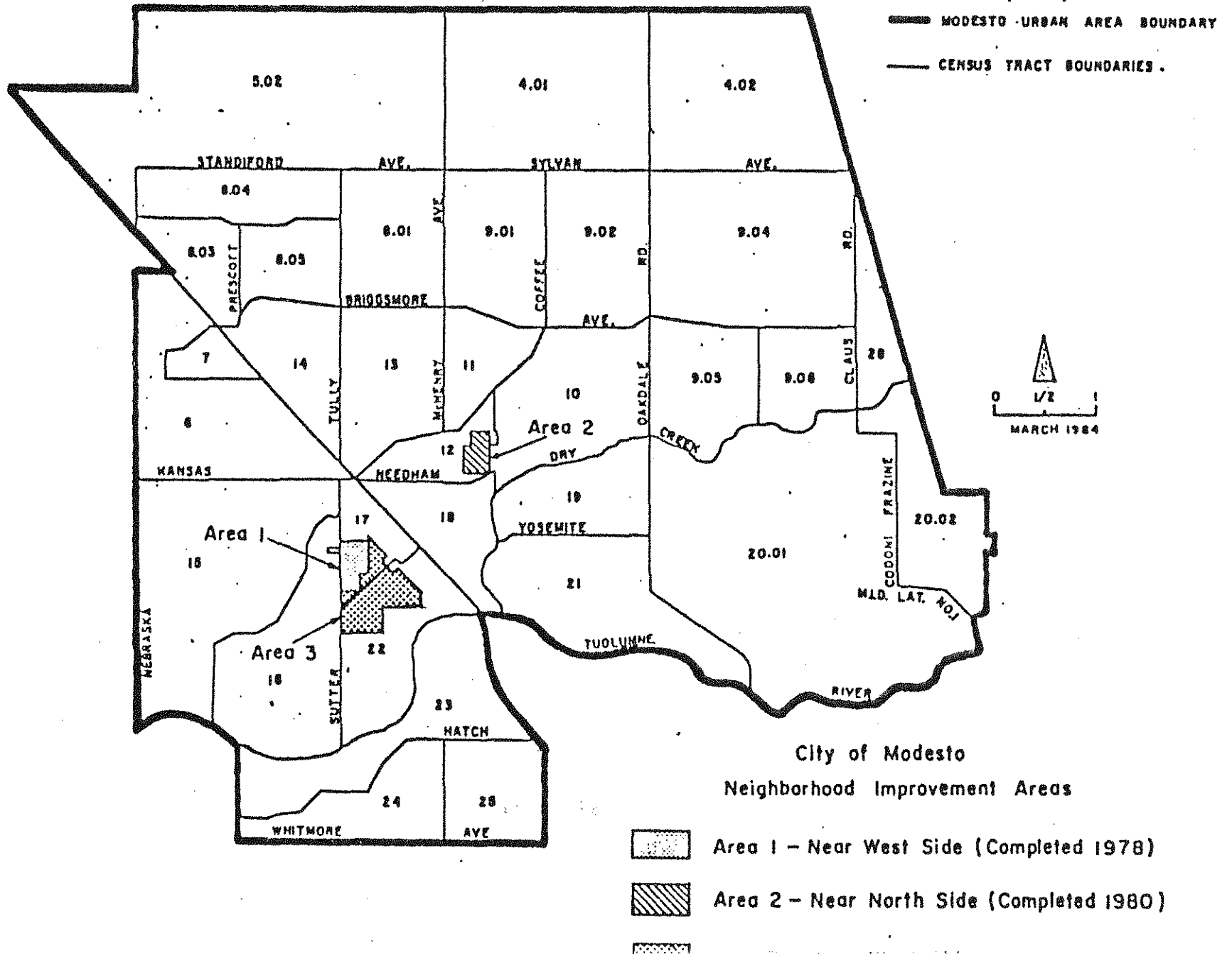
93

Assistance Provided by Income Group	Renters					Owners				Homeless		Non-Homeless Special Needs (L)	Total Goals (M)	Total Section 215 Goals (N)
	Elderly 1 & 2 Member Households (A)	Small Related (2 to 4) (B)	Large Related (5 or more) (C)	All Other Households (D)	Total Renters (E)	Existing Homeowners (F)	1st-Time Homebuyers with Children (G) All Others (H)		Total Homeowners (I)	Individuals (J)	Families (K)			
1. Very Low-Income (0 to 30% of MFI)*	5	4	5	1	15	10			10	6	10	1	42	42
2. Very Low-Income (31 to 50% of MFI)*	2	4	8	1	15	25			25			1	41	41
3.. Other Low-Income (51 to 80% of MFI)*	7	6	7		20	35			35			1	56	56
4. Total Low-Income (lines 1 + 2 + 3)	14	14	20	2	50	70			70	6	10	3	139	139




* Or, based on HUD adjusted income limits, if applicable.

MAP 2

MODESTO URBAN AREA - 1980 CENSUS TRACTS



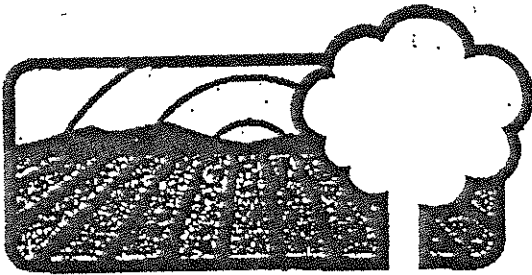
City of Modesto
Neighborhood Improvement Areas

-  Area 1 - Near West Side (Completed 1978)
-  Area 2 - Near North Side (Completed 1980)
- 

54 BLOCK HOUSING IMPROVEMENT AREA #3



 PHASE 1
 PHASE 2



CITY of MODESTO

Public Works & Transportation Department: 801 11th Street, P. O. Box 642, Modesto, CA 95353

Building Inspection: (209) 577-5232

[TDD (209) 526-9211 Hearing and Speech Impaired only]

RESIDENTIAL BUILDING PERMIT FEES

The fees described below are current; however, this fee schedule may be revised periodically by the Chief Building Official or City Council. If you have any questions regarding these fees, please call City of Modesto, Building Inspection Department at (209) 577-5232 and ask for a residential plan checker.

1.	Capital Facilities Fee	Single-Family Dwelling	\$3,819
		Duplex per unit	\$2,924
2.	School Site Fee		\$1.65 per sq. ft.
3.	All Inclusive Permit Fee		
	Custom House and Garage		\$0.31 per sq. ft.
	Master Plans		\$0.29 per sq. ft.
4.	Bedroom Tax		\$15.00 for one bedroom, \$5.00 for each additional bedroom. Maximum of \$30.00.
5.	Strong Motion Instrumentation Fee		.00010 multiplied by the valuation.
6.	Construction Water Fee		\$34.94 (good for 120 days)
7.	Water & Sewer Connection Charges		*
8.	County Public Facilities Fee	** SINGLE-FAMILY	\$2,594
		MULTI-FAMILY	\$1,698/UNIT
		SENIOR HOUSING	\$865

* These fees are assessed by the Engineering Division. If you have any questions regarding a particular property, please call the City of Modesto Public Works and Transportation Department, Engineering Division, at (209) 577-5262.

** Paid at the Stanislaus County Administration Building, 1100 H Street, Modesto, (209) 525-6557.

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c. OTHER ACTIONS

i. Public Policies

The City of Modesto studied the impact of development fees on the cost of affordable housing. The City Infrastructure Fee Task Force recommended to reduce the development fees because meeting the infrastructure needs that the fees were levied for was costing less than previously estimated. The City Council approved these recommendations, and the reduction in development fees should enable builders to produce housing that is more affordable. The Capital Facilities Fee for a Single Family Dwelling was reduced 28%, from \$5,275 to \$3,819. The Capital Facilities Fee for a Duplex per unit was reduced 27%, from \$4,029 to \$2,924.

The City of Modesto has adopted the 1991 Uniform Building, Plumbing and Mechanical Codes, and the 1990 National Electric Code, pursuant to State of California regulations. There are some changes in these codes that will impact housing, but they are considered to be minor changes and should not significantly increase the cost of home building.

The City of Modesto recently expanded the Redevelopment Project Area and established a Citizens Redevelopment Commission to advise the Redevelopment Agency. The Redevelopment Commission will recommend long term plans for the Project Area and plans for utilizing the Agency's 20% Housing Setaside funds.

The City Council discussed and adopted the recommendations of the Chamber of Commerce Affordable Housing Task Force, enumerated in the Summary of the CHAS Development Process.

Stanislaus County also reviewed their Public Facilities Fees and reduced development fees on Single Family Homes by 24%, from \$3,431 to \$2,594.

The School Site Fee, which is not under the control of the City of Modesto, was raised 4%, from \$1.58 per sq. ft. to \$1.65 per sq. ft.

ii. Institutional Structure

The City of Modesto was hit by the reduction in sales taxes and resultant loss of income during the current recession, which required a cut back in some staff positions. Projects carried out under the CHAS will be handled by the Planning and Community Development Department, in cooperation with the Housing Authority of Stanislaus County, and various nonprofit organizations. The City is looking into strategies for increasing services and reducing expenses. Contracting for services is, consequently, being explored.

iii. Public Housing Improvements

The Housing Authority of Stanislaus County is seeking funding under the Comprehensive Grant Program, and is looking at strategies for preserving their existing housing stock. Under the Comprehensive Improvement Assistance Program, the Housing Authority invested \$1.6 million dollars in maintenance and upgrade of their public housing units. The City of Modesto contributed \$250,000 from CDBG funds to complete the modernization work that HUD did not fund.

The Housing Authority is also looking at developing the Royal Hotel in downtown Modesto as an apartment complex including some studio apartments. The Housing Authority will cooperate with STANCO to apply for HOPE III funds on the next funding round.

The Housing Authority and the City of Modesto instituted a community policing program to reduce the amount of crime and drug-related activities near the Robertson Road housing units.

iv. Public Housing Resident Initiatives

The Housing Authority of Stanislaus County has established Resident Councils in each apartment complex to assist the residents in becoming more involved in their community. The residents are being encouraged to become more active in the management of their apartment complexes. The Housing Authority is instituting the Family Self Sufficiency Program to help public housing residents become less dependent on the public support system.

There are no plans during this fiscal year to develop a program for residents of public housing to purchase their own units. It is hoped that the Family Self Sufficiency Program and working with the Resident Councils will result in a program to prepare public housing tenants to become homeowners.

The Housing Authority and STANCO will reapply for HOPE III funds in the next funding round for a specific project and a training grant.

d. CERTIFICATIONS

FAIR HOUSING

The City of Modesto hereby certifies that it will affirmatively further fair housing.

X

J. Edward Tewes
City Manager

RELOCATION AND ANTIDISPLACEMENT

The City of Modesto hereby certifies that it is in compliance with a residential antidisplacement and relocation assistance plan under section 104(d) of the Housing and Community Development Act of 1974.

X

J. Edward Tewes
City Manager

e. SUMMARY OF CITIZEN COMMENTS

One comment was received during the November 12, 1992 to December 14, 1992 public review period. The comment was from the Apartment Association of Central California, and agreed with the City's priorities in housing rehabilitation. The two areas the commenter mentioned were on increasing the Section 8 program subsidies and eliminating building fees for units in the Section 8 category.

It is the position of the City of Modesto that the Housing Authority is in need of additional Section 8 funding, and that the City's CDBG and HOME funds are most appropriately invested in rehabilitating housing and revitalization of neighborhoods. The Housing Authority is exempt from Capital Facilities Fees because their units are all targeted to low income tenants.

Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

AIDS and Related Diseases: The disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit through one or more programs included in the jurisdiction's investment plan. A renter is benefitted if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefitted during the year if the home's rehabilitation is completed. A first-time homebuyer is benefitted if a home is purchased during the year. A homeless person is benefitted during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefitted, however, only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of a housing unit and/or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unit must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109). See also, instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities.

Consistent with the CHAS: A determination made by the jurisdiction that a program application meets the following criterion: The Annual Plan for that fiscal year's funding indicates the jurisdiction planned to apply for the program or was willing to support an application by another entity for the program; the location of activities is consistent with the geographic areas specified in the plan; and the activities benefit a category of residents for which the jurisdiction's five-year strategy shows a priority.

Cost Burden > 30%: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Cost Burden > 50% (Severe Cost Burden): The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Disabled Household: A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is of such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally-developed programs or conduct a variety of special projects designed to promote economic independence and self sufficiency.

Elderly Household: For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

Elderly Person: A person who is at least 62 years of age.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

Family: See definition in 24 CFR 812.2 (The National Affordable Housing Act definition required to be used in the CHAS rule differs from the Census definition). The Bureau of Census defines a family as a householder (head of household) and one or more other persons living in the same household who are related by birth, marriage or adoption. The term "household" is used in combination with the term "related" in the CHAS instructions, such as for Table 2, when compatibility with the Census definition of family (for reports and data available from the Census based upon that definition) is dictated. (See also "Homeless Family.")

Family Self-Sufficiency (FSS) Program: A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50 percent of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be used as the

homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by the spouse.

FmHA: The Farmers Home Administration, or programs it administers.

For Rent: Year round housing units which are vacant and offered/available for rent. (U.S. Census definition)

For Sale: Year round housing units which are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least 3 activities of daily living (i.e., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless Family: Family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, or a homeless person in the process of securing legal custody of a person under the age of 18.

Homeless Individual: An unaccompanied youth (17 years or younger) or an adult (18 years or older) without children.

Homeless Youth: Unaccompanied person 17 years of age or younger who is living in situations described by terms "sheltered" or "unsheltered".

HOPE 1: The HOPE for Public and Indian Housing Homeownership Program, which is authorized by Title IV, Subtitle A of the National Affordable Housing Act.

HOPE 2: The HOPE for Homeownership of Multifamily Units Program, which is authorized by Title IV, Subtitle B of the National Affordable Housing Act.

HOPE 3: The HOPE for Homeownership of Single Family Homes Program, which is authorized by Title IV, Subtitle C of the National Affordable Housing Act.

Household: One or more persons occupying a housing unit (U.S. Census definition). See also "Family".

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defects; (2) meet the definition of overcrowded; and (3) meet the definition of cost burden greater than 30%. Table 1C requests nonduplicative

counts of households that meet one or more of these criteria.

Housing Unit: An occupied or vacant house, apartment, or a single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

Institutions/Institutional: Group quarters for persons under care or custody. (U.S. Census definition)

Large Related: A household of 5 or more persons which includes at least one person related to the householder by blood, marriage or adoption.

LIHTC: (Federal) Low Income Housing Tax Credit.

Low-Income: Households whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. NOTE: HUD income limits are updated annually and are available from local HUD offices (This term corresponds to low- and moderate-income households in the CDBG Program.)

Moderate Income: Households whose incomes are between 81 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This definition is different than that for the CDBG Program.)

Non-Elderly Household: A household which does not meet the definition of "Elderly Household," as defined above.

Non-Homeless Persons with Special Needs: Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

Non-Institutional: Group quarters for persons not under care or custody. (U.S. Census definition used)

Occupied Housing Unit: A housing unit that is the usual place of residence of the occupant(s).

Other Household: A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

Other Income: Households whose incomes exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families.

Other Low-Income: Households whose incomes are between 51 percent and 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80

percent of the median for the area on the basis of HUD's findings that such situations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to moderate-income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: A housing unit containing more than one person per room. (U.S. Census definition)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Physical Defects: A housing unit lacking complete kitchen or bathroom (U.S. Census definition). Jurisdictions may expand upon the Census definition.

Primary Housing Activity: A means of providing or producing affordable housing – such as rental assistance, production, rehabilitation or acquisition – that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity".)

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

Public Housing MROP: Public Housing Major Reconstruction of Obsolete Projects.

Rent Burden > 30% (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden > 50% (Severe Cost burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Secondary Housing Activity: A means of providing or producing affordable housing – such as rental assistance, production, rehabilitation or acquisition – that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity".)

defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: See Cost Burden > 50%.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up or in overcrowded or substandard conventional housing. Any facility offering permanent housing is not a shelter, nor are its residents homeless.

Small Related: A household of 2 to 4 persons which includes at least one person related to the householder by birth, marriage, or adoption.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally nor financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This does not include units that require only cosmetic work, correction or minor livability problems or maintenance work. The jurisdiction must define this term (i.e., standard condition, financially and structurally feasible for rehab) and include this definition in the Appendix (Glossary of Terms) portion of its CHAS submission.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Rehabilitation of residential property at an average cost for the project in excess of \$25,000 per dwelling unit.

Supportive Housing: Housing, including Housing Units and Group Quarters, that have a supportive environment and includes a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money

management, and household management; counseling in homeownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, child care, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year round housing units. (U.S. Census definition)

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: Households whose incomes do not exceed 50 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents. (This term corresponds to low-income households in the CDBG Program.) (For the purpose of further distinguishing needs within this category, two subgroups (0 to 30% and 31 to 50% of MFI) have been established in the CHAS tables and narratives.)

Worst-Case Needs: Unassisted, very low-income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year round use. (U.S. Census definition.) Housing units for seasonal or migratory use are excluded.

Clerk
12.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-701

A RESOLUTION APPROVING FOR FORWARDING TO HUD THE FISCAL YEAR 1991-1992 ANNUAL PERFORMANCE REPORT OF THE COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) ENABLING MODESTO TO PARTICIPATE IN THE HOME PROGRAM, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND OTHER FEDERAL HOUSING PROGRAMS.

WHEREAS, the 1990 National Affordable Housing Act changed the requirements for applying for Federal housing funds, and

WHEREAS, the Housing Assistance Plan (HAP) and the Comprehensive Homeless Assistance Plan (CHAP) were replaced by the Comprehensive Housing Affordability Strategy (CHAS), a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the CHAS contains an assessment of community housing resources, a strategy to accomplish stated goals, an annual update, and an annual performance report, by this submission to HUD, and

WHEREAS, Modesto's CHAS describes the housing rehabilitation programs the City has undertaken for 18 years, and the CHAS notes that Modesto's primary strategy using Federal funds is to complete the mandatory housing rehabilitation areas, and

WHEREAS, additional programs will depend on the Village One Affordable Housing Plan, HOME funding, and Redevelopment Agency affordable housing funds, and

WHEREAS, HUD requires that the citizens of Modesto be provided with a 30-day comment period, therefore, a public data-gathering meeting was held on November 6, 1992, and

WHEREAS, the draft CHAS annual performance report was presented by the Citizens Housing & Community Development Committee at their meeting on November 12, 1992, to the public for the required 30-day period, which period was from November 12, 1992, to December 14, 1992, and no comments from the public were received during said period, and

WHEREAS, HUD requires a CHAS be approved by the local regional HUD office before the local jurisdiction can be approved for funding under HOME and the CDBG program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 1992 annual performance report of the CHAS, a copy of which is attached hereto and incorporated herein by reference, is hereby approved for forwarding to HUD so as to enable Modesto to participate in the HOME Program, Community Development Block Grant Program, and other Federal Housing programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, 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

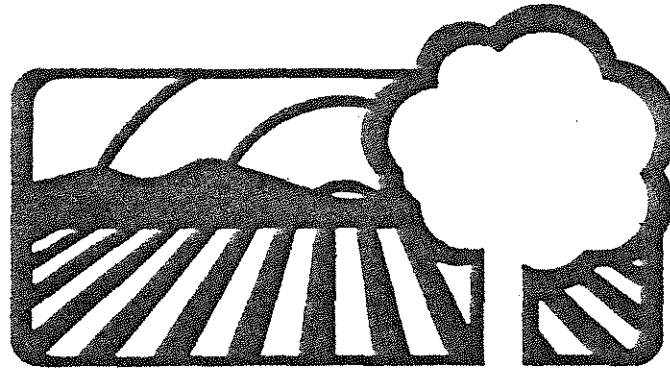
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney



CITY OF MODESTO

**COMPREHENSIVE
HOUSING AFFORDABILITY
STRATEGY**

(CHAS)

**ANNUAL PERFORMANCE REPORT
OCTOBER 1, 1991 TO SEPTEMBER 30, 1992**

**CITY OF MODESTO
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Housing Program Office
401 H Street
Modesto, Ca. 95351
(209) 577-5245

PART 1 - ANNUAL PERFORMANCE

A. RESOURCES MADE AVAILABLE WITHIN THE JURISDICTION

The City of Modesto is an entitlement jurisdiction for the Community Development Block Grant (CDBG) Program administered by the U.S. Department of Housing and Urban Development (HUD). The City receives approximately \$1.3 million dollars each year from HUD, and generates approximately \$850,000 in program revenue each year. The City of Modesto also utilizes the revenue generated from the Rental Rehabilitation Program to rehabilitate rental dwelling units for low income persons. The City is a Participating Jurisdiction (PJ) in the new HOME Program, receiving \$750,000 in the first year of the program. This amount included \$712,000 from HUD, and \$38,000 from the State of California, to bring the City up to the required Federal standard of \$750,000.

The City of Modesto participates in a program to lease government owned homes for a transitional homeless program, in cooperation with Community Temporary Shelter Services (CTSS). The City leases 10 homes from HUD for \$1.00/year, and CTSS selects the transitional homeless families to live in the houses and provides counseling to these clients.

The City of Modesto planned for a \$400,000 Section 108 loan to continue the housing rehabilitation programs, but the authorization was not received during this reporting year.

The Housing Authority of the County of Stanislaus receives Section 8 vouchers and certificates, annual contributions to maintain the low rent public housing it operates, and Comprehensive Grant funds from HUD. The Housing Authority also receives funding for farmworker housing, owned by the state and operated by the Housing Authority. A special grant of \$2.58 million from HUD enables the Housing Authority to purchase 30 three-bedroom homes scattered throughout Modesto for renting to low income families. A special grant from the HUD Secretary's discretionary account has been used for activities benefitting low income Southeast Asian refugees within Stanislaus County, primarily within the City of Modesto.

The Housing Authority of Stanislaus County participates in the Comprehensive Improvement Assistance Program and the newer Comprehensive Grant Program, to rehabilitate and modernize their public housing units.

Funding was made available in Modesto for a demonstration housing program operated by Community Transitional Resources, in cooperation with the Stanislaus County Mental Health Department. Fifty bedroom units were planned for, and four three-bedroom houses (12 bedroom units) are expected to be available under this program.

The Salvation Army provides renters assistance and energy bill assistance to low income families. Also, families facing eviction are given a first month's rent allowance and are assisted in finding permanent housing. Funding is provided from Community Service Block Grant funds, Federal Emergency Management Act (FEMA) funds, and private donations.

Community Temporary Shelter Services operates an emergency shelter located at the Modesto Inn, funded by State McKinney Homeless funds through the Stanislaus County Department of Social Services, and from FEMA funds.

The Stanislaus County Department of Social Services administers the Aid to Families with Dependent Children Homeless Assistance Program.

The Stanislaus Women's Refuge Center "Haven" provides protective shelter, legal assistance and counseling to women and their children who have been abused or are in life-threatening situations. Haven depends on private donations for operations, funding from the United Way, and governmental sources (CDBG, FEMA, state and county welfare funds).

The Center for Human Services, using public and private funding assistance, operates Hutton House, a halfway home for runaway teenagers.

Central Valley Opportunity Center (CVOC) receives Community Service Block Grant (CSBG) funds and weatherization funds from Low Income Housing Energy Assistance Program (LIHEAP) and the U.S. Department of Energy. CVOC uses these funds to train low income persons to weatherize homes, and provides emergency shelter services.

Habitat for Humanity utilizes private donations of funds and materials and volunteer labor to build or rehabilitate houses for sale to low income families.

Victory Outreach Men's Home receives funding from FEMA and private donations to operate a shelter for homeless men.

Private funding in Modesto includes donations to the Men's and Women's Gospel Missions. These agencies are not eligible for public funds because of religious requirements.

b. INVESTMENT OF AVAILABLE RESOURCES

The City of Modesto invested \$873,000 of CDBG funds in housing activities during this CHAS period, which included neighborhood revitalization, code-enforcement housing rehabilitation, and residential handicap barrier removal. An additional \$82,334 in Rental Rehabilitation Program funds was used in the form of stipulated grants, to rehabilitate affordable rental housing. These public funds leveraged \$133,745 in private financing.

HOME program funds were not utilized in this reporting period because of extensive program startup activities needed to initiate the use of this new program, which has more stringent targeting than CDBG funds.

Central Valley Opportunity Center (CVOC) invested \$65,228 from Community Service Block Grant funds, \$250,000 from Low Income Housing Energy Assistance Program funds and Department of Energy weatherization funds. These funds enabled CVOC to weatherize 200 homes, to provide energy intervention services to 2,000 families, to assist 800 clients with emergency shelter, to provide 600 clients with transitional homeless services, and to assist 40 mentally ill clients with transitional homeless services.

CVOC provided \$36,500 in CSBG funds to other agencies to assist low income families with emergency shelter and utility payments to forestall shutoff of power and water services.

The Housing Authority of Stanislaus County owns and manages 402 low rent units and 91 farmworker units, and provides 2,154 Section 8 certificates or vouchers in Modesto. The Housing Authority applied for and invested \$604,500 in Comprehensive Grant funds to rehabilitate public housing units located within the City of Modesto. The Housing Authority also invested \$140,000 to rehabilitate and modernize their public housing units in Modesto under a Comprehensive Improvement Assistance Program grant.

The Housing Authority provided funding for rehabilitation of rental units occupied by Southeast Asian refugees, in cooperation with the City of Modesto Rental Rehabilitation Program.

Habitat for Humanity utilized \$20,000 CDBG funds to purchase one vacant house, and private donations to purchase another vacant house from the Resolution Trust Corporation. Habitat also obtained private donations of material and volunteer labor to rehabilitate the two houses, and then sold each one to a low income family.

C. HOUSEHOLDS AND PERSONS ASSISTED

The City of Modesto inadvertently expended more funds in Fiscal Year 1991 than were available under the CDBG program and, with HUD permission, utilized the program revenue to reimburse the City during fiscal year 1991-92 for the excess loans. The City of Modesto's Housing Maintenance Program annually rehabilitates approximately 120 dwellings through this program.

Seventy-nine (79) dwelling units were rehabilitated in the westside Target Area #3. Seventy-five (75) of these dwelling units were rehabilitated with private financing and City technical assistance.

Four (4) Housing Maintenance Program (Westside Target Area) loans were provided.

One (1) Handicap Barrier Removal Loan was provided.

Two (2) households were provided with temporary relocation assistance while their houses were being rehabilitated.

Eleven (11) dwellings were rehabilitated through the Rental Rehabilitation Program.

Twenty-four (24) dwelling units received paint rebates through the Housing Maintenance Program.

Seven (7) dwellings received insulation rebates under the Housing Maintenance Program.

Ten (10) homes were leased from HUD (Federal Housing Administration) and rented to homeless families participating in a transitional homeless program. CDBG funds were used to repair and restore these homes for the homeless families to move into.

The Housing Authority of Stanislaus County assisted 2,647 families under the Section 8, public housing, and farmworker housing programs.

D. OTHER ACTIONS UNDERTAKEN

1. Public Policies

The City of Modesto reviewed the development fees charged for building homes and lowered these fees to reflect actual city costs. Stanislaus County also reviewed and lowered their Public Facilities Fees. This is a continuing process in the City's efforts to encourage development of affordable housing, as described in the 1991-1996 CHAS and the 1992 Housing Element.

The City of Modesto Planning and Community Development Department worked on the structure of the Village One Housing Trust Fund and the Equity Sharing Program, and prepared the Density Bonus Program in accord with State regulations.

2. Institutional Structure

The City of Modesto Planning and Community Development Department, working with the Finance, City Manager, City Attorney, and Public Works and Transportation Departments, administers the programs funded under CDBG, HOME, and the Rental Rehabilitation Program. City staff has nineteen (19) years of experience in housing rehabilitation, and encourages staff training as a priority to maintain its programs and to adapt to new technologies. The City installed a new computer system to allow more interaction among City workers and to link the Housing Program Office with City Hall. Housing Program Office staff has completed training and installation of a new computerized work write-up system that will increase staff efficiency and provide better client service.

The City of Modesto, like other jurisdictions, faces reduced funding from sales taxes and other funding sources, and has been forced to reduce City staff. The City emphasizes service to the citizens as the top priority, and encourages all City employees to find ways to deliver quality service with fewer staff.

The Modesto Redevelopment Agency expanded the redevelopment project area to include all of downtown Modesto, the area along Highway 99, the Paradise Road development, and County Center 3. The Redevelopment Agency established a Redevelopment Commission to advise the Agency on the expanded redevelopment project and to recommend a plan to utilize the Agency's 20% housing funds.

3. Intergovernmental Cooperation

Planning Section staff worked closely with Stanislaus Area Association of Governments, State Housing and Community Development Department, and other agencies in the preparation of the 1992 Housing Element of the General Plan.

City staff cooperates with the Housing Authority of Stanislaus County in the Rental Rehabilitation Program, in funding of improvements under the Comprehensive Improvement Assistance Program (CIAP), in the Section

8 and public housing programs, and in community safety and anti-drug programs. City staff works with the Housing Authority in the development process of senior and family housing units in the Conant/Rumble neighborhood on the City's northeast area.

Housing Program Office Section works with the nonprofit agencies receiving funding under the CDBG program to build their capacity to administer programs. Housing Program Office Section staff have been active on the Central Valley Opportunity Center Community Services Program Board, STANCO, and the FEMA Area Board.

4. Public Housing Improvements

The Housing Authority of Stanislaus County continued its operation of subsidized public housing units, the Section 8 program, and farmworker housing. The Housing Authority was successful in competing for the Comprehensive Improvement Assistance Program and the new Comprehensive Grant Program to rehabilitate and modernize their public housing units.

The Housing Authority invested \$140,000 in CIAP funds in this reporting period, and will invest \$160,000 in CIAP funds in FY 93. FY 94 CIAP funds will be rolled over into the new Comprehensive Grant Program.

5. Public Housing Resident Initiatives

The Housing Authority worked with resident groups under the Family Self Sufficiency program, and applied for a planning grant under HOPE III in cooperation with Stanislaus County Affordable Housing Corporation (STANCO), which was unsuccessful. The City of Modesto cooperated with the Housing Authority in increasing public safety at the public housing units on Robertson Road. The Housing Authority is providing funds for additional City of Modesto police patrols, and are cooperating in anti-drug programs.

There were no programs to assist public housing residents in becoming owners of their public housing units during this reporting period. The Family Self Sufficiency Program will lead to more resident involvement and the opportunity to develop programs for public housing residents to become homeowners.

6. Affirmatively Furthering Fair Housing

The City of Modesto re-established the Modesto Community Housing Resources Board (CHRB) to monitor the Voluntary Affirmative Marketing Agreement (VAMA) signed by the Modesto Association of Realtors and the Central California Building Industry Association.

The City cooperates with the Modesto Association of Realtors in the Fair Housing Poster Contest by providing display space for the winning student posters and by encouraging the schools to obtain more student participation.

The City of Modesto appoints citizens to a Human Relations Commission, which has a Housing Committee to hear complaints involving housing. The Commission recommends actions for the complainant to resolve the problem, including referrals to the State Department of Fair Employment and Housing when a complaint appears to involve discrimination.

The City of Modesto annually declares April to be Fair Housing Month by issuing a proclamation at a televised City Council meeting, and by displays of fair housing materials in the City Hall lobby.

PART II - ASSESSMENT OF ANNUAL PERFORMANCE

The City of Modesto is recovering from the overextension of program funds in Fiscal Year 1991, and was not able to produce the number of rehabilitated housing units as occurred in previous years. Normally, 120 dwelling units are rehabilitated under the City's housing programs, and this standard will resume after July 1, 1993, when the full amount of CDBG funds and program income will be available.

The City Housing Program Office staff assisted property owners, whose residential properties are located in the westside Target Area, with technical assistance while their houses were being rehabilitated. Historically, 40% of all the houses rehabilitated in the westside Target Area have been financed exclusively by the property owners, with technical assistance from the City Housing Rehabilitation Specialists. The City provides incentives for target area residents to maintain their properties through public improvements, area clean-ups, paint and insulation rebates, and by providing water heater blankets, smoke detectors, and anti-siphon hose bibbs.

The City of Modesto lowered the Capital Facilities Fees charged to developers for the costs of public infrastructure and services expected to be generated by the new housing. This action should stimulate the development of additional affordable housing.

Various nonprofit agencies providing housing services in Modesto have been able to continue their operations by developing other governmental and private funding sources. City of Modesto Planning and Housing Program staff work with nonprofit organizations to develop their capacity to operate housing services. City staff helped to develop Stanislaus County Affordable Housing Corporation (STANCO) and the Modesto Community Housing Resources Board (CHRB).

The City of Modesto concentrated on completing housing rehabilitation in Target Area #3 on the westside, which is a long range City goal, and Priority #1 in the 1991-96 CHAS. The housing rehabilitation assisted in Priorities #2-3, with housing for large families and assisting persons with special needs. Providing transitional housing, in cooperation with Community Temporary Shelter Services and Stanislaus County Department of Mental Health, assists in Priority #3, increasing housing for families and individuals with special needs.

City staff works with the Housing Authority of Stanislaus County and residents of mobile home parks on Priority #4, assisting these persons in becoming first-time home buyers. Because of lack of funding opportunities, this priority will be a long range goal.

City staff maintained contact with HUD and California Housing Partnership Corporation in monitoring the two apartment complexes at risk of "opting-out" of their Federal financing contract. The new owners of the two properties have not continued with the notice to prepay the Federal mortgage. The City will continue to monitor these at risk apartment complexes as a long range goal of Priority #5.

APPENDIX

SUMMARY OF CHAS ANNUAL PERFORMANCE REPORT DEVELOPMENT PROCESS

The first Annual Performance Report under the City of Modesto's CHAS was prepared by the Housing Program Office Section of the Planning and Community Development Department. A public notice was placed in the Modesto BEE on Wednesday, November 4, 1992, inviting the public to a meeting on November 6, 1992 to gather data for the draft FY 1993 CHAS Update and the FY 1992 Annual Performance Report. City staff sent letters to 35 agencies and organizations interested in housing, requesting their input and attendance at the November 6, 1992 data gathering meeting.

City staff gathered data from outside agencies, organizations, and the City Finance and Planning and Community Development Departments to compose the Annual Performance Report.

PUBLIC COMMENT PERIOD, November 12, 1992 - December 14, 1992

Organizations, agencies and individuals were invited to a public meeting via a notice published in the Modesto BEE on November 8, 1992. The public meeting was held on November 12, 1992, at the Modesto City Council chambers, City Hall, to start the 30 day public comment period. The meeting was conducted by the Citizens Housing and Community Development Committee (CH&CDC), which provides citizen input and oversight for the City's Community Development Block Grant activities.

Citizens and organizations were invited to examine the FY 93 CHAS Annual Update and the FY 1992 Annual Performance Report during the required 30-day public comment period, between November 12, 1992 and December 14, 1992.

Copies of the FY 93 CHAS Annual Update and the FY 1992 Annual Performance Report were made available to the public at the following places:

Modesto City Clerk's Office, City Hall
Planning and Community Development Department, City Hall
Housing Program Office, 401 H Street, Modesto
City-County Public Library, 1500 I Street, Modesto

Copies of the FY 93 CHAS Annual Update and the FY 92 CHAS Annual Performance Report were mailed to the 35 agencies and organizations who were solicited for information for the draft CHAS.

No comments were received from the public on the FY 1992 Annual Performance Report.

The Modesto City Council considered and adopted the FY 1992 CHAS Annual Performance Report at a public hearing on December 22, 1992.

MODESTO CITY COUNCIL
RESOLUTION NO. 92-702

A RESOLUTION ADOPTING AMENDMENTS TO THE
STANDARD SPECIFICATIONS OF THE CITY OF
MODESTO.

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of "Standard Specifications of the City of Modesto" said Standard Specifications to be prepared by the Public Works and Transportation Department and recommended by the Planning Commission, and

WHEREAS, the Public Works and Transportation Department, Engineering Division has recommended amendments, which include additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled "1992-93 Proposed Revisions, Standard Specifications of the City of Modesto", and

WHEREAS, the proposed amendments are to accomplish correcting grammatical errors, clarifying existing text and drawings, updating to including the current editions of standards, tests and materials already required by the standards, and, adding policies and procedures which have already been established by the Public Works and Transportation Department, and

WHEREAS, the proposed amendments were considered by the Construction Industry Liaison Committee and notices of an informal public hearing by the Planning Commission to considered

the proposed amendments were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed amendments was held by the Planning Commission on December 7, 1992, and

WHEREAS, the Planning Commission, by Resolution No. 92-58, adopted on December 7, 1992, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "1992-93 Proposed Revisions, Standard Specifications of the City of Modesto", copies of which are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, and

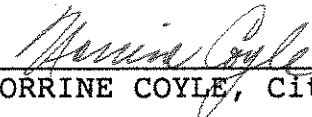
WHEREAS, said proposed amendments to the Standard Specifications of the City of Modesto, as prepared by the Public Works and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on December 22, 1992, at which time the Council determined that the proposed amendments to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain amendments

to the "Standard Specifications of the City of Modesto, 1992-93, copies of which amendments are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as amendments to the Standard Specifications 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 22nd day of December, 1992, 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, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-703

A RESOLUTION GIVING 90-DAY'S NOTICE OF CANCELLATION OF AGREEMENTS WITH SIX SCHOOL DISTRICTS WHICH PROVIDE FOR THE COLLECTION OF STATUTORY SCHOOL FEES: SYLVAN UNION SCHOOL DISTRICT, STANISLAUS UNION SCHOOL DISTRICT, SALIDA UNION SCHOOL DISTRICT, MODESTO CITY SCHOOL DISTRICT, HART RANSOM UNION SCHOOL DISTRICT, AND EMPIRE UNION SCHOOL DISTRICT.

WHEREAS, SB 1287 allows up to \$1.00 per square foot of residential construction in addition to the \$1.65 currently collected for the capital needs of schools, and

WHEREAS, SB 1287 and current law include AB 2926 developer fees, the State school building program, and Mello-Roos Community Facilities Districts as permissible methods of mitigating school impacts caused by development projects, and

WHEREAS, since AB 2926 fees were authorized by 1986 legislation, the City has had agreements for the collection of the statutory fees with each of the six school districts which have territory in common with the City of Modesto, said school districts are listed as follows:

1. Sylvan Union School District
2. Stanislaus Union School District
3. Salida Union School District
4. Modesto City School District
5. Hart Ransom Union School District
6. Empire Union School District

and

WHEREAS, Section 9 of each agreement provides that either party may cancel the agreement upon 90-day's prior written notice, and

WHEREAS, the Community Development and Housing Committee of the City Council has recommended to the Council that said agreements with school districts which provide for the collection of statutory school fees be terminated unless the school districts agree to allow the City to place \$1.00 of a proposed schools \$2.00 per square foot residential development fee in escrow until legislation or litigation determines that more than a \$1.00 increase is appropriate, and

WHEREAS, the Council considered this matter at its meeting of December 22, 1992, which was held at 4:00 p.m. in the City Council Chambers located in City Hall at 801 11th Street, Modesto, California, and

WHEREAS, the Council determined that it would be more appropriate to cancel said agreements unconditionally to avoid the potential liability on the part of the City for any fees collected in excess of \$2.65 per square foot which are later passed on to the school district levying the fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that due to the controversy surrounding the collection of the additional \$1.00 authorized by SB 1287, the Council has determined that 90-day's prior written notice of cancellation shall be given to the following school districts which entered into agreements with the City of Modesto for the collection of the statutory fees: Sylvan Union School District, Stanislaus Union School District, Salida Union School District,

Modesto City School District, Hart Ransom Union School District,
and Empire Union School District.

BE IT FURTHER RESOLVED that the City Clerk is hereby
directed to furnish a certified copy of this resolution to each
of the six school districts mentioned above.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 22nd
day of December, 1992, by Councilmember Cogdill, 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, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 92-704

A RESOLUTION APPOINTING MEMBERS TO THE CITIZENS QUALITY COMMITTEE

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

SECTION 1. The following twenty-five (25) persons are hereby appointed to the Citizens Quality Committee:

Council Appointments:

Mitch Gagos
Vera Girolami
Claudia Moorad
Bob Miller
Joan Recca
Joe Simile
Juanita Jackson

Human Services Committee Appointments:

Robert Boranian	James B. Picco
Patricia Casey	Jim Poore
Lynda Escobedo	Robert Raspo
Sharon Franco	Terry Swehia
Joseph Inacio	Karrlee Thomas
Ruth Valez-Langrock	Marian Martino
Rolf E. Lee	Jeanie Palleschi
David McKean	Armand Skol
Peter Pen	Caleen Hand

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Citizens Quality 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 22nd day of December, 1992, 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk