

MODESTO CITY COUNCIL
RESOLUTION NO. 91-1

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR PROJECT NO. 18 - REPLACEMENT OF CURB, DRIVE
APRONS AND SIDEWALKS

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

SECTION 1. The plans and specifications for Project No. 18 - replacement of curb, drive aprons and sidewalks copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 24, 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 2nd day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Marrisa Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-2

A RESOLUTION ACCEPTING IMPROVEMENTS IN FAIRMONT COURT SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Woodland Construction, subdividers of Fairmont Court Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 15,200.00 and \$ 7,600.00 respectively to guarantee improvements in Fairmont Court Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated December 20, 1990, 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 Fairmont Court Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 15,200.00 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 \$ 7,600.00 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 2nd day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-3

A RESOLUTION ACCEPTING IMPROVEMENTS IN MOUNTAINVIEW TERRACE UNIT 2 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Security Owners Corp., subdividers of Mountainview Terrace Unit 2 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$257,600.00 and \$128,800.00 respectively to guarantee improvements in Mountainview Terrace Unit No. 2 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated December 20, 1990, 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 Unit 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 \$257,600.00 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 \$257,600.00 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 2nd day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-4

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE ARTICULATING LOADER

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

SECTION 1. The plans and specifications for the purchase of one articulating loader

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, 1991, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-5

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR RESTRIPIING OF CARPENTER ROAD OVERPASS AND TRAFFIC
SIGNAL MODIFICATION FOR BRIGGSMORE/CARPENTER AND ORANGEBURG/SISK

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

SECTION 1. The plans and specifications for restriping of Carpenter Road overpass and traffic signal modification for Briggsmore/Carpenter and Orangeburg/Sisk 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 31, 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 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-6

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 RESTRIPING OF THE CARPENTER ROAD OVERPASS BETWEEN ORANGEBURG AVENUE AND BLUE GUM AVENUE AND TRAFFIC SIGNAL MODIFICATION AT BRIGGSMORE/CARPENTER AND ORANGEBURG/SISK.

WHEREAS, the City Council certifies that at its meeting of January 8, 1991, 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 restriping of the Carpenter Road Overpass Between Orangeburg Avenue and Blue Gum Avenue and Traffic Signal Modification for Briggsmore/Carpenter and Orangeburg/Sisk,


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 restriping of the Carpenter Road Overpass Between Orangeburg Avenue and Blue Gum Avenue and Traffic Signal Modification for Briggsmore/Carpenter and Orangeburg/Sisk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-7

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR A BOOSTER PUMP STATION FOR WATER TANK NO. 3

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

SECTION 1. The plans and specifications for a booster pump station
for water tank No. 3

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on January 31, 1991, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 8th day of January, 1991,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-8

A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATION FOR PROPOSED TRAFFIC
SIGNAL PROJECT AT SISK AND RUMBLE ROADS

WHEREAS, the City of Modesto has acquired the required right of way
needed for the proposed traffic signal project at Sisk and Rumble Roads; and

WHEREAS, it is necessary for the City of Modesto to make a certification
to the State of California that the right of way has been acquired for the
proposed traffic signal project at Sisk and Rumble Roads.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Acting City Manager and City Clerk are hereby authorized to sign a
Right of Way Certificate setting forth the status of the right of way acquisition
for the proposed traffic signal project at Sisk and Rumble Roads.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 8th day of January, 1991, by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember Bird , was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-9

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SANDERS CONSTRUCTION COMPANY FOR THE RIGHT OF WAY NEEDED AT SISK AND RUMBLE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sanders Construction Company for the right of way needed at Sisk and Rumble

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January , 1991 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-10

A RESOLUTION ACCEPTING A PARCEL OF LAND FROM RULE ENTERPRISES WITH A LIFT STATION IN THE FLEUR DE VILLE SUBDIVISION.

WHEREAS, the Fleur de Ville Subdivision is constructed just outside the City sphere of influence on Pelandale Avenue, and

WHEREAS, a lift station has been constructed to allow hookup to the City's sewer system to serve the Fleur de Ville Subdivision, and

WHEREAS, it is City policy for the City of Modesto to own such systems and to be responsible for maintaining the lift station, with the owner(s) of the subdivision paying for maintenance and operation of the lift station through sewer fees, and

WHEREAS, it is necessary for the City of Modesto to accept title to the parcel of land on which the lift station is constructed to allow City ownership and maintenance of the lift station, and City staff has suggested that it would be appropriate to accept the grant deed from the owners of the parcel,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto hereby accepts the grant deed from Rule Enterprises which grants title to Parcel C, the parcel of land on which the lift station has been constructed to allow City ownership and maintenance of the lift station and to allow hookup to the City's sewer system to serve the Fleur de Ville Subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-11

A RESOLUTION AUTHORIZING ACTING CITY MANAGER AND CITY CLERK TO EXECUTE A QUITCLAIM DEED FOR THE ROSELLE MIDDLE SCHOOL SITE TO SYLVAN UNION SCHOOL DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the quitclaim deed for the Roselle Middle School site to the Sylvan Union School District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said quitclaim 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 8th day of January, 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-12

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD F. MONACO AND CHARLES THOMPSON FOR THE LEASE OF A CORPORATE HANGAR PLOT AT THE 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 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 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

2/13/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-13

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR A CONCESSIONAIRE TO EQUIP AND OPERATE A SNACK BAR IN THE MODESTO CITY-COUNTY AIRPORT PASSENGER TERMINAL.

WHEREAS, the Modesto City-County Airport Passenger Terminal, which is nearing completion, has been designed to provide an area for a snack bar, however, the airport currently does not have a snack bar operator, and

WHEREAS, the addition of a snack bar would provide a service that is currently unavailable to passengers, crews, and airport users, and

WHEREAS, it is anticipated that a successful snack bar operator would pay a percentage of gross sales to the City and increase the amount of revenue collected as user fees, and

WHEREAS, at its meeting of January 8, 1991, the Council considered a report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report is on file in the Office of the City Clerk, which requested that the Airport Manager be authorized by the Council to advertise for and accept Request for Proposals for a concessionaire to equip and operate a snack bar in the airport passenger terminal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Airport Manager to issue a Request for Proposals for a concessionaire to equip and operate the new passenger terminal snack bar, as outlined in the report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report 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 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

3/11/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-14

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR A CONCESSIONAIRE TO EQUIP AND OPERATE A MINI BUSINESS CENTER IN THE MODESTO CITY-COUNTY AIRPORT PASSENGER TERMINAL.

WHEREAS, the Modesto City-County Airport Passenger Terminal, which is nearing completion, has been designed to provide an area for a mini business center (commercial advertisement display, copy and fax machines), however, the airport currently does not have a mini business center operator, and

WHEREAS, the addition of a mini business center would provide a service that is currently unavailable to air travellers and airport users, and

WHEREAS, it is anticipated that a successful mini business center operator would pay a percentage of gross sales to the City and increase the amount of revenue collected as user fees, and

WHEREAS, at its meeting of January 8, 1991, the Council considered a report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report is on file in the Office of the City Clerk, which requested that the Airport Manager be authorized by the Council to advertise for and accept Request for Proposals for a concessionaire to equip and operate a mini business center in the airport passenger terminal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Airport Manager to issue a Request for Proposals for a concessionaire to equip and operate the new passenger terminal mini business center, as outlined in the report to the Council dated December 27, 1990 from the Acting Public Works and Transportation Director, a copy of which report 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 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
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. 91-15

A RESOLUTION WAIVING THE TIPPING FEES FOR REFUSE BROUGHT
IN FROM SAN JOAQUIN COUNTY AT THE STANISLAUS
WASTE-TO-ENERGY FACILITY.

WHEREAS, the City of Modesto and the County of Stanislaus (the "Contracting Communities") are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

WHEREAS, to the extent that deliveries of refuse from Stanislaus County fall below capacity of the Waste-to-Energy facility, the Contracting Communities do not realize the optimum energy revenues from the project, and

WHEREAS, due to seasonal lows in the amount of refuse delivered to the plant, there are approximately 140 tons per day (700 tons per week) of unused plant capacity which represents a potential energy revenue loss of about \$26,600 per week to the Contracting Communities, and

WHEREAS, the Public Works Department of the County of San Joaquin has offered to deliver 700 tons per week of municipal solid waste to the facility; provided, however, that no tipping fee be charged as any such fee would make the deliveries financially prohibitive for San Joaquin County since the haul costs to the facility are slightly more than those of delivering to San Joaquin County's own landfill, and

WHEREAS, the Stanislaus County Board of Supervisors, at a meeting held on January 8, 1991, unanimously approved waiving the \$25 per ton tipping fee for refuse brought in by San Joaquin County to the Waste-to-Energy facility, and

WHEREAS, it is the recommendation of City staff to concur with Stanislaus County to waive the \$25 per ton tipping fees at the City-County Waste-to-Energy facility for refuse brought in by San Joaquin County, and

WHEREAS, it is appropriate for the Council of the City of Modesto to consider the waiving of said tipping fees for refuse brought in by San Joaquin County to the Stanislaus Waste-to-Energy facility,


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with the County of Stanislaus to waive the \$25 per ton tipping fees at the City-County Waste-to-Energy facility for refuse brought in to the facility by San Joaquin County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-16

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
EVANS-EXECUTONE TO PROVIDE MAINTENANCE AND SERVICE COVERAGE FOR THE
CITY'S TELEPHONE SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Evans-Execjtone to provide
maintenance and service coverage for the City's telephone 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 8th day of January , 1991 , by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember Bird , was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clark 20

MODESTO CITY COUNCIL
RESOLUTION NO. 91-17

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR FISCAL YEAR 1990-91 TO PROVIDE FOR PRINTING
THE VILLAGE ONE SPECIFIC PLAN FINAL DOCUMENT.

WHEREAS, the Agreement for Services for the Village One Specific
Plan consultants specifies that the City shall be responsible for the printing
and distribution of the Specific Plan, and

WHEREAS, costs of printing the Plan will be recovered through the
sale of the Village One Specific Plan documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following adjustments be made to the Annual Budget of the City of
Modesto for the Fiscal Year 1990-91:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Appropriations</u>		
010/140/1401/0205	Printing and Binding	\$16,500

<u>Fund/Agency/Org/Rev</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>		
010/510/0000/8143	Items for Resale	\$16,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-18

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH LEEDSHILL-HERKENHOFF, INC. TO DESIGN A NEW WATER AND SEWER CONTROL AND DATA ACQUISITION SYSTEM

WHEREAS, the City Council authorized staff to request proposals from qualified engineering companies for the design of the new Water/Sewer SCADA System; and

WHEREAS, after interviewing, the staff committee felt that Leedshill-Herkenhoff, Inc. was the best qualified to perform the design of the new Water/Sewer SCADA System.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that staff be authorized to negotiate a contract with Leedshill-Herkenhoff, Inc. to design a new water and sewer control and data acquisition system.


BE IT FURTHER RESOLVED that the execution of said contract by the designated 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 January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR FEDERAL FUNDS TO RECONSTRUCT A PORTION AND WIDEN THE AIRLINE AND CORPORATE AIRCRAFT PARKING APRON

BE IT RESOLVED by the Council of the City of Modesto that the submission of a preapplication to the Federal Aviation Administration (FAA) for a grant to reconstruct a portion and widen the airline and corporate aircraft parking apron at Modesto City-County Airport in the amount of \$136,890 be, and hereby is approved.

BE IT FURTHER RESOLVED that the execution of the preapplication 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 January, 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-20

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 FROM CONTINGENCY RESERVE FOR UPGRADING THE CITY'S EMERGENCY OPERATION CENTER'S COMMUNICATION CAPACITIES

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

FROM:	Contingency Reserve (130 800 8000 8003)	\$10,000
TO:	EOC Communications Upgrade (130 190 P609 6000)	\$10,000

Funds needed for a new CIP Project to acquire necessary equipment and services for upgrading the communications capabilities of the Emergency Operations Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-21

A RESOLUTION AUTHORIZING ACQUISITION OF EQUIPMENT AND SERVICES TO UPGRADE COMMUNICATIONS CAPACITIES RELATING TO THE CITY'S EMERGENCY OPERATION CENTER.

WHEREAS, the Police and Fire Departments of the City of Modesto are currently in the process of preparing and upgrading the City's Emergency Operations Center at 900 Tioga Drive at the Modesto City-County Airport to establish a secondary 9-1-1 site to insure uninterrupted 9-1-1 service to the public, and for additional telephone capabilities in the Mobile Communications Bus which would be used at the site, and

WHEREAS, it is necessary to acquire equipment and services necessary to accomplish the upgrading of said Emergency Operations Center,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the acquisition of equipment and services necessary to upgrade communications capacities relating to the City's Emergency Operation Center, and the Director of Finance is hereby authorized to issue purchase orders in an amount not to exceed \$10,000 to accomplish this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

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. 91-22

A RESOLUTION REAPPOINTING MEMBER OF THE CULTURE COMMISSION (PHILLIP MARTIN)

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

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

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

Phillip Martin
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-23

A RESOLUTION REAPPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(BARBARIAE BOYETTE)

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:

Barbariae Boyette

Term to expire 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-24

A RESOLUTION REAPPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(DONALD KNIES AND ALBERT THOMPSON)

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:

Donald Knies
Albert Thompson

Terms to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the 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 8th day of January, 1991,
by Councilmember Lang, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call carried and
the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-25

A RESOLUTION REAPPOINTING MEMBERS OF THE AIRPORT ADVISORY COMMITTEE

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

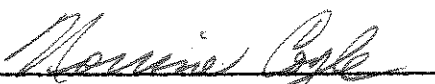
SECTION 1. The following person is hereby appointed to the Airport
Advisory Committee for the respective term as indicated:

David Mesenhimer
Victor Hollingshead
Janice M. Gray
(Terms to expire 1/1/95)

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Airport
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 8th day of January , 19 91 ,
by Councilmember Lang , who moved its adoption, which motion being
duly seconded by Councilmember Irizarry , was upon roll call carried and
the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-26

RE-
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF BUILDING APPEALS
(RANDALL CAVANAGH)

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 Building Appeals for the respective term as indicated:

Randall Cavanagh
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 8th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 91-27**

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT
(JERRY MATSUNAGA)

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

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

SECTION 1. The following person is hereby appointed to the Board of Zoning Adjustment for the respective term as indicated: Jerry Matsunaga
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 8th day of January 19 91, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-28

A RESOLUTION REAPPOINTING MEMBERS TO THE LOCAL CABLE PROGRAMMING COMMITTEE
(DOUGLAS HILLBLOM AND GEORGE PETTYGROVE)

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

SECTION 1. The following persons ^{are} / hereby appointed to the Local Cable
Programming Committee for the respective term as indicated:

Douglas Hillblom
George Pettygrove
Terms expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members of the Local Cable
Programming 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 8th day of January , 1991 ,
by Councilmember Lang , who moved its adoption, which motion being
duly seconded by Councilmember Irizarry , was upon roll call carried and
the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-29

A RESOLUTION REAPPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT LOAN POOL
SUBCOMMITTEE (ABLE ACOSTA AND SOPHIE KARET)

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

SECTION 1. The following persons ^{are} / hereby appointed to the Economic
Development Loan Pool Subcommittee for the respective term as indicated:

Able Acosta

Sophie Karet

Terms to expire 9/30/94

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members of the Economic Development
Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 8th day of January, 1991,
by Councilmember Lang, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK

7/1/90

MODESTO CITY COUNCIL
RESOLUTION NO. 91-30

A RESOLUTION DENYING THE APPEAL OF JAMES BENOIT TO A DECISION OF THE PLANNING COMMISSION GRANTING APPROVAL OF A PLOT PLAN FOR CREATION AND DEVELOPMENT OF TWO FLAG LOTS LOCATED AT 314 EAST FAIRMONT AVENUE AND GRANTING APPROVAL OF THE TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT 314 EAST FAIRMONT AVENUE, AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION SUBJECT TO A FURTHER CONDITION OF APPROVAL FOR THE PLOT PLAN AND THE TENTATIVE PARCEL MAP. (CROFTS)

WHEREAS, Dave Crofts applied for approval of an existing dwelling on a proposed flag lot and construction of a new dwelling on another proposed flag lot in the R-1 Zone located at 314 East Fairmont Avenue, and

WHEREAS, the plot plan and elevation plans for the project were reviewed by the Planning Commission at its meeting on November 19, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in accordance with Section 10-2.603 of the Modesto Municipal Code, and

WHEREAS, by Resolution No. 90-96, adopted on November 19, 1990, the Planning Commission approved the plot plan for the creation and development of two flag lots subject to the conditions set forth in Planning Commission Resolution No. 90-96, and

WHEREAS, the tentative parcel map of property located at 314 East Fairmont Avenue was filed in the office of the Secretary of the Planning Commission on October 4, 1990, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

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

WHEREAS, city services, including sanitary sewer and water

facilities, are available, and

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

WHEREAS, at said public hearing the Planning Commission found and determined that the tentative parcel map of property located at 314 East Fairmont Avenue, filed in the office of the Secretary of the Planning Commission on October 4, 1990, should be granted for the reasons set forth in Planning Commission Resolution No. 90-97, and quoted below:

1. That the proposed map, together with provisions for its design and improvements, is consistent with the General Plan and Specific Plan of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste as a result of the proposed parcel map into the existing sewer system will not result in violation of existing requirement by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated October 3, 1990, be certified as adopted.
4. That Parcels "1" and "2" have a minimum lot width less than 40 feet at the front property line, and less than 50 feet at the front yard setback line, and conforms to the following findings:
 - a. Creation of the lots will enable use of an existing parcel to permitted density.
 - b. The existing parcel is of a size and shape that does not allow the creation of standard shaped lots.
 - c. A plot plan for development of the lots has been approved by the Commission.
5. That the proposed flag lot (Parcel "2") on the proposed tentative parcel map, with a minimum lot width of 15 feet at both the front

property line and the front yard setback line, should be approved because:

- a. The Modesto Municipal Code requires that every lot shall have frontage on a street.
 - b. The property's long and narrow dimensions, and its limited street frontage, and the existing structures are exceptional or extraordinary circumstances that preclude a minimum width of 20 feet.
 - c. The granting of 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 and purpose of the General Plan or the subdivision regulations.
6. That the construction of street improvements along the East Fairmont Avenue frontage is necessary within two years of recordation of the parcel map, for the following reasons:
- a. The public health and safety.
 - b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

and

WHEREAS, thereafter, by Resolution No. 90-97 adopted on November 19, 1990, the Planning Commission granted the tentative parcel map of property located at 314 East Fairmont Avenue, subject to the conditions set forth in Planning Commission Resolution No. 90-97, and

WHEREAS, by letter which was received in the Office of the City Clerk of the City of Modesto on December 4, 1990, an appeal to the decision of the Planning Commission granting the plot plan and the tentative parcel map of property located at 314 East Fairmont Avenue was filed by James Benoit, and

WHEREAS, said appeal was set for 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 7:30 p.m. on January 15,

1991, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the decision of the Planning Commission granting approval of a plot plan and tentative parcel map of property located at 314 East Fairmont Avenue should be denied, and that an additional condition should be imposed requiring an 8-foot high fence on parcel 1, 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 tentative parcel map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the appeal of James Benoit to the decision of the Planning Commission granting approval of the plot plan and the tentative parcel map of property located at 314 East Fairmont Avenue is hereby denied for the reasons set forth below and the decision of the Planning Commission is hereby affirmed:

The parcel map conforms with the City's Municipal Code requirements and infill policies. The map also conforms with the Subdivision Map Act.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that in relation to Planning Commission Resolution No. 90-96, the plot plan for said creation and development of two flag lots is hereby approved, subject to the following conditions:

1. All development shall conform to the plot plan titled "Tentative Parcel Map Division of 314 Fairmont Ave" as amended in red, stamped approved by the Planning Commission on November 19, 1990.

2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
3. Trash cans shall be screened from view of any public street.
4. The new dwelling shall be served by separate water service and a new separate sewer service, as approved by the Director of Public Works and Transportation.
5. Prior to occupancy, the developer shall install and maintain a two-and-one-half foot planting strip along each side of the driveway of Parcel "2". A four-and-one-half foot planting strip shall be provided on the west side of the driveway, west of the garage on Parcel "1". An automated irrigation system shall be installed along the landscaping as approved by the Parks and Recreation Department.
6. Prior to issuance of a building permit for any structure, a final parcel map shall be recorded.
7. Prior to issuance of a building permit or recordation of a parcel map, the applicant shall submit a set of revised plot plans showing all changes required by the Planning Commission. All development shall conform to this revised plan as amended in red, stamped approved by the Planning Commission on November 19, 1990. The revised plan shall orient the dwelling on Parcel 2 to face toward East Fairmont Avenue.
8. That the East Fairmont Avenue frontages of Parcels "1" and "2" shall be improved to residential street standards in accordance with City of Modesto Standards.
9. That the alley frontage shall be dedicated and improved to the City of Modesto Standards.
10. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Director of Public Works and Transportation. All improvements shall be constructed in accordance with the approved plan.
11. That a certificate, giving notice that street improvements are required along the East Fairmont and alley frontages of the property, shall be placed on the parcel map.
12. The 10-foot-wide utility easement shall be dedicated along the East Fairmont Avenue and alley frontages of the property.
13. That a four-foot-wide planting easement shall be dedicated along the East Fairmont Avenue frontage.

14. That payment shall be made to the City for the planting of street trees along the East Fairmont Avenue frontage of the property in accordance with provisions of Section 4-4.502 (g) of the Modesto Municipal Code. The number of trees for which payment is required shall be determined by the Public Works and Transportation Director.
15. That the subdivider shall defend, indemnify and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceedings and shall cooperate fully in the defense.
16. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available at the Planning and Community Development Department.
17. Prior to occupancy, the developer shall install an 8-foot high redwood fence along the eastern property line between the alley and the existing garage on Parcel 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that in relation to Planning Commission Resolution 90-97, the tentative parcel map of property located at 314 East Fairmont Avenue is hereby approved, subject to the following conditions:

1. That the East Fairmont Avenue frontages of Parcels "1" and "2" shall be improved to residential street standards in accordance with City of Modesto Standards.
2. That the alley frontage shall be dedicated and improved to City of Modesto Standards.
3. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Public Works and Transportation Director. All improvements shall be constructed in accordance with the approved plans.
4. That a certificate, giving notice that street improvements are required along East Fairmont Avenue and alley frontages of the property, shall be placed on the parcel map.

5. That a 10-foot wide public utility easement shall be dedicated along the East Fairmont Avenue frontages of the property. Also, a five-foot Modesto Irrigation District (MID) easement be dedicated as centered on existing overhead MID lines.
6. That a four-foot-wide planting easement shall be dedicated along the East Fairmont Avenue frontage.
7. That payment shall be made to the City for the planting of street trees along the East Fairmont Avenue frontages of the property, in accordance with the provisions of Section 4-4.502(g) of the Modesto Municipal Code. The number of trees for which payment is required is determined by the Public Works and Transportation Director.
8. That the subdivider shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceedings and shall cooperate fully in the defense.
9. That each property must be served by a separate water and sewer service from the property line. No sewer or water service shall be placed in an easement to serve any property.
10. That a fifteen foot wide easement for pedestrian and vehicular access and for construction, maintenance, and use of utility services between Parcel 2 and Parcel 1 shall be as approved by the City Attorney. The access easement shall be recorded concurrently with recordation of the parcel map. A note shall be placed on the parcel map referencing the access agreement.
11. Prior to occupancy, the developer shall install an 8-foot high redwood fence along the eastern property line between the alley and the existing garage on Parcel 1.

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 tentative parcel map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: 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. 91-31

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE KANSAS AND LONE PALM WATERLINE

WHEREAS, Resolution No. 90-952 , adopted by the Council of the City of Modesto on December 11 , 1990 , approved the plans and specifications for the Kansas and Lone Palm waterline

and authorized the calling for bids; and

WHEREAS, the bids received for the Kansas and Lone Palm waterline

were opened at 11:00 a.m. on January 3, 1991 , 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 \$43,982

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 \$43,982 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 January , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-32

A RESOLUTION ACCEPTING THE BID OF RESOURCE INFORMATION AND CONTROL CORP.
FOR FURNISHING CENTRE PLAZA COMPUTER EQUIPMENT

WHEREAS, Resolution No.90-953 , adopted by the Council of the City of Modesto on December 11, 1990 , approved the plans and specifications for the purchase of Centre Plaza computer equipment

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing of Centre Plaza computer equipment

were opened at 11:00 a.m. on January 7, 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 Resource Information and Control Corp. in the amount of \$27,891 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Resource Information and Control Corp. in the amount of \$27,891 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 January , 1991 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-33

A RESOLUTION ACCEPTING THE BID OF WECO INDUSTRIES, INC. FOR FURNISHING ONE TRUCK-LOAD MACHINE AND ONE PULL-IN MACHINE

WHEREAS, Resolution No. 90-926 , adopted by the Council of the City of Modesto on November 30, 1990 , approved the plans and specifications for the purchase of one truck-load machine and one pull-in machine

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one truck-load machine and one pull-in machine were opened at 10:00 a.m. on November 20, 1990 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Weco Industries, Inc. in the amount of \$37,524

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 \$37,524 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 January , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-34

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
GEORGE FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION #5 FOR A
GARDEN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and George Frederickson for the
lease of a portion of Fire Station #5 for a garden

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 15th day of January , 19 91 , by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember Irizarry , was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-35

A RESOLUTION APPROVING A SIX MONTH EXTENSION OF THE CONTRACT WITH DE LEUW, CATHER AND COMPANY FOR PLANNING REMOVAL OF THE UNION PACIFIC RAILROAD FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the approval of a six month extension of the contract between the City of Modesto and De Leuw, Cather and Company for planning removal of the Union Pacific Railroad from 9th Street be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said contract extension by the designated 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 January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-36

A RESOLUTION APPROVING A HOLD HARMLESS AGREEMENT WITH THE YOSEMITE COMMUNITY COLLEGE DISTRICT FOR THE USE OF THEIR FACILITIES FOR RECREATION ACTIVITIES DURING 1991

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the hold harmless agreement between the City of Modesto and the Yosemite Community College District for the use of their facilities for recreation activities during 1991 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-37

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR AN EASEMENT ON JEFFERSON STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Southern Pacific Transportation Company for an easement to allow the installation of a force main in conjunction with construction of a sewer lift station on Jefferson Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January , 1991 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-38

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STAN PHILLIPS AND ASSOCIATES, INC. FOR A DUPLICATING VIDEO LICENSING AGREEMENT TO BE USED IN THE WATER CONSERVATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stan Phillips and Associates, Inc. for a duplicating video licensing agreement to be used in the Water Conservation Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January , 1991 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-39

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RANDY TILLERY TO PRODUCE A LOCAL PUBLIC ACCESS PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Randy Tillery to produce a local public access program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January , 1991 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-40

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF QUINCY HAMILTON FROM THE HUMAN RELATIONS COMMISSION AND AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JANUARY 1, 1991

WHEREAS, Quincy Hamilton was appointed a member of the Human Relations Commission on September 20, 1988, and the Affirmative Action Commission as liaison on February 7, 1989; and

WHEREAS, Quincy Hamilton has tendered his resignation from the Human Relations Commission and Affirmative Action Commission, effective January 1, 1991; and

WHEREAS, Quincy Hamilton 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 Quincy Hamilton 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 Quincy Hamilton 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 15th day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-41

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT AS THE PLANNING COMMISSION REPRESENTATIVE (ART MARTIN)

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, representing the Planning Commission:

Arthur Martin
2600 Rembrandt Place
Modesto, Ca. 95356

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, representing 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 15th day of January 19 91, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-42

A RESOLUTION AMENDING SECTIONS 2 AND 3 OF RESOLUTION NO. 88-578 ENTITLED "A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF SUMMERVIEW ASSOCIATES APPROVING THE DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(450), PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND CARVER ROAD, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION. (SUMMERVIEW ASSOCIATES)"

WHEREAS, Planned Development Zone, P-D(450), was approved by the City Council by Ordinance No. 2599-C.S., which became effective on September 8, 1988, to allow all permitted and conditional P-O zone uses, a restaurant, and multi-family condominium units on property located at the southeast corner of Standiford Avenue and Carver Road, and

WHEREAS, Modesto City Council Resolution No. 88-578 approved the Development Plan for Planned Development Zone, P-D(450), subject to certain conditions of approval contained therein, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(450), was filed by Leonard Soranno on October 3, 1990, to allow development of a Walgreen Retail Drug Store on the corner location previously approved for a restaurant/offices, and

WHEREAS, after a public hearing on December 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 90-105, that amendment of Planned Development Zone, P-D(450), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The traffic generated by the proposed development is not greater than that of commercial use already approved and has been included in previous traffic impact considerations and mitigation.

2. The proposed plan allows a preferable public exposure with off-street parking out front, oriented to the major/collector street intersection.

WHEREAS, by Resolution No. 90-105 the Planning Commission recommended to the Council that Planned Development Zone, P-D(450), be amended to allow a retail drug store in place of a restaurant/offices as an additional permitted use at the southeast corner of Standiford Avenue and Carver Road, 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 4:00 p.m., on January 22, 1991, and

WHEREAS, after said public hearing held on January 22, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Leonard Soranno for an amendment to Planned Development Zone, P-D(450), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-105 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2749 C.S. on the 22nd day of January, 1991, amending Section 2 of Ordinance No. 2599-C.S., to allow a retail drug store in place of a restaurant/offices as an additional permitted use in Planned Development Zone, P-D(450), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that sections 2 and 3 of Modesto City Council Resolution No. 88-578 entitled "A Resolution Granting The Appeal of Mid-Valley Engineering On Behalf Of Summerview Associates Approving The Development Plan For Planned Development Zone, P-D(450), Property Located On The Southeast Corner Of Standiford Avenue

And Carver Road, And Overruling The Decision Of The Planning Commission.

(Summerview Associates)" are hereby amended to read as follows:

"SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(450) is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "The Commons and a Restaurant" as amended in red, stamped approved by the City Council on July 12, 1988, and the plan stamped approved by the City Council on January 22, 1991.
 - a. That the residential buildings adjacent to the east and south property lines shall be one story. These buildings shall have no doors opening to the rear yards.
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 property line south of building No. 2. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Eight-foot high wood fence with decorative masonry pilasters along the east and south property lines. There shall be approximately a 6' 8"-foot board on top of 1' 4"-foot masonry base.
 - b. Eight-foot decorative masonry wall shall be installed along the south and east property lines of the restaurant property.
4. That a six-foot high solid screening shall be installed on the second floor landing on the south end of building No. 2. A six-foot high solid screening shall also be installed along on the top half of the staircase to this landing.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. The developer shall dedicate street right-of-way required by the Engineering Services Director to complete Standiford Avenue to major street standards and Carver Road to collector street standards. Said dedication shall be made prior to the issuance

of a building permit or at any time requested by the Engineering Services 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 Engineering Services 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 pay the City of Modesto the cost of planting street trees along the Standiford Avenue and Carver Road frontages. The number shall be as determined by the Engineering Services Director.
10. Both commercial curbcuts shall be 41 feet in width.
11. That the applicant shall participate in 30 percent of the cost of traffic mitigations as provided by the traffic study prepared for the project at the southwest corner of Standiford Avenue and Carver Road.
12. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering Services Director.
13. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering Services Director. Easements for irrigation lines to remain shall be dedicated.
14. That on-site drainage shall be stored and disposed of on-site as approved by the Engineering Services Director. All off-site rockwells shall be subject to the Rockwell Maintenance Fee.
15. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
16. All utilities shall be underground and cable television service shall be stubbed into all units.
17. 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.

18. All signs for the residential development shall comply with the sign requirements of the R-3 Zone, and the restaurant shall comply with the sign requirements of the C-3 zone.
19. Prior to the issuance of a building permit for any structure, the proposed tentative subdivision and parcel maps shall be recorded.
20. 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 Homeowners' Association to guarantee common facility and private property maintenance in accordance with the approved plans.
21. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action or proceedings and shall cooperate fully in the defense."

"SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(450):

The entire construction program be accomplished in one phase, construction to begin on or before December 31, 1992, and be completed by not later than December 31, 1993."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-43

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(450) PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND CARVER ROAD, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION. (SUMMerview ASSOCIATES)

WHEREAS, on January 22, 1991, the City Council introduced Ordinance No. 2749-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(450), property located at the southeast corner of Standiford Avenue and Carver 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 Planned Development Zone, P-D(450), property located at the southeast corner of Standiford Avenue and Carver Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
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. 91-44

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(481). (PHILLIPS ELECTRIC COMPANY)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Phillips Electric Company on November 15, 1990, to reclassify from General Commercial Zone, C-2, and Professional Office Zone, P-O, to Planned Development Zone, P-D, to allow development of a new parking lot and expansion of an existing commercial building, property located on the south side of West Orangeburg Avenue and west of McHenry Avenue, described as follows:

C-2 to P-D

All that certain real property situate in a portion of Lot 9 of the Mensinger Colony, according to the Official Map thereof, recorded May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, located in the Northeast Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northeast corner of said Lot 9, being also the intersection of the centerlines of Orangeburg Avenue and McHenry Avenue; thence North 88°51'00" West along the north line of said Lot 9, being also the centerline of Orangeburg Avenue, a distance of 330.00 feet to the centerline of 60 foot wide Alma Avenue, as shown on map of Mensinger Tract No. 4, recorded in Volume 14 of Maps, Page 68, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence South 0°56'00" East, along said centerline of Alma Avenue, a distance of 165.00 feet; thence South 88°51'00" East, along the south line of a 20 foot wide Alley and the westerly and easterly extensions thereof, a distance of 150.00 feet; thence North 0°56'00" West 165.00 feet to said north line of Lot 9 and centerline of said Orangeburg Avenue; thence North 88°51'00" West along said north line of Lot 9 and centerline of said Orangeburg Avenue, a distance of 150.00 feet to the point of beginning.

P-O to P-D

All that certain real property situate in a portion of Lot 9 of the Mensinger Colony, according to the Official Map thereof, recorded

May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, located in the Northeast Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northeast corner of said Lot 9, being also the intersection of the centerlines of Orangeburg Avenue and McHenry Avenue; thence North 88°51'00" West along the north line of said Lot 9, being also the centerline of Orangeburg Avenue, a distance of 330.00 feet to the centerline of 60 foot wide Alma avenue, as shown on map of Mensinger Tract No. 4, recorded in Volume 14 of Maps, Page 68, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence continuing North 88°51'00" West, along said north line of Lot 9 and centerline of Orangeburg Avenue, a distance of 170.00 feet; thence South 0°56'00" East 145.00 feet to the north line of a 20 foot wide alley as shown on said map of Mensinger Tract No.4; thence South 88°51'00" East, along said north line of a 20 foot wide Alley, a distance of 170.00 feet to said centerline of Alma Avenue; thence North 0°56'00" West, along said centerline of Alma Avenue, a distance of 145.00 feet to the point of beginning.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on December 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on December 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 90-103, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed rezone is in accordance with community objectives as set forth in the General Plan.
2. That the parking lot on the west side of Alma Avenue is compatible with surrounding uses.
3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated November 7, 1990 should be certified as adopted.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on January 22, 1991, at 4:00 p.m., and

WHEREAS, after a public hearing held on January 22, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Phillips Electric Company for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-103 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2750-C.S. on the 22nd day of January, 1991, reclassifying the above-described property from General Commercial Zone, C-2, and Professional Office Zone, P-0, to Planned Development Zone, P-D(481).

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

1. All development shall conform to the plot plan and floor plans titled "Planned Development for Phillips Electric Company" as amended in red, stamped approved by the Planning Commission on December 17, 1990.
2. Prior to the issuance of a building permit for the parking lot in Phase I, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south property line next to the parking lot. 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 completion of the parking lot west of Alma Avenue and shall be as follows:

- a. Eight-foot-high masonry wall along the south property line west of Alma Avenue.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The West Orangeburg Avenue frontage shall be improved to 80-foot major street standard when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area. The improvement shall be for the entire length of the site during Phase I except the new curbcut and sidewalk at Alma Avenue shall be installed in Phase II.
6. That the alley be improved to City of Modesto standard in Phase I.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the West Orangeburg Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.
9. That provisions for street trees shall either be street tree blockouts at 40-foot intervals or the dedication of a planting easement as approved by the Director of Parks and Recreation.
10. That the parking lot shall be served by positive storm drainage as required by the Public Works and Transportation Director.
11. Trash bins shall be kept in an enclosure in accordance with the approved plan, and the enclosure shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
12. 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.
13. That the developer shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and

its advisory agency, appeal board, or a legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense.

14. Prior to start of construction of Phase II, the abandonment of Alma Avenue shall be approved and in effect.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(481):

The entire construction program be accomplished in three phases as follows:

Phase I - Construction to begin on or before December 17, 1991, and completion to be not later than December 17, 1992.

Phase II - Construction to begin on or before December 17, 1992, and completion to be not later than December 17, 1993.

Phase III - Construction to begin on or before December 17, 1993, and completion to be not later than December 17, 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(481), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Althea Prichard*
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 91-45

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 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-2 AND P-O TO P-D(481). (PHILLIPS ELECTRIC COMPANY)

WHEREAS, on January 22, 1991, the City Council introduced Ordinance No. 2750-C.S. giving approval to a project relating to an amendment to Section Map 20-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, and Professional Office Zone, P-O, to Planned Development Zone, P-D(481), property located on the south side of West Orangeburg Avenue and west of McHenry 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 20-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, and Professional Office Zone, P-O, to Planned Development Zone, P-D(481), property located on the south side of West Orangeburg Avenue and west of McHenry Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-46

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE CONSTRUCTION OF JEFFERSON STREET SEWER LIFT
STATION

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

SECTION 1. The plans and specifications for the construction of
Jefferson Street sewer lift station

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on February 14, 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 22nd day of January, 1991,
by Councilmember Irizarry, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-47

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING AND INSTALLING TWO ELECTRONIC ENTRY
DOOR SYSTEMS AT THE SENIOR CITIZENS CENTER

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

SECTION 1. The plans and specifications for furnishing and installing two electronic entry door systems at the Senior Citizens Center copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 25, 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 22nd day of January, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-48

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING MOBILE WHEEL LIFT JACKS

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

SECTION 1. The plans and specifications for furnishing mobile wheel lift jacks needed by 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 February 11, 1991, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-49

A RESOLUTION ACCEPTING THE BID OF PLAYGROUND PRODUCTS, INC. FOR THE JOHN THURMAN FIELD BLEACHER RENOVATION

WHEREAS, Resolution No. 90-961 , adopted by the Council of the City of Modesto on December 18, 1990 , approved the plans and specifications for the John Thurman Field bleacher renovation

and authorized the calling for bids; and

WHEREAS, the bids received for the John Thurman Field bleacher renovation were opened at 11:05 a.m. on January 10, 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 Playground Products, Inc. in the amount of \$44,972 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Playground Products, Inc. in the amount of \$44,972 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January , 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Marnie Coyle
MARNIE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-50

A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS FOR THE SCENIC BEND PUMP STATION ODOR CONTROL PROJECT

WHEREAS, Resolution No.90-962 , adopted by the Council of the City of Modesto on December 18 , 1990 , approved the plans and specifications for the Scenic Bend Pump Station odor control project

and authorized the calling for bids; and

WHEREAS, the bids received for the Scenic Bend Pump Station odor control project

were opened at 11:00 a.m. on January 10,1991 , 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 B & L Builders in the amount of \$43,400

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & L Builders in the amount of \$43,400 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January , 19 91, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



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MODESTO CITY COUNCIL
RESOLUTION NO. 91-51

A RESOLUTION ACCEPTING THE SEWER AND WATERLINE RELOCATIONS AT NORTH MADISON STREET AND LINDEN STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the sewer and waterline relocations at North Madison Street and Linden Street has been completed by Rolfe Construction Company in accordance with the contract agreement dated November 7, 1989.

NOW, THEREFORE, BE IT RESOLVED that the sewer and waterline relocations at North Madison Street and Linden Street

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 \$139,281.60 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 January, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-52

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 51 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the construction of Pump Station No. 51

has been completed by Conco-West, Inc.

in accordance with the contract agreement dated April 3, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the construction of Pump
Station No. 51

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 \$111,904 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 January,
19⁹¹, by Councilmember Irizarry, who moved its adoption, which
motion being duly seconded by Councilmember Bird, was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-53

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 48 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the construction of Pump Station No. 48

has been completed by Conco-West, Inc.

in accordance with the contract agreement dated March 27, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the construction of Pump Station
No. 48

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 \$86,060 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 January,
1991, by Councilmember Irizarry, who moved its adoption, which
motion being duly seconded by Councilmember Bird, was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-54

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE ADDITIONAL GAS TAX REVENUE AND TO APPROPRIATE THE ADDITIONAL REVENUE TO FOUR TRAFFIC CIRCULATION PROJECTS.

WHEREAS, due to the passage of Proposition 111, the City will receive additional gas tax revenue, to be accounted for in Fund 070, Gas Tax Fund, and

WHEREAS, as a result of Proposition 111, the \$0.09 per gallon taxes under the Motor Vehicle Fuel License Tax Law (Gas Tax) were increased to \$0.14 per gallon on August 1, 1990, and will increase by \$0.01 per gallon each January 1, to January 1, 1994. This additional revenue will be accounted for in revenue source 070-510-9510-3120, and

WHEREAS, due to this increase it is necessary to estimate and appropriate the additional revenue, and

WHEREAS, the City Council Traffic Committee has concurred with the staff recommendation to use the Proposition 111 funds to fund the four traffic circulation projects listed below,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>		
070-510-9510-3120	CS 2105 - Streets and Highways	\$567,000
<u>Expenditures</u>		
070-430-P581-6000	Briggsmore Overpass On-Ramp - preliminary design	\$ 30,000
070-430-P582-6000	Miscellaneous Resurfacing - Prop. 111	\$412,000
070-430-P583-6000	Widen Scenic-East of Oakdale - right of way and preliminary design	\$100,000
070-430-P584-6000	Carpenter Road - Woodland to Torrid - preliminary design	\$ 25,000

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 22nd day of January, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk (16)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-55

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 IMPROVEMENT DISTRICT
NO. 29.

WHEREAS, the City Council certifies that at its meeting of
January 22, 1991, 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 Improvement
District No. 29,

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 Improvement District No. 29.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
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. 91-56

A RESOLUTION APPROVING THE REQUEST OF INTERNATIONAL TRUCK RENTAL FOR REFUND OF \$3,924.74 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 International Truck Rental for refund of \$3,924.74 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 22nd day of January, 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-57

A RESOLUTION EXPRESSING CONCERN TO STATE LEGISLATORS
RELATING TO NEW STANDARDS ESTABLISHED FOR TEMPORARY FOOD
BOOTHS PURSUANT TO HEALTH AND SAFETY CODE SECTIONS.

WHEREAS, pursuant to Sections 27800 through 27804 of the Health and Safety Code of the State of California, temporary food facilities are required to meet certain standards, the purpose of which is to insure that safe and wholesome food will be provided to the public, and

WHEREAS, such standards apply equally to non-profit corporations and civic organizations and other groups or individuals who operate such facilities for a profit, and

WHEREAS, the administration and enforcement of said Health and Safety Code provisions is accomplished locally through the County Department of Environmental Resources, and

WHEREAS, various civic organizations and non-profit organizations have voiced concerns that the standards and regulations regarding their use of temporary food facilities are so stringent and burdensome that the enforcement of such standards and regulations severely restricts the ability of such organizations to sell food items at various events to raise funds for community projects and other charitable endeavors, and

WHEREAS, temporary food booths and facilities are used extensively by civic groups and non-profit corporations as a primary source of raising revenue for the charitable works and other projects which benefit the community, and

WHEREAS, in recognition of the special role that such organizations play in fostering and enhancing the general quality of life in the communities in which they serve, the City Council of the City of Modesto has determined that special consideration should be given to civic organizations and non-profit corporations regarding the standards and regulations imposed on their use of temporary food facilities for their fund raising activities, and that such organizations should not be subject to the stringent requirements provided in Health and Safety Code Sections 27800 through 27804 as administered and enforced by the County Department of Environmental Resources,

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

1. That the Council favors modification of Health and Safety Code Sections 278090 through 27804 and the administration and enforcement of those provisions by local county health departments to exempt from those provisions the fund raising activities through the use of temporary food facilities by civic organizations and non-profit corporations.

2. That the City Clerk of the City of Modesto is hereby directed to send a certified copy of this resolution to the County Board of Supervisors, Assemblyman Sal Cannella, and State Senator Dan McCorquodale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
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. 91-58

A RESOLUTION PROTESTING THE EXECUTION OF OPEN SPACE
CONTRACT APPLICATION NO. 91-4212 (EVELYN I. MARTZ).

WHEREAS, an Open Space Contract Application has been referred to the
City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has
been considered, and

WHEREAS, City staff has recommended that the City protest the
execution of said Open Space Contract because it is in the City's Urban
Reserve area and ultimate sewer service area and can be served by a full range
of urban services, including sewer service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it does hereby protest the execution of an Open Space Contract on
Application No. 91-4212 (Evelyn I. Martz) for the reason stated above, and the
Council does hereby urge that the Stanislaus County Board of Supervisors and
the Local Agency Formation Commission not approve this Williamson Act Contract.

BE IT FURTHER RESOLVED that this protest be filed with the
Stanislaus County Board of Supervisors and the Stanislaus County Local Agency
Formation Commission, and the Local Agency Formation Commission is hereby
requested to hold a hearing and consider this protest as provided for in
Section 51243.5 of the Government 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 22nd day of January, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-59

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LYNN DARPINIAN FROM THE RECYCLING COMMITTEE, EFFECTIVE JANUARY 22, 1991

WHEREAS, Lynn Darpinian was appointed a member of the Recycling Committee on November 22, 1988; and

WHEREAS, Lynn Darpinian has tendered her resignation from the Recycling Committee effective January 22, 1991; and

WHEREAS, Lynn Darpinian 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 Lynn Darpinian from the Recycling Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED THAT THE Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Lynn Darpinian 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 22nd day of January, 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-60

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION (MIKE ROYER)

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

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

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

Mike Royer

Term to expire 1/1/94

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-61

A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(MARTHA BAUTISTA)

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:

Martha Bautista
Term to expire 1/1/92

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 22nd day of January, 19 91, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-62

A RESOLUTION APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(ALBERTA MARTONE)

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:

Alberta Martone

Term to expire 1/1/93

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 22nd day of January, 1991,
by Councilmember Irizarry, who moved its adoption, which motion being
duly seconded by Councilmember Bird, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-63

A RESOLUTION APPOINTING MEMBERS OF THE REHABILITATION LOAN POOL SUBCOMMITTEE
(STEVE FRANKLIN AND BRAD PITTS)

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

SECTION 1. The following persons ^{are} / hereby appointed to the Rehabilitation
Loan Pool Subcommittee for the respective term as indicated:

Steve Franklin

Brad Pitts

Terms to expire 12/31/94

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members of the 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 22nd day of January, 1991,
by Councilmember Irizarry, who moved its adoption, which motion being
duly seconded by Councilmember Bird, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrme Coyle*
NORRME COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-64

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING UTILITY TRUCKS AND VANS

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

SECTION 1. The plans and specifications for the purchase of utility trucks and vans

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 4, 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 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-65

A RESOLUTION ACCEPTING THE BID OF IRELAND'S FOR THE WESSON RANCH PARK RESTROOM CONSTRUCTION

WHEREAS, Resolution No. 90-972 , adopted by the Council of the City of Modesto on December 25, 1990 , approved the plans and specifications for the Wesson Ranch Park restroom construction

and authorized the calling for bids; and

WHEREAS, the bids received for the Wesson Ranch Park restroom construction

were opened at 11:05 a.m. on January 17, 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 Ireland's in the amount of \$77,990


be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ireland's in the amount of \$77,990 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 5th day of February , 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



NODDINE COVILLE

MODESTO CITY COUNCIL
RESOLUTION NO. 91-66

A RESOLUTION ACCEPTING THE BID OF LEROY GRIFFITH CONCRETE FOR PROJECT NO. 18, REPLACEMENT OF CURBS, DRIVE APRONS AND SIDEWALKS AT VARIOUS LOCATIONS

WHEREAS, Resolution No. 91-1 , adopted by the Council of the City of Modesto on January 2 , 1991 , approved the plans and specifications for Project No. 18, replacement of curbs, drive aprons and sidewalks at various locations and authorized the calling for bids; and

WHEREAS, the bids received for Project No. 18, replacement of curbs, drive aprons and sidewalks at various locations were opened at 11:00 a.m. on January 24, 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 Leroy Griffith Concrete in the amount of \$102,690.48

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Leroy Griffith Concrete in the amount of \$102,690.48 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 5th day of February , 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-67

A RESOLUTION ACCEPTING THE RESIDENTIAL ALLEY PAVING PROJECT NO. 16 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the residential alley paving Project No. 16

has been completed by George Reed, Inc.

in accordance with the contract agreement dated September 25, 1990.

NOW, THEREFORE, BE IT RESOLVED that the residential alley paving Project No. 16

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 \$121,758.10 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 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-68

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS, INC. FOR FURNISHING TWO NEW TRUCKS AND CHASSIS WITH DUMP BODIES

WHEREAS, Resolution No. 90-898 , adopted by the Council of the City of Modesto on November 13, 1990 , approved the plans and specifications for purchasing two new trucks and chassis with dump bodies

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of two new trucks and chassis with dump bodies

were opened at 11:00 a.m. on December 10, 1990 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Country Ford Trucks, Inc. in the amount of \$74,766.88

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks, Inc. in the amount of \$74,766.88 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 5th day of February , 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 

MADDIE COVLE

MODESTO CITY COUNCIL
RESOLUTION NO. 91-69

A RESOLUTION CONDITIONALLY ACCEPTING NINE TRANSIT BUSES AND AUTHORIZING PAYMENT IN TWO INSTALLMENTS, 98% AND 2%, OF THE CONTRACT PRICE.

WHEREAS, a report has been filed by the Public Works and Transportation Director of the City of Modesto that nine new Gillig transit buses have been delivered and that the buses meet the required specifications and are operating satisfactorily, and

WHEREAS, the agreement with the Gillig Corporation allows the payment of 98% of the contract upon initial acceptance of the buses and also provides the withholding by the City of 2% of the agreement price to assure correction of fleet defects and failures occurring during the early period of bus operation, and

WHEREAS, as agreed upon in the agreement between the Gillig Corporation and the City of Modesto, said remaining 2% will be paid after a 75-day trial period unless specific defects are found in the buses or the buses are subject to a fleet defect,

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

1. That nine Gillig transit buses are hereby accepted from the Gillig Corporation.
2. That 98% of the contract price is hereby authorized to be paid to the Gillig Corporation for delivery of said nine Gillig transit buses.
3. That payment of the remaining 2% due the Gillig Corporation is hereby authorized and shall be paid after the agreed upon 75-day trial period; provided, however, that there are no fleet defects or failures occurring during said 75-day trial period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

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. 91-70

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVEN USED FOUR-DOOR AND TWO-DOOR 1990 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 seven used four-door and two-door 1990 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 seven used four-door and two-door 1990 sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of seven used four-door and two-door 1990 sedans from Golden Gate Auto Auction and Bay Cities Auto Auction for a total cost not to exceed \$92,012, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 71

A RESOLUTION CONCERNING HATE CRIMES IN OUR COMMUNITY

WHEREAS, hate crime/violence has been defined by the State of California Attorney General and in the Federal Hate Crimes Statistic Reporting Act and Section 51.7 of the California Civil Code, and

WHEREAS, incidents of hate violence have justifiably attracted the attention of community leaders across the country and in our city. They exact a terrible price from the community. In addition to their psychological and emotional impact upon the victim, they can precipitate reprisals from the victimized community, thereby threatening to destroy the basic structure of our society.

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

1. Is committed to the support of victims of hate crimes;
2. Will not tolerate acts of violence or hate crimes at any level against any person;
3. Encourages victims of hate crimes to report the crime to a law enforcement agency;
4. Endorses the Human Relations Commission "Resources for Victims of Hate Crimes" brochure and supports the Commission's development of future resources;
5. Encourages the victims of hate crimes to secure a copy of this brochure;
6. Encourages the Human Relations Commission to promote community awareness of the nature and effects of hate crimes; and

7. Charges each citizen of Modesto to join the City Council in condemning any act of hate crime in our community in order to further the goal that we make our city a secure place for all individuals to live and prosper.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 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. 91-72

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY THROUGH BROKER HAMILTON/MERIDIAN FOR RENEWAL OF CENTRE PLAZA PROPERTY INSURANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance Company through broker Hamilton/Meridian for renewal of Centre Plaza property insurance from February 5, 1991, through February 5, 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 5th day of February , 1991 , by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-73

A RESOLUTION AUTHORIZING RELEASE OF SUBDIVISION IMPROVEMENT BONDS POSTED BY UNION PACIFIC RAILROAD FOR IMPROVEMENTS BETWEEN CROWS LANDING ROAD AND THE UNION PACIFIC RAILROAD (MID-VALLEY BUSINESS CENTER)

WHEREAS, Union Pacific Railroad Company, subdividers of property located on the east side of Crows Landing Road and south of Winmoore Way, and known as Mid-Valley Business Center, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$306,600 and \$153,300, respectively to guarantee street improvements; and

WHEREAS, a new owner, Modesto Industrial Park, Inc. has processed a vesting tentative subdivision map for the property and the frontage will be guaranteed with future development by the new owner, and the Union Pacific Railroad bonds are no longer required.

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

1. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$306,600.
2. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$153,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1987, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-74

A RESOLUTION ACCEPTING IMPROVEMENTS IN WILLOW GROVE SUBDIVISION
AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Redev., Inc. , subdividers of Willow Grove Subdivision , have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$ 6,800.00 and \$3,400.00 respectively to guarantee improvements in Willow Grove Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated January 29, 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 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 Willow Grove 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 \$6,800.00 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 \$3,400.00 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 5th day of February , 1991 , by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-75

A RESOLUTION ACCEPTING IMPROVEMENTS IN CROWN RIDGE CONDOMINIUMS
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, CPC/Lew Venture, subdividers of Crown Ridge Condominiums, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$135,600.00 and \$ 67,800.00 respectively to guarantee improvements in Crown Ridge Condominiums and;

WHEREAS, the Director of Public Works in a memorandum dated January 16, 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 Crown Ridge Condominiums Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$135,600.00 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 \$67,800.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 91-76

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA
GLEN SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad of Northern California, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.120 acres, known as the California Glen Subdivision, and

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

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said California Glen 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.


BE IT FURTHER RESOLVED that the agreement previously entered into between the City of Modesto and Kaufman and Broad of Northern California, Inc., dated December 26, 1990, and approved by City Council Resolution No. 90-976 is hereby superseded by the agreement dated February 5, 1991, and this resolution, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-77

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATHENS BENEFITS INSURANCE SERVICES, INC., TO DESIGN AND IMPLEMENT AN IRS SECTION 125 BENEFITS PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Athens Benefits Insurance Services, Inc., to design and implement an IRS Section 125 Benefits 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 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-78

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$9,000 TO FUND DESIGN AND IMPLEMENTATION OF IRS SECTION 125 BENEFITS PLAN

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

FROM:	Contingency Reserve (010 800 8000 8003)	\$9,000
TO:	Services, Professional and Other (010 020 0222 0235)	\$8,000
	Office Supplies (010 020 0222 0301)	1,000

Funds associated with the design, implementation and administration of the IRD Section 125 Benefits Plan; printing, office supplies and software for administration of the plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Done
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MODESTO CITY COUNCIL
RESOLUTION NO. 91-79

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR A CONCESSIONAIRE TO EQUIP AND OPERATE A FOOD AND BEVERAGE CONCESSION AT THE MODESTO DRY CREEK GOLF COURSE.

WHEREAS, the Modesto Dry Creek Golf Course clubhouse, which is nearing completion, has been designed with space for a food and beverage concession, and

WHEREAS, this service is customarily available at golf course clubhouses for the convenience of the public, and

WHEREAS, the timely award of a food and beverage concession contract would allow the concessionaire to provide the required tenant improvements prior to the opening of the golf course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Parks and Recreation to issue a Request for Proposals for a concessionaire to equip and operate a food and beverage concession at the Modesto Dry Creek Golf Course.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

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. 91-80

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF \$3,207.47 FOR OVERPAYMENT OF BUSINESS LICENSE TAX BY SAVE MART SUPERMARKETS

BE IT RESOLVED by the Council of the City of Modesto that the request of Save Mart Supermarkets for refund of \$3,207.47 for overpayment of Business License Taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-81

A RESOLUTION APPROVING A CITIZEN PARTICIPATION PLAN AND FUNDING PRIORITIES
FOR THE FISCAL YEAR 1991-92 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Citizen Participation Plan and funding priorities for the fiscal year 1991-92 Community Development Block Grant (CDBG) application, a copy of which is attached hereto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Citizen Participation Plan and funding priorities by the designated 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 February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-82

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PETER S. PEN FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE FEBRUARY 5, 1991

WHEREAS, Peter Pen was appointed a member of the Human Relations Commission on March 13, 1990; and

WHEREAS, Peter Pen has tendered his resignation from the Human Relations Commission effective February 5, 1991; and

WHEREAS, Peter Pen 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 Peter Pen 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 Peter Pen 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 5th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-83

A RESOLUTION APPOINTING J. EDWARD TEWES AS CITY MANAGER OF
THE CITY OF MODESTO.

WHEREAS, Section 800 of the Charter of the City of Modesto provides
that there shall be a City Manager who shall be the chief executive officer
and head of the Administrative Branch of the City government, and

WHEREAS, the City Manager shall be chosen on the basis of the
person's executive and administrative qualifications with special reference to
the person's actual experience in, or the person's knowledge of accepted
practices with respect to the duties of the office, and

WHEREAS, Section 800 of the Charter further provides that the City
Council shall appoint the City Manager for an indefinite term and may remove
the City Manager by a majority vote of its members, and

WHEREAS, the Council of the City of Modesto desires to appoint a new
City Manager,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby appoints J. Edward Tewes to the position of City Manager of the
City of Modesto.

BE IT FURTHER RESOLVED that certain conditions of employment shall
be established as follows:

Effective Date. That March 18, 1991 shall be the effective date of
the appointment of Mr. Tewes to the City Manager position.

Compensation. That the initial salary for Mr. Tewes while employed
in the position of City Manager shall be in the amount of \$92,000 annually in
addition to such other benefits provided by the City of Modesto.

AMENDED
on Mar. 5, 1991
By Resolution 91-156

Vehicle Allowance. The City Manager shall receive a monthly vehicle allowance in the amount of \$350 each month.

Relocation Allowance. Reasonable moving expenses shall be allowed to Mr. Tewes to relocate to the City of Modesto.

Temporary Housing Allowance. The City Manager shall receive upon initial employment and for the remainder of the current fiscal year the sum of \$700 per month for temporary housing.

Termination and Severance Pay. In the event Mr. Tewes' employment is terminated by the City Council during such time that he is willing and able to perform the duties of City Manager, then in that event the City agrees to pay him a lump sum cash payment equal to three (3) months aggregate salary; provided, however, that in the event he is terminated for good cause shown, then in that event, City shall have no obligation to pay the aggregate severance sum specified.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-84

A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. FOR CONSTRUCTION OF A BOOSTER PUMP STATION FOR WATER TANK NO. 3

WHEREAS, Resolution No. 91-7 , adopted by the Council of the City of Modesto on January 8 , 19 91, approved the plans and specifications for the booster pump station for water tank No. 3

and authorized the calling for bids; and

WHEREAS, the bids received for construction of the booster pump station for water tank No. 3

were opened at 11:05 a.m. on January 31, 19 91, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and / Transportation has recommended that the bid of Conco West, Inc. in the amount of \$282,465

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West, Inc. in the amount of \$282,465 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 February , 1991, 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: Dobbs, Irizarry, Muratore, Patterson,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird, Lang

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-85

A RESOLUTION ACCEPTING THE 1990 STREET SLURRY SEALS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the 1990 street slurry seals

has been completed by Graham Contractors, Inc.

in accordance with the contract agreement dated August 7, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the 1990 street slurry seals

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 \$200,527.48 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 12th day of February,
1991, 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: Dobbs, Irizarry, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-86

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,400 TO PAY FOR CONSULTANT SERVICES BY RECHT, HAUSRATH AND ASSOCIATES

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

FROM: Administrative CFF Reserve	\$5,400
(139 800 8003 8000)	
TO: CFF Consultant Charges	\$5,400
(139 140 P868 6000)	

Consultant bills for ongoing work on the City's Capital Facilities Fees under the terms of a June 5, 1990 agreement. Periodically, staff requests appropriation transfers to pay for these costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1991, 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: Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-87

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS TO RECONSTRUCT A PORTION AND WIDEN THE AIRLINE AND CORPORATE AIRCRAFT PARKING APRON

WHEREAS, a preapplication was approved by the Council and submitted to the Federal Aviation Administration on January 8, 1991, for federal funds to reconstruct a portion and widen the airline and corporate aircraft parking apron at the Modesto City-County Airport; and

WHEREAS, the preapplication has been approved by the Federal Aviation Administration and approximately \$136,890 in federal funds has been tentatively allocated to the City of Modesto.

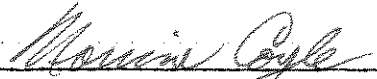
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of \$136,890 for the above-mentioned project be, and it is hereby approved.

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 12th day of February, 1991, 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:	Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Lang

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-88

A RESOLUTION APPROVING THE REQUEST OF A & A CHEMICAL TOILET COMPANY FOR REFUND OF \$2,279.40 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of A & A Chemical Toilet Company for refund of \$2,279.40 for overpayment of Business License Taxes 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 February, 1991, 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:	Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Lang

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-89

A RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 90-892 ENTITLED "A RESOLUTION GRANTING AN APPEAL TO THE DECISION OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE, WHICH REQUIRED AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PLANNED DEVELOPMENT PROJECT AT THE SOUTHEAST CORNER OF BRIGGSMORE AND OAKDALE AVENUES, AND REMANDING THE MATTER TO THE ENVIRONMENTAL ASSESSMENT COMMITTEE FOR THE ISSUANCE OF A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT. (ST. PAUL'S EPISCOPAL CHURCH)", TO PROVIDE INGRESS AND EGRESS THEREFOR.

WHEREAS, on October 3, 1990, the City of Modesto's Environmental Assessment Committee reviewed the application filed by St. Paul's Episcopal Church to rezone from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(147), to a new Planned Development Zone, P-D, to allow 68 senior housing units, a bank, and expansion of the existing church, which is a proposed project to be located at the southeast corner of Briggsmore and Oakdale Avenues in the City of Modesto, and

WHEREAS, the proposed project also includes revised parking for St. Paul's Church, access through the site to the existing Nazerene Church site, and a slip ramp off and a slip ramp onto Briggsmore Avenue to provide access and egress to all four of the parcels, and

WHEREAS, the City of Modesto's Environmental Assessment Committee found that the inclusion of slip ramps on Briggsmore Avenue in the proposed project may have a significant effect on the environment, as noted in the Environmental Evaluation dated October 3, 1990, and the Committee determined that an Environmental Impact Report is required, and

WHEREAS, pursuant to the provisions of Section 4-10.02 of the Modesto Municipal Code, an appeal to the decision of the Environmental

Assessment Committee's requirement for an Environmental Impact Report was filed with the Office of the City Clerk by letter dated October 5, 1990 from Mid-Valley Engineering on behalf of the St. Paul's Episcopal Church (appellant), 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 23, 1990, which hearing was then continued to November 13, 1990, at 4:00 p.m., at which time and place the Council considered the appeal and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after said public hearing on November 13, 1990, the Council, by Resolution No. 90-892, found and determined that all potential significant impacts of the proposed slip ramps would be mitigated by redesign of the ramps to applicable current traffic engineering design standards to significantly improve motor vehicle and pedestrian safety during acceleration and deceleration, and that it would not be necessary for appellant to submit an Environmental Impact Report because there are special circumstances applicable to the subject property so that strict application of the City's policy of limiting access to expressways would result in adverse vehicular traffic circulation conditions within the site, and

WHEREAS, by Resolution No. 90-892, the Council further found and determined that the matter should be remanded to the Environmental Assessment Committee for the purpose of issuance of a negative declaration with mitigation measures, and

WHEREAS, by Resolution No. 90-892, on the basis of the above mitigation measures, the appeal of Mid-Valley Engineering, Inc., on behalf of

the St. Paul's Episcopal Church, to the decision of the City of Modesto's Environmental Assessment Committee requiring an Environmental Impact Report for said proposed project, was granted for the reasons set forth above, subject to the condition that the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action or proceedings and shall cooperate fully in the defense, and

WHEREAS, by Resolution No. 90-892, the matter was remanded to the Environmental Assessment Committee to issue a negative declaration with the mitigation measures described herein upon appellant's satisfactory redesign of the ramps, and

WHEREAS, the Council of the City of Modesto reserved any and all of its rights to alter, amend, modify or change the findings stated herein, if upon administrative appeal substantial evidence was presented which demonstrated that the project may have significant environmental impacts which are not mitigated, and

WHEREAS, by letter dated January 28, 1991, from Mid-Valley Engineering, the Council of the City of Modesto was requested to reconsider the wording in Resolution No. 90-892 approved on November 13, 1990, concerning Briggsmore Avenue ingress and egress, and

WHEREAS, at its meeting on February 12, 1991, the Council of the City of Modesto considered the request of Mid-Valley Engineering, and the Council found and determined that said request should be granted to provide ingress and egress to Briggsmore Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the ingress and egress to Briggsmore Avenue is by way of "right-turn channelization" and not limited to a "slip-ramp" specification, and that said ingress and egress is hereby approved subject to specific design approval by the Public Works and Transportation Director.

BE IT FURTHER RESOLVED that all other provisions of Resolution 90-892 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 12th day of February, 1991, 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: Dobbs, Irizarry, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, 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. 91-90

A RESOLUTION AMENDING RESOLUTION NO. 88-649 AS AMENDED AND CHANGING THE RATE OF CAPITAL FACILITIES FEES APPLICABLE TO NEW DEVELOPMENT IN THE CITY OF MODESTO BY INCREASING PHASE I FEES FOR FIRE, OTHER CITY FACILITIES, PARKS AND RECREATION, POLICE, AND WASTEWATER TREATMENT AND THE PHASE II FEES FOR PUBLIC TRANSPORTATION AND STREETS.

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, and Resolution No. 89-1132, and

WHEREAS, the current Phase I fees for Fire Facilities, Other City Facilities, Parks and Recreation Facilities, Police Facilities, and Wastewater Treatment Facilities and capital facilities fees administration, were adopted on February 28, 1989, pursuant to the report of Recht, Hausrath & Associates dated February 10, 1989, (Recht Phase 1 Report) which established the factual basis for adjusting or creating fees for said facilities, and

WHEREAS, the current Phase II fees for air quality facilities, public transportation facilities, and streets facilities were adopted on November 21, 1989, pursuant to the report of Recht, Hausrath & Associates dated October, 1989, (Recht Phase 2 Report) and the traffic study prepared by Dowling Transportation Engineering entitled "City of Modesto Traffic Impact Analysis" dated September, 1989, (Dowling Report) which established the factual basis for adjusting or creating the fees for said facilities, and

WHEREAS, more complete documentation of the derivation of vehicle trip generation fees in the Recht Phase 2 Report was deemed desirable, and

WHEREAS, Recht, Hausrath & Associates has therefore prepared an amended Recht Phase 2 Report (Amended Recht Phase 2 Report), and

WHEREAS, paragraph 8(a) of Resolution 89-373, which amended Resolution 88-649, provides for an annual review on or about June 30 of each year by the City's Finance Director of, among other things, the estimated cost of the capital improvements for which said capital facilities fees are collected, and

WHEREAS, paragraph 8(b) of said Resolution 89-373 provides for an annual adjustment on or about September 30 of each year to the capital facilities fees in accordance with the Building Cost Index as established by the Engineering News Record, and

WHEREAS, it appears to be more appropriate to have the annual review take place at one time by December 1st of each year so that the effective date of any fee adjustment will be on or about the following March 1st, and

WHEREAS, it also appears more appropriate for the Planning and Community Development Director to undertake the reviews referred to in said paragraph 8 of Resolution No. 89-373, and

WHEREAS, paragraph 8(b) of said resolution limits any adjustment to the capital facilities fees for inflation to a comparison with the Construction Cost Index published by the Engineering News Record, and

WHEREAS, as set forth in the Recht 1990 Update Report, it is appropriate to utilize different indices for different components of the cost of the facilities for purposes of adjusting capital facilities fees to account for inflation, and

WHEREAS, the City has again contracted with Recht, Hausrath & Associates for the purpose of reporting on the need to adjust the existing

Capital Facilities Fees in order to take into account inflation and other factors which have affected either the estimated cost of the capital improvements for which capital facilities fees are collected and/or the manner in which the rates are calculated, and

WHEREAS, the completed report dated February 6, 1991, entitled "Update of the Capital Facilities Fees Program for the City of Modesto" (Recht 1990 Update Report) establishes the factual basis for adjusting the Capital Facilities Fees to account for the increase in land values, inflationary increases in the cost of construction and equipment, the elimination of financing costs, splitting the capital facilities fee rate for industrial uses into the manufacturing and warehousing categories, and for making minor adjustments in the list of improvements to be funded by Capital Facilities Fees, and

WHEREAS, the Recht 1990 Update Report together with the Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, and the Dowling Report, set forth the relationship between contemplated future development, the public facilities set forth in said reports, and the revised estimated cost of said facilities, and

WHEREAS, the Recht Phase 1 Report, the Recht Phase 2 Report, and the Dowling Report have been previously adopted and approved by the City Council, and

WHEREAS, the Recht 1990 Update Report and the Amended Recht Phase 2 Report have been available for public review since February 8, 1991, and

WHEREAS, the City Council finds as follows:

(A) The purpose of the fees hereinafter increased and/or established is to finance municipal facilities to accommodate and/or mitigate

the impacts caused by future development in the City of Modesto, including the Urban Reserve Area of the City's General Plan Area. Such improvements include but are not limited to the expansion, construction, development and/or acquisition of a new police station, police vehicles, various parks and recreation facilities, wastewater treatment facilities, fire stations, fire administration building, fire vehicles, various other fire facilities, City Hall office space and equipment, miscellaneous City vehicles, City Corporation Yard, traffic signals, freeway interchange improvements, the construction of expressways around the City of Modesto, other miscellaneous street improvements, buses, bus shelters, bus stops, a transit center, a traffic light synchronization program, park and ride lots, express buses and vans, bike path construction, pedestrian footpath construction and other miscellaneous facilities designed to reduce vehicular traffic.

(B) The fees collected pursuant to this resolution shall be used to finance the municipal facilities identified in Exhibit "A", attached hereto and incorporated by reference;

(C) After considering the Recht Phase 1 Report, the Dowling Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Recht 1990 Update Report, and the testimony received at this public hearing, the City Council hereby acknowledges that it has already approved and adopted the Recht Phase 1 Report, the Recht Phase 2 Report, and the Dowling Report, and hereby approves and adopts the Recht 1990 Update Report, the Amended Recht Phase 2 Report, and incorporates them herein, and further finds that future development in the City of Modesto, including the Urban Reserve Area of the City's General Plan Area, as set forth in all of said reports would generate additional demands on municipal services;

(D) As development occurs there will be a need in the City of Modesto for expanded or newly constructed facilities including but not limited to those facilities set forth above in paragraph (A). Said facilities have been called for and/or are consistent with the City's General Plan.

(E) The Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Dowling Report, the Recht 1990 Update Report, and the testimony established:

- (1) That there is a reasonable relationship between the need for the public facilities designated in Exhibit "A" and the impacts of the types of development for which the corresponding fees are charged,
- (2) That there is a reasonable relationship between the fees use and the type of development for which the fee is charged,
- (3) That there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed, and
- (4) That the cost estimates set forth in Exhibit "A" are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future development will not exceed the total costs of constructing the public facilities identified in Exhibit "A".

(F) The Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Dowling Report, and the Recht 1990 Update Report, together comprise a detailed analysis of how public services will be affected by the residential, industrial, commercial and institutional development that will be added to the City of Modesto up to and including the build-out of the Urban Reserve Area defined in the City's General Plan. Said reports also determine the deficiencies that currently exist in the existing public facilities.

(G) The method of allocation of the public facilities fee to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees.

(H) The public health, safety, peace, morals, convenience, comfort, prosperity, and general welfare will be promoted by the increase and/or establishment of the Capital Facilities Fees as set forth in the Recht Phase 1 Report, the Recht Phase 2 Report, the Amended Recht Phase 2 Report, the Dowling Report, and the Recht 1990 Update Report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing components of the Capital Facilities Fees, namely, Fire, Other City Facilities, Parks and Recreation, Police, Wastewater Treatment (Phase I fees), and Air Quality, Public Transportation, and Streets (Phase II fees), and capital facilities fees administration, are hereby re-established and increased to the levels hereinafter set forth as follows:

Resolution No. 88-649 as amended by Resolution No. 89-373, Resolution No. 89-986, and Resolution No. 89-1132 is hereby amended to read as follows:

1. FEE IMPOSED.

- (a) A Capital Facilities Fee shall be charged and paid at the time of issuance of the building permit for development. The Chief Building Official or his designee shall determine the amount of the fee in accordance with standards set forth in this resolution.
- (b) To the extent permitted by law, the fee authorized by Modesto Municipal Code Sections 8-1.901 et seq., and established and/or increased by this resolution, shall be paid prior to occupancy by any development built by any entity that is not required to obtain a building permit from the City of Modesto.

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	\$179.00/unit
Medium density residential use	152.00/unit
Medium-high density residential use	108.00/unit

(2) Non-residential:

Office	\$0.12/square foot
Commercial	0.07/square foot
Industrial- Manufacturing/Light industrial/Industrial park	0.05/square foot
Industrial- Warehouse/Distribution/ Heavy Industrial	0.005/square foot
Care Homes (day care, convalescent and retirement)	0.07/square foot
Churches and private schools	0.05/square foot
Hospitals	0.12/square foot
Fast Food Restaurants	0.07/square foot
Convenience Marts	0.07/square foot

(b) Other City Facilities

(1) Residential:

Low density residential use	\$264.00/unit
Medium density residential use	224.00/unit
Medium-high density residential use	159.00/unit

(2) Non-residential:

Office	\$0.17/square foot
Commercial	0.11/square foot
Industrial- Manufacturing/Light industrial/Industrial park	0.08/square foot
Industrial- Warehouse/Distribution/ Heavy Industrial	0.008/square foot
Care Homes (day care, convalescent and retirement)	0.11/square foot

Churches and private schools	0.08/square foot
Hospitals	0.17/square foot
Fast Food Restaurants	0.11/square foot
Convenience Marts	0.11/square foot

(c) Parks and Recreation Facilities

(1) Residential:

Low density residential use	\$1,678.00/unit
Medium density residential use	1,439.00/unit
Medium-high density residential use	999.00/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	\$302.00/unit
Medium density residential use	253.00/unit
Medium-high density residential use	182.00/unit

(2) Non-residential:

Office	\$0.19/square foot
Commercial	0.12/square foot
Industrial-Manufacturing/Light industrial/Industrial park	0.08/square foot
Industrial-Warehouse/Distribution/ Heavy Industrial	0.008/square foot
Care Homes (day care, convalescent and retirement)	0.12/square foot
Churches and private schools	0.08/square foot
Hospitals	0.19/square foot
Fast Food Restaurants	0.12/square foot
Convenience Marts	0.12/square foot

(e) Wastewater Treatment Facilities

(1) Residential:

Low density residential use	\$204.00/unit
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Medium density residential use	175.00/unit
Medium-high density residential use	121.00/unit

(2) Non-residential:

Office	\$0.07/square foot
Commercial	0.04/square foot
Industrial-Manufacturing/Light Industrial/Industrial park	0.03/square foot
Industrial-Warehouse/Distribution/ Heavy Industrial	.003/square foot
Care Homes (day care, convalescent and retirement)	0.04/square foot
Churches and private schools	0.03/square foot
Hospitals	0.07/square foot
Fast Food Restaurants	0.04/square foot
Convenience Marts	0.04/square foot

(3) Industrial:

Special (Industrial development which results in wastewater discharge from other than standard plumbing fixtures will incur a fee in addition to the 0.03/square foot fee listed above; this fee to be determined on a case-by-case basis)

PHASE II FEES

(f) Air Quality Facilities Fee

\$100.00 per trip end

Total trip ends and the total fee for air quality facilities is to be determined as set forth in paragraph 2(h).

(g) Public Transportation Facilities Fee

\$44.00 per trip end

Total trip ends and the total fee for public transportation facilities is to be determined as set forth in paragraph 2(i).

(h) Streets Facilities Fee

\$2,375.00 per trip end

Total trip ends and the total fee for street facilities is to be determined as set forth in paragraph 2(i).

- (i) For purposes of determining trip ends and the total resulting fee for the streets, air quality, and 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 ^{1,2}	Land Use Type	per	Peak Hour Trip Rate ³	Adjustment Factor ⁴	Adj'd Pk Hr Trip Rate ⁵	Street Fees @ \$2,375 /TripEnd ⁶	Transit Fees @ \$44 /TripEnd	Air Qual Fees @ \$100 /TripEnd	Total	
Residential	Senior Housing	DU	0.40	1.00	0.40	950	18	40	1,008	
	Single Family	DU	1.00	1.00	1.00	2,375	44	100	2,519	
	Multiple	DU/Room	0.67	1.00	0.67	1,591	29	67	1,688	
Industrial	Manuf/LtInd/IndPk	1000 sf	0.75	0.75	0.56	1,336	25	56	1,417	
	WH/Distr/HvyInd	1000 sf	0.20	0.75	0.15	356	7	15	378	
Office	Medical Office	1000 sf	3.60	0.75	2.70	6,413	119	270	6,801	
	General Office	1000 sf	2.00	0.75	1.50	3,563	66	150	3,779	
Commercial	Conv Market	1000 sf	71.00	0.15	10.65	25,294	469	1,065	26,827	
	Restaurants:									
	Fast Food	1000 sf	43.00	0.15	6.45	15,319	284	645	16,248	
	High Turnover ⁷	1000 sf	19.93	0.20	3.99	9,467	175	399	10,041	
	Low Turnover ⁷	1000 sf	7.25	0.30	2.18	5,166	96	218	5,479	
	Retail:									
	< 50,000 sf	1000 sf	12.36	0.15	1.85	4,403	82	185	4,670	
50- 99,999 sf	1000 sf	7.51	0.20	1.50	3,567	66	150	3,784		
100-300,000 sf	1000 sf	4.17	0.30	1.25	2,971	55	125	3,151		
>300,000 sf	1000 sf	3.44	0.35	1.20	2,860	53	120	3,033		
Financial	Bank	1000 sf	24.00	0.15	3.60	8,550	158	360	9,068	
	Savings & Loan	1000 sf	6.10	0.30	1.83	4,346	81	183	4,610	
Misc.	Car Wash-manual	Stall	4.80	0.30	1.44	3,420	63	144	3,627	
	Church	1000 sf	0.64	0.15	0.10	228	4	10	242	
	Day Care Center	1000 sf	12.30	0.05	0.62	1,461	27	62	1,549	
	Hospital	1000 sf	1.58	0.75	1.19	2,814	52	119	2,985	
	Mini-Warehouse	1000 sf	0.26	0.30	0.08	185	3	8	196	
	Nursing Home	1000 sf	0.27	0.15	0.04	96	2	4	102	
	Service Station	Pump	3.63	0.30	1.09	2,586	48	109	2,743	
Recreational	Golf Course	Acre	0.39	0.30	0.12	278	5	12	295	
	Movie Theater	1000 sf	6.14	0.30	1.84	4,375	81	184	4,640	
	Racquet Club	Court	3.94	0.30	1.18	2,807	52	118	2,977	
	Tennis Courts	Court	3.43	0.30	1.03	2,444	45	103	2,592	

Notes:

1. Uses included in each land use type are specified in the LAND USE TYPE DEFINITIONS LIST.
2. Uses not specified in the DEFINITIONS LIST shall be charged at rates 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 \$2,375 is calculated from the adjusted trip generation data of the Dowling Citywide Traffic Impact Analysis and the total CFF Improvement Projects Cost.
7. For restaurants of 2,500 sf or less apply the appropriate Retail category rate based on the size of restaurant or the size of the retail center within which it is located.

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 Industrial

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 research centers, and excluding government 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 defined 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.

MISCELLANEOUS

The uses in this category are generally self-explanatory. Service station uses are uses which sell automotive fuels and possibly also provide automotive repair service, but do not have small retail shops (such as convenience markets). For fee calculation, a pump is defined as a fuel dispensing

station, regardless of the number of pump machines or nozzles provided. The number of "pumps" using this definition will be the maximum number of standard passenger cars which can be served at the fuel dispensing islands on the site at one time.

RECREATIONAL

The uses in this category are generally self-explanatory. Golf courses do not include miniature golf uses.

(j) For purposes of the fees set forth in subparagraphs 2(a) through 2(f), 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) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no or a limited number of sit down facilities.
- (10) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and twenty-four hours a day and which commonly sell fuel for motorized vehicles.
- (11) "Industrial Use-Manufacturing/Light industrial/Industrial park" and
- (12) "Industrial-Warehouse/Distribution/Heavy Industrial" shall be defined as set forth in the previous subparagraph 2(j).
- (13) "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.
- (14) "Hospital" shall mean a structure designed for health services, both in-patient and out-patient; that includes surgical care of the sick or injured or 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."

(k) Capital Facilities Fees Administrative Fee

2.5% of the sum of the fees specified in subparagraphs 2(a) through 2(i).

3. EXEMPTIONS FROM FEE.

- (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.
- (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.

4. USE OF FEE REVENUES.

- (a) The revenues raised by payment of the capital facilities fees established by this resolution shall be placed in separate and special funds as provided herein and such revenues along with any such interest earnings on each account shall be used for the following purposes:
- (1) To pay for design and construction of designated public facilities, the purchase of designated equipment, and reasonable costs of outside consultant studies related thereto;
 - (2) To reimburse the City of Modesto for designated public facilities constructed by the City with funds from other sources, unless the City funds were expended to remedy existing deficiencies as identified in the Recht Hausrath report identified by this resolution or were obtained from grants or gifts;
 - (3) To reimburse developers who have designed and constructed any public facility for which a facilities fee is being collected where the cost of such design and construction exceeds the capital facilities fee which otherwise would have been due; and
 - (4) To pay for and/or reimburse costs of program development and ongoing administration of the capital facilities fee program.

5. PUBLIC FACILITIES ACCOUNTS.

The fees collected pursuant to this resolution shall be deposited into the following public facilities funds:

<u>Fund No.</u>	<u>Name</u>
(a) 131	Police Capital Facilities Fee Fund
(b) 132	Fire Capital Facilities Fee Fund
(c) 135	Parks and Recreation Capital Facilities Fee Fund
(d) 137	Wastewater Capital Facilities Fee Fund
(e) 138	Other City Capital Facilities Fee Fund
(f) 139	Capital Facilities Fee Administration Fund
(g) 141	Street Facilities Fee Fund

- (h) 142 Air Quality Capital Facilities Fee Fund
- (i) 143 Public Transportation Fee Fund

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.

7. ADMINISTRATIVE REGULATIONS.

The Chief Building Official or his designee may develop rules and regulations for the effective implementation and administration of the capital facilities fee.

8. ANNUAL REVIEW.

- (a) Prior to December 1st of each year, the Planning and Community Development Director shall review the estimated cost of the capital improvements described in Exhibit "A", the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which the fees established by this resolution are charged. The Planning And Community Development Director shall report his findings to the City Council at a noticed public hearing and recommend any adjustment to the capital facilities fees established by this resolution or any other action as may be needed.
- (b) In addition to the annual review provided for in the preceding subparagraph, on or about December 1st of each year, the Capital Facilities Fees established by this resolution shall be adjusted to reflect the effect of inflation, if any, using whatever indices of inflation are deemed appropriate. The timing of the adjustment provided for in this subparagraph and the preceding subparagraph shall be such that the adjusted fee shall take effect on or about the following March 1st of each year.

9. SUBSEQUENT ANALYSIS OF FEE.

The fee established herein is adopted and implemented by the Council and reliance on the comprehensive reports that have been prepared for the City by Recht Hausrath and Associates. The City will continue to conduct further studies and analysis to determine whether the fee should be revised. When additional information is available, the City Council shall review this fee to determine that the fee amounts are reasonably related to the impact of future development in the City of Modesto. The City Council may revise the fee to incorporate the findings and conclusions of further studies.

10. EFFECTIVE DATE OF CAPITAL FACILITIES FEES ESTABLISHED.

This resolution shall become effective on April 20, 1991.

11. EXEMPTION FROM CEQA.

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

- (1) The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of police, fire facilities, parks and recreation facilities, wastewater treatment facilities, other City facilities, air quality facilities, public transportation facilities and street facilities, as well as the purchase of certain items of capital equipment.
- (2) To a limited extent, the fees established or increased by this resolution will be used to fund some new facilities, such as a park, in new neighborhoods outside existing service areas. However, the addition of capital facilities to new neighborhoods will not take effect until there has been CEQA review of the development projects which will pay for said capital facilities via the Capital Facilities Fee mechanism established or increased by this resolution. 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.

12. SEVERABILITY.

Should any fee provision, clause, paragraph or subparagraph of this resolution or application thereof to any person or circumstances be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect without the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, 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 buildout 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 buildout - 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	\$ 17,748,890

Source: W. Mounce and Associates; Modesto Police Department; Recht Hausrath & Associates.

TABLE 3

CAPITAL FACILITIES EXPENDITURES:
FIRE PROTECTION SERVICES

Facility	Dec. 1988 Cost	Revised Costs - June 1991			
		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

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.

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989;
City of 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

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

¹ Total required acreage, 240 acres is revalued at \$80,000/acre, and reduced by 84 acres of existing capacity (valued at \$35,000/acre).

² Total 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).

³ Tuolumne is treated as a complete system. See further discussion in the text.

⁴ It is assumed that land for the two additional golf courses is purchased prior to annexation at reduced price of \$35,000/acre.

⁵ This land has already been purchased, so land cost will not increase.

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989;
City of Modesto.

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

¹ Construction cost inflation factor is 5.3 percent.

² Equipment inflation factor is 11.0 percent.

³ 44,000 square feet of space X \$115 per square foot.

⁴ Includes \$550,000 computer upgrade and other equipment.

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. Table 10 presents the updated fees for other City facilities and 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	804 6 lns	100%	804	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
		151,571		132,987		18,584
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
		42,237		35,037		7,200

STREET FACILITIES PROJECTS
COSTS IN 1989 DOLLARS

STREET	SEGMENT	TOTAL 000's	MODESTO		OTHERS	
			%	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
LAKEWOOD	BRIGGSMORE TO SCENIC	978	4 lns 100%	978	0%	0
LINCOLN	SCENIC TO YOSEMITE	2,300	4 lns 100%	2,300	0%	0
		20,401		20,401		0
TRAFFIC SIGNALS (new and modifications)						
	New signals	18,965	100%	18,965	0%	0
	Modifications	3,680	100%	3,680	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
		=====		=====		=====
GRAND TOTAL		256,553		225,633		30,920

Escalation of 1989 Costs to 1991 Costs
(in thousands of dollars)

	Construction	Equipment	Land	Total
Total 1989 Costs	187,946	22,645	15,042	225,633
Escalation to 1991	9,961 ^a	2,491 ^b	-0- ^c	12,452
Total 1991 Costs	197,907	25,136	15,042	238,085

^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

Source: Capital Facilities Fee Report, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto.

TABLE A

AIR QUALITY MITIGATION PROJECTS
(Unchanged from Capital Facilities Fee report)

Traffic Light Synchronization		\$ 3,200,000
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		\$ 10,302,000

Source: Capital Facilities Fee Report, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-91

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS, ELECTRICAL CONTRACTOR, INC. FOR MODIFICATION OF TRAFFIC SIGNALS AT BRIGGSMORE/CARPENTER AND ORANGEBURG/SISK, AND FOR RESTRIPING CARPENTER ROAD BETWEEN ORANGEBURG/SISK AND BLUE GUM

WHEREAS, Resolution No. 91-5 , adopted by the Council of the City of Modesto on January 8 , 1991 , approved the plans and specifications for traffic signal modifications and restriping of Carpenter Road between Orangeburg/Sisk and Blue Gum and authorized the calling for bids; and

WHEREAS, the bids received for modification of traffic signals at Briggsmore/Carpenter and Orangeburg/Sisk, and restriping Carpenter Road between Orangeburg/Sisk and Blue Gum were opened at 11:00 a.m. on January 31, 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 Richard A. Heaps, Inc. in the amount of \$85,512

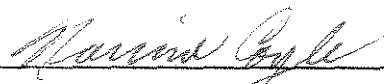
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richard A. Heaps, Inc. in the amount of \$85,512 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 19th day of February , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-92

A RESOLUTION ACCEPTING THE BID OF MODESTO FORD TRACTOR, INC. FOR FURNISHING ONE NEW ARTICULATING LOADER

WHEREAS, Resolution No. 91-4 , adopted by the Council of the City of Modesto on January 8 , 1991 , approved the plans and specifications for the purchase of one new articulating loader

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one new articulating loader were opened at 10:00 a.m. on February 4, 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 Modesto Ford Tractor, Inc. in the amount of \$57,506.89

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Modesto Ford Tractor, Inc. in the amount of \$57,506.89 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 19th day of February , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____

Merrill Coyle
MERRILL COYLE, CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-93

A RESOLUTION ACCEPTING THE BID OF SEFAC LIFT & EQUIPMENT CORP. FOR FURNISHING MOBILE WHEEL LIFT JACKS

WHEREAS, Resolution No. 91-48 , adopted by the Council of the City of Modesto on January 22 , 1991 , approved the plans and specifications for the purchase of mobile wheel lift jacks

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing mobile wheel lift jacks were opened at 11:05 a.m. on February 11, 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 Sefac Lift & Equipment Corp. in the amount of \$41,435 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sefac Lift & Equipment Corp. in the amount of \$41,435 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 19th day of February , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



MARJORIE COVILLE, CLERK

8

MODESTO CITY COUNCIL
RESOLUTION NO. 91-94

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWENTY-ONE TRUCKS THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

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

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

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

BE IT FURTHER RESOLVED that purchase of twenty-one trucks through the State of California Cooperative Purchasing Contract for a total price of \$266,794.25 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 February, 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-95

A RESOLUTION REJECTING ALL BIDS FOR FURNISHING TWO WATER ADSORPTION-FILTER SYSTEMS TO BE INSTALLED AT WELL #2 AND WELL #30, OPENED IN THE OFFICE OF THE CITY CLERK ON OCTOBER 29, 1990

WHEREAS, Resolution No. 90-853 adopted by the Council of the City of Modesto on October 16, 1990, approved the plans and specifications for furnishing a carbon water adsorption system for Wells #2 and #30, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of two water adsorption-filter systems were opened at 10:00 a.m. on October 29, 1990, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, due to bidder protests of the award, it was recommended that all bids for the two water adsorption-filter systems be rejected.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing two water adsorption-filter systems for Wells #2 and #30 and opened in the office of the City Clerk on October 16, 1990, 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 February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-96

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF THREE WATER ADSORPTION-FILTER SYSTEMS TO BE INSTALLED AT WELLS #2, #11, AND #30 FROM CALGON CARBON CORPORATION

WHEREAS, the Public Works and Transportation Department, Operations Division, has requested the purchase of three water adsorption-filter systems to be installed in three wells out of operation due to DBCP contamination; and

WHEREAS, it is expected to take several months to refurbish the City's water system in order to meet summer pumping requirements, and if the work is not started immediately, there will be reduced water pressure and possible health consequences this summer; and


WHEREAS, Calgon Carbon Corp. was selected to provide and install the requested water adsorption-filter systems because of their extensive experience in this area, their superior quality of product, and their ability to deliver and install within one week after notification.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of three water adsorption-filter systems is hereby waived.

BE IT FURTHER RESOLVED that purchase of three water adsorption-filter systems from Calgon Carbon Corporation for a total cost of \$597,840 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 February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-97

A RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATES TO THE STANISLAUS COUNTY
WATER COORDINATION ADVISORY COMMITTEE

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

SECTION 1. The following persons are hereby appointed to the Stanislaus
County Water Coordination Advisory Committee:

Representative: Councilmember Richard Patterson

Alternate: Councilmember Frank Muratore

Second Alternate: Director of Public Works or his designee

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed members of the Stanislaus County Water
Coordination 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 19th day of February, 1991, by
Councilmember Dobbs , who moved its adoption, which motion being duly
seconded by Councilmember Lang , was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-98

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,773 FOR PURCHASE OF COMMUNICATION EQUIPMENT FOR THE POLICE DEPARTMENT

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

FROM:	Asset Forfeiture (860 3410)	\$12,773
TO:	Radio Equipment (010 190 1921 5000)	\$ 8,862
	Portable Generator (010 190 1901 5000)	3,911

Ten portable radios and one charging unit will be purchased for the Police Department. These radios will be assigned to patrol supervisors and will allow them access to all radio channels used by the department. A generator will be installed in the Mobile Emergency Operations Center bus. The generator will make it possible to provide communication capabilities in the event of a power outage or emergency without the need for electricity from an outside source.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-99

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY CONCERNING THE CITY'S OBLIGATION RELATED TO AN ENCROACHMENT PERMIT TO INSTALL A 10" WATERLINE IN LONE PALM AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County concerning the City's obligation related to an encroachment permit to install a 10" waterline in Lone Palm Avenue be, and it is hereby approved.

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


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February , 19 91 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-100

A RESOLUTION APPROVING THE FINAL MAP OF THE WOODLAND WOODS
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Greg A. Smith and Sandra Smith, husband and wife; A. Russell Evers, Jr., and Wilma Von Flue Evers, husband and wife; and David E. Kamrar and Carole Lynn Kamrar, husband and wife, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.036 acres, known as the Woodland Woods Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of November, 1989, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Woodland Woods 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 February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-101

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING
(LORI NEIMARK)

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:

Lori Neimark

Term to expire: 1/1/94

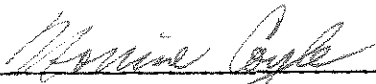
SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Citizens Advisory
Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 19th day of February, 1991,
by Councilmember Lang, who moved its adoption, which motion being
duly seconded by Councilmember Dobb, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-102

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION (CLARISSA TENORIO)

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

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

Clarissa Tenorio

Term to expire: 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the 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 19th day of February , 19 91 ,
by Councilmember Lang , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-103

A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION (LOUIS LEVIN)

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:

Louis Levin

Term to expire: 1/1/93

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 19th day of February, 1991,
by Councilmember Lang, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRME COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-104

A RESOLUTION APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(CAROL QUINLAN)

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:

Carol Quinlan

Term to expire: 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the 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 19th day of February, 1991,
by Councilmember Lang, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrie Coyle*
NORRIE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-105

A RESOLUTION APPROVING SUPPLEMENTING THE PAY AND BENEFITS,
UNTIL JUNE 30, 1991, FOR CITY EMPLOYEES CALLED TO ACTIVE
DUTY AS A RESULT OF THE PERSIAN GULF WAR.

WHEREAS, there is a likelihood that some City employees may be
called to active military duty as a result of the Persian Gulf War, and

WHEREAS, current state and federal law requires that employees who
are called up to active military duty be kept on regular paid status for a
period of 30 days, after 30 days said employees would be on unpaid leave, and

WHEREAS, while on unpaid leave status, employees would have to pay
the full cost of health insurance for themselves and dependents and dental and
vision coverage would not be available, and

WHEREAS, employees would face potential hardships due to a loss of
income after 30 days and the cost of continuing health insurance coverage for
dependents, and

WHEREAS, City staff recommends that the City Council take steps to
make employees who are called to active military duty whole in terms of pay
and health, dental, and vision benefits, and

WHEREAS, City staff recommends that a City employee on active
military duty as a result of the Persian Gulf War should receive from the
City, until June 30, 1991, the difference between the amount of the employee's
military pay and the amount the employee would have received as a City
employee. During the second and third months of duty the City supplement
would be reduced by the amount of military pay the City employee received
during the first 30 days of active military duty, and

WHEREAS, for those with dependent coverage the City would contribute
the amount now contributed for health, dental, and vision insurance. For

those employees without dependent coverage, however, the City would not pay in-lieu deferred compensation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves of supplementing the pay and benefits, until June 30, 1991, of City employees called to active military duty as a result of the Persian Gulf War.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that a City employee on active military duty as a result of the Persian Gulf War shall receive from the City, until June 30, 1991, the difference between the amount of the employee's military pay and the amount the employee would have received as a City employee. During the second and third months of duty the City supplement shall be reduced by the amount of military pay the City employee received during the first 30 days of active military duty.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that for those with dependent coverage the City would contribute the amount now contributed for health, dental, and vision insurance. For those employees without dependent coverage, however, the City would not pay in-lieu deferred compensation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-106

A RESOLUTION GRANTING THE REQUEST FOR FINANCIAL ASSISTANCE FILED BY THE BEYER HIGH SCHOOL WIND ENSEMBLE TO ASSIST WITH EXPENSES FOR A SPECIAL APPEARANCE AT THE CALIFORNIA MUSIC EDUCATORS ASSOCIATION CONVENTION IN SANTA CLARA AND FOR CONCERT APPEARANCES IN THE BAY AREA.

WHEREAS, the Beyer High School Wind Ensemble has been honored by being selected as the only California high school band to play at the California Music Educators Association Convention to be held in Santa Clara in March, 1991, and

WHEREAS, in conjunction with that appearance, the band will perform concerts at other locations during a three-day tour of the Bay Area, and

WHEREAS, a request for financial assistance to help defray the costs of the trip was presented to the City Council at its meeting of February 12, 1991, which request was referred to City Staff for study and recommendation, and

WHEREAS, the City Council, by Resolution No. 80-1065 as amended by Resolution No. 81-716, adopted a "Policy For Evaluating Requests For City Financial Assistance, and

WHEREAS, the Council has reviewed said 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 the Beyer High School Wind Ensemble to help defray the costs of said trip, and

WHEREAS, City staff has recommended to the City Council that financial assistance in the amount of \$1,000 be approved,

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 Beyer


High School Wind Ensemble in the amount of \$1,000, as recommended by City staff, to help defray costs for a special appearance at the California Music Educators Association Convention in Santa Clara and for concert appearances in the Bay Area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-107

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(482). (SCENIC DRIVE #1 -JOHN DOXEY AND ASSOCIATES)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Scenic Drive #1, a Limited Partnership, c/o John R. Doxey and Associates on December 3, 1990, to reclassify from Planned Development Zone, P-D(420), allowing a 152-unit two-story condominium, to a new Planned Development Zone, P-D(482), to allow a 62-lot de facto zero lot line single-family home subdivision, property located on the south side of Scenic drive, west of Rose Avenue, described as follows:

All that certain real property situate in a portion of the north half of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the northeast corner of Lot "1" Wellington Cove Condominiums as shown on the map filed in Book 32 of Maps at Page 39, Stanislaus County Records, said point being on the south line of present 90 foot wide Scenic Drive; thence South 0°33'03" East on the east line of said Wellington Cove Condominiums, 554.14 feet to the centerline of Dry Creek as shown on the map filed in Book 16 of Surveys at Page 71, Stanislaus County Records; thence along said Dry Creek centerline, the following two courses and distances:

- 1) South 75°55'52" West, 392.11 feet; thence
- 2) South 52°37'40" West, 384.89 feet; thence
North 0°33'51" West 683.05 feet to the south line of present 90 foot wide Scenic Drive; thence North 73°46'06" East along said south line of Scenic Drive 13.60 feet to an angle point in said south line of Scenic Drive; thence continuing along said south line of Scenic Drive North 73°46'48" East 702.53 feet to the point of beginning of this description.

Including also all the southern one-half of 90.00 foot wide Scenic Drive located immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on January 28, 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. 91-8

that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed residential development is in accordance with the General Plan which provides for a variety of housing types in all neighborhoods.
2. The proposed residential development compares favorably with other single-family developments in Modesto which also feature private streets.

and

WHEREAS, after a public hearing held on February 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Scenic Drive #1, a Limited Partnership, c/o John R. Doxey and Associates 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. 91-8 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2753 -C.S. on the 26th day of February, 1991, reclassifying the above-described property from Planned Development Zone, P-D(420), to Planned Development Zone, P-D(482).

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

1. All development shall conform to the plot plan and floor plans titled "Wellington Cove - Grant Homes, Modesto, California" as amended in red, stamped approved by the Planning Commission on January 28, 1991.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan including a plan for retention of on-site trees and maintenance of the Dry Creek frontage shall be approved by

the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Seven-foot-high, double-sided alternating board fence at a minimum around all patios.
 - b. Any security fencing along the top of bluff of Dry Creek shall be wrought iron only.
 - c. Six-foot-high decorative masonry wall with wrought iron opening as desired along the north property line.
 - d. Seven-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the entire east and west property lines.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street dedication 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. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

11. 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. All signs shall comply with the sign requirements of the R-3 Zone.
13. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
14. There shall be no second-story balconies, decks, or windows, except high bathroom windows, which allow view into neighbors' private patios. Any exceptions shall be subject to plan review by the Planning and Community Development Director in accordance with similar procedures for the R-1 zone.
15. That the developer shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense.
16. As a traffic mitigation measure, the developer shall design and construct at developer's expense all necessary improvements to modify the existing traffic signal system at the Scenic and Rose intersection including, but not necessarily limited to, relocation of traffic signal poles, signal heads, and controller cabinet, addition of new signal heads, mast arms, wiring, controller phases, and detector loops.
17. Prior to issuance of a building permit, the developer shall grant to the City of Modesto an easement for the purpose of installation and maintenance of any traffic signal control equipment which is to be placed outside of the public rights-of-way.
18. The project driveway approach shall be a drop curb approach and its geometry and the stacking distance provided on the approach shall be approved by the Public Works and Transportation Director.
19. Prior to issuance of a building permit, plans for all street, traffic signal, and driveway approach improvements shall be

submitted to the Public Works and Transportation Director for approval, and all improvements shall be constructed in accordance with the approved plans.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(482):

The entire construction program shall be accomplished in one phase, construction to begin on or before January 28, 1993, and completion to be not later than January 28, 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(482) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Shields
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

MODESTO CITY COUNCIL
RESOLUTION NO. 91-108

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM PLANNED DEVELOPMENT ZONE, P-D(420), TO PLANNED DEVELOPMENT ZONE, P-D(482).

WHEREAS, on February 26, 1991, the City Council introduced Ordinance No. 2753-C.S. giving approval to a project relating to an amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(420), to Planned Development Zone, P-D(482), property located on the south side of Scenic Drive, West of Rose Avenue, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(420), to Planned Development Zone, P-D(482), property located on the south side of Scenic Drive, West of Rose Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clark
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RESOLUTION NO. 91-109

**A RESOLUTION PRELIMINARILY APPROVING ENGINEER'S REPORT,
APPOINTING TIME AND PLACE OF HEARING PROTESTS AND DIRECTING
NOTICE THEREOF, AND DESCRIBING PROPOSED BOUNDARIES OF
ASSESSMENT DISTRICT AND DIRECTING FILING OF BOUNDARY MAP**

**CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)**

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

WHEREAS, on February 26, 1991, this Council adopted Resolution No. 91-109 Resolution of Intention to Make Acquisitions and Improvements, in which certain acquisitions and improvements were referred to the Engineer of Work for the purpose of making and filing a report in writing under and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the report has been made and filed and duly considered by this Council;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. The report as a whole and each part of it, to wit:
 - (a) the plans and specifications for the proposed improvements;
 - (b) the maps and descriptions of the lands and easements to be acquired, if any;
 - (c) the engineer's estimate of the itemized and total costs and expenses of the acquisitions and improvements, and of the incidental expenses in connection with them;
 - (d) the diagram showing the assessment district and the boundaries and dimensions of the respective subdivisions of land within the district; and
 - (e) the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the acquisitions and improvements, and of the expenses incidental to the acquisitions and improvements; and
2. The report shall stand as the Engineer's Report for the purpose of all subsequent proceedings regarding the assessment district.
3. Tuesday, April 16, 1991, at the hour of 7:30 o'clock P.M., in the regular meeting place of this Council, City Council Chambers, City Hall, 801 11th Street, Modesto, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council will consider and finally determine whether the public interest, convenience and necessity require the

acquisitions and improvements, and when and where it will consider and finally act upon the Engineer's Report.

4. The City Clerk shall cause notice of the hearing to be given by publication once a week for two weeks in the *Modesto Bee*, a newspaper published and circulated in the City of Modesto, and by conspicuous posting along all the open streets within the assessment district at not more than three hundred feet apart, and not less than three in all. The first publication of the notice shall be made and the posting shall be completed at least twenty days before the date set in this Resolution for the hearing. The notices shall be headed "Notice of Improvement" (in letters of not less than one inch in height on the posted notice) and shall, in legible characters, state and contain: the fact and date of the passage of the Resolution of Intention, the filing of the report, the date, hour and place set for and the purpose of the hearing on the resolution and report and of protests; the total estimated cost, and a brief description of the proposed acquisitions and improvements; a statement that any person interested may file a protest in writing as provided in Division 12 of the Streets and Highways Code; the name and telephone number of the person designated by the City of Modesto to answer inquiries regarding the protest proceedings; and reference to the resolution and report for further particulars.

5. The City Clerk shall also cause notice of the hearing to be mailed, postage prepaid, at least twenty days before the date set in this Resolution for the hearing, to all persons owning real property to be assessed whose names and addresses appear on the last equalized assessment roll for general taxes or are known to the City Clerk. The notices shall contain, in addition to the matters provided above for the notice to be published and posted, the amount, as shown by the report, to be assessed against the particular parcel covered by each such notice, respectively. The notices shall be mailed to the owners at their addresses as they appear on the assessment roll, or as known to the City Clerk, or to both if not the same.

6. The proposed boundaries of the assessment district are hereby described as shown on a map of the assessment district filed in the office of the City Clerk, which indicates by a boundary line the extent of the territory included in the proposed assessment district and which shall govern for all details as to the extent of the district, reference to such map being hereby made for particulars. The map contains the name of the City and a distinctive designation in words or by number of the district shown on it.


7. The City Clerk shall endorse certificates on the original and at least one copy of this map evidencing the above filing and the date and adoption of this resolution, and within 15 days after adoption of this resolution, and in no event later than 15 days prior to the hearing, shall file a copy of the map with the County Recorder of the County of Stanislaus, in which County all of the proposed assessment district is located. The County Recorder shall endorse on the copy of the map the time and date of filing and shall fasten the same securely in a book of maps of assessment

districts which he shall keep in his office, and index the map by the name of the City and by the distinctive designation of the district as shown on such map.

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



NORRINE COYLE, City Clerk

[SEAL]

APPROVED AS TO FORM:

By: 
STAN T. YAMAMOTO, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-110

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR IMPROVEMENT DISTRICT NO. 29

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

SECTION 1. The plans and specifications for Improvement District No. 29
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 26, 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 26th day of February, 1991,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

*Clerk*RESOLUTION NO. 91-112A RESOLUTION OF INTENTION
TO MAKE ACQUISITIONS AND IMPROVEMENTSCITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

1. The public interest, convenience and necessity require, and that it intends to order the making of the acquisitions and improvements described in Exhibit "A" attached and by this reference made a part of this Resolution.

2. Except as otherwise provided in this Resolution for the issuance of bonds, all of the work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Act").

3. All of the work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as provided in this Resolution. There is to be excepted from the work above described any work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications. Whenever any public way is referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work is shown on the plans to be done in those intersections. The streets and highways are or will be more particularly shown in the records in the office of the County Recorder of the County of Stanislaus, State of California, and shall be shown upon the plans.

4. Notice is hereby given of the fact that in many cases the work and improvements will bring the finished work to a grade different from that formerly existing, and that to this extent the grades are hereby changed and that the work will be done to these changed grades.

5. In cases where there is any disparity in level or size between the improvements proposed to be made in this Resolution and private property and where it is more economical to eliminate this disparity by work on the private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do the work on private property to eliminate the disparity. In these cases, the work on private property shall,

with the written consent of the owner of the property, be done and its actual cost may be added to the proposed assessment of the lot on which the work is to be done.

6. This Council does hereby adopt and establish as the official grades for the work the grades and elevations to be shown upon the plans, profiles and specifications. All of these grades and elevations are to be in feet and decimals of feet with reference to the datum plane of this City.

7. The descriptions of the acquisitions and improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of their description. The plans and profiles of the work and maps and descriptions as contained in the Engineer's Report, as directed in this Resolution to be made and filed, shall be controlling as to their correct and detailed description.

8. The contemplated acquisitions and improvements, in the opinion of this Council, are of local public benefit, and their costs and expenses are made chargeable upon an assessment district, the exterior boundaries of which are shown on a map on file in the office of the City Clerk, to which reference is hereby made for further particulars. This map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

9. This Council declares that all public streets, highways, lanes and alleys within the assessment district in use in the performance of a public function, and all lands owned by any public entity, including the United States and the State of California, or any of their departments, shall be omitted from the assessment hereafter to be made to cover the costs and expenses of the acquisitions and improvements.

10. If any excess shall be realized from the assessment it shall be used, in amounts as this Council may determine, in accordance with the provisions of law, for one or more of the following purposes:

(a) Transfer to the general fund of this City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment, or, in the alternative, to call any outstanding bonds; or

(c) For the maintenance of the improvements.

11. To the extent that any of the work, rights, improvements and acquisitions indicated in the Engineer's Report, to be made as provided in this Resolution, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this City, or of any public utility, it is the intention of this Council to enter into an agreement with that public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of Division 12 of the Act, which agreement may provide for, among other matters,

the ownership, operation and maintenance by that agency or utility of the works, rights, improvements and acquisitions, and may provide for the installation of all or a portion of the improvements by that agency or utility and for the providing of service to the properties in the area benefiting from the work, rights, improvements and acquisitions by that agency or utility in accordance with its rates, rules and regulations, and that the agreement shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of the agreement.

12. Notice is hereby given that, in the opinion of this Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and therefore that, pursuant to Section 20487 of the Public Contract Code, no notice of award of contract shall be published.

13. The acquisitions and improvements are hereby referred to Alfred Kaufman, Special Projects Manager of the Public Works and Transportation Department of the City, as the officer having charge and control of acquisitions and construction of public improvements in and for this City of the kind described in this Resolution (the "Engineer of Work"), and the Engineer of Work is hereby directed to make and file with the Clerk a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements to be acquired, if any;

(b) Plans and specifications of the proposed improvements if the improvements are not already installed. The plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and the type of improvements to be provided for each zone. The plans and the specifications may be prepared as separate documents, or either or both may be incorporated in the report as a combined document.

(c) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvements, if the works, appliances, or property are to be acquired as part of the improvements.

(d) An estimate of the cost of the improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the improvements, including any cost of registering bonds. If the Council, as herein otherwise provided in this Resolution, has ordered that private utility damages be included in the assessment, the report shall contain as estimate of the private utility damages.

(e) A diagram showing, as they existed at the time of the passage of the this Resolution, all of the following:

1. The exterior boundaries of the assessment district.
2. The boundaries of any zones within the district.
3. The lines and dimensions of each parcel of land within the district.

Each subdivision, shall be given a separate number upon the diagram. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

(f) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the improvement. The assessment shall refer to the subdivisions by their respective numbers as assigned under subparagraph (e) above.

When any portion or percentage of the costs and expenses of the acquisitions and improvements is to be paid from sources other than assessments, the amount of that portion or percentage shall first be deducted from the total estimated cost and expenses of the acquisitions and improvements, and the assessment shall include only the remainder of the estimated cost and expenses.

14. Notice is hereby given that serial bonds or term bonds, or both, to represent unpaid assessments, and bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of the bonds, will be issued in these proceedings in the manner provided by the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California (the "Bond Law"), the last installment of which bonds shall mature not to exceed twenty-five (25) years from the second day of September next succeeding twelve months from their date. The provisions of Part 11.1 of the Bond Law, providing an alternative procedure for the advance payment and calling of bonds, shall apply to the bonds issued in these proceedings. It is the intention of this Council to create a special reserve fund pursuant to and as authorized by Part 16 of the Bond Law. It is the intention of the City that the City will not obligate itself to advance available funds from the treasury of the City to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that a determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

The bonds may be refunded pursuant to the provisions of Division 11.5 of the Streets and Highways Code of California upon the determination of the City Council of the City that the public interest or necessity requires a refunding. A refunding may be undertaken by this Council when, in its opinion, lower prevailing interest rates may allow reduction in amount of the installments of principal and interest upon the assessments to be given to owners of property assessed for the works described in this Resolution. Refunding bonds shall bear interest at a rate not to exceed that which is stated in the resolution of this Council expressing its intention to issue the refunding bonds, which resolution of intention shall also set forth the maximum term of years of the

refunding bonds. Any adjustment to assessments resulting from the refunding will be done on a pro rata basis. The refunding shall be accomplished pursuant to Division 11.5 (commencing with Section 9500) of the Streets and Highways Code of California, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Council finds that each of the conditions specified in the resolution of intention is satisfied and that adjustments to the assessments are on a pro rata basis, the Council may approve and confirm the report and may, without further proceedings, authorize, issue and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the Streets and Highways Code of California.

15. Notice is hereby given that it is the intention of this Council to comply with the requirements of Division 4 of the Streets and Highways Code by proceeding under Part 7.5 of Division 4. To that end the Engineer's Report, to be made as provided in this Resolution, shall include the following:

(a) The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, which would require an investigation and report under Division 4 against the total area proposed to be assessed.

(b) The total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed in these proceedings.

16. Notice is hereby given that it is the intention of this Council to consider adoption of an ordinance, pursuant to Section 10205 of the Streets and Highways Code, authorizing contributions by the City of Modesto, from any sources of revenue not otherwise prohibited by law, of a specified amount, portion or percentage of such revenues, for the purpose of acquisition or construction of improvements, the acquisition of interests in real property and the payment of expenses incidental to that acquisition for the use and benefit of the assessment district contemplated by this Resolution, and to consider authorizing application of these revenues as a credit upon the assessment proposed to be levied in proceedings pursuant hereto.

17. Alfred Kaufman, Special Projects Manager of the Public Works and Transportation Department of the City, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had in connection with this proposed assessment district, and may be contacted during regular office hours at City Hall, 801 11th Street, Modesto, CA 95353 or by calling (209) 577-5238.

* * * * *

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



NORRINE COYLE, City Clerk

[SEAL]

APPROVED AS TO FORM:

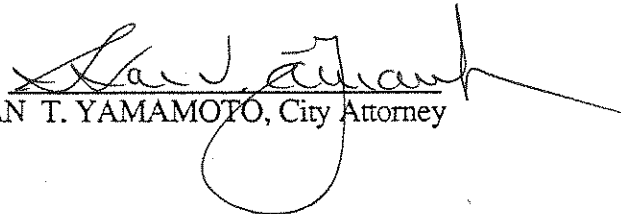
By: 
STAN T. YAMAMOTO, City Attorney

EXHIBIT A

CITY OF MODESTO Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott)

Description of Work

Within the City of Modesto, County of Stanislaus, State of California, the construction and acquisition of the following public improvements, including the acquisition of all lands, easements, rights-of-way, licenses, franchises, and permits and the construction of all auxiliary work necessary and/or convenient to the accomplishment thereof in accordance with plans and specifications to be approved by the City of Modesto:

1. The widening of Sisk Road from two to four lanes between Brenner Way and Conant Avenue, including all required clearing, grubbing, grading, and the construction of storm drainage facilities, domestic water facilities, sidewalks, curbs, medians, wheelchair ramps, signage, stripings and fencing, and the installation and/or relocation of street lights.

2. The widening of Standiford Avenue from two to four lanes from Dale Road to Prescott Road including all required clearing, grubbing, grading, and the construction of storm drainage and other facilities, sidewalks, curbs, wheelchair ramps, street lights, signage and striping.

3. The improvement of the intersection of Standiford Avenue, Sisk Road and Dale Road by widening Standiford Avenue to accommodate one additional westbound left turn lane, including all required clearing, grubbing, grading, and the construction of storm drainage facilities, sidewalks, curbs, medians, wheelchair ramps, signage, stripings, the installation and/or relocation of street lights, and modifications of traffic signals.

4. The improvement of the intersection of Standiford Avenue and Prescott Road by the installation of traffic signals.

5. The improvement of the intersection of Sisk Road and Rumble Road by the installation of traffic signals.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-113

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR REPLACING THE WORD PROCESSING SYSTEM IN CITY HALL

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

SECTION 1. The plans and specifications for possible replacing of the word processing system in City Hall 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 25, 1991, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-114

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE REMOVAL OF FIVE FUEL TANKS AT THE MODESTO
CITY-COUNTY AIRPORT

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

SECTION 1. The plans and specifications for the removal of five fuel
tanks at the Modesto City-County Airport

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 21, 1991, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of February, 1991,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-115

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR YOSEMITE PARK STREET IMPROVEMENTS

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

SECTION 1. The plans and specifications for Yosemite Park street
improvements

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 21, 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 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-116

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE JEFFERSON STREET SEWER LIFT STATION

WHEREAS, Resolution No. 91-46 , adopted by the Council of the City of Modesto on January 22, 1991, approved the plans and specifications for Jefferson Street sewer lift station

and authorized the calling for bids; and

WHEREAS, the bids received for Jefferson Street sewer lift station were opened at 11:00 a.m. on February 14, 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 Western Stone Products, Inc. in the amount of \$194,197 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 \$194,197 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 February, 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
Marcia Coyne

MODESTO CITY COUNCIL
RESOLUTION NO. 91-117

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE EMERGENCY PURCHASE OF AN AIR CONDITIONING SYSTEM FROM COMMAIR FOR THE DATA PROCESSING DEPARTMENT

WHEREAS, the Finance's Data Processing Division is requesting the purchase of an air conditioning system to replace an aging system installed in 1977; and

WHEREAS, the City currently has a contract with Commair for all service work on City air conditioning units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of an air conditioning system is hereby waived.

BE IT FURTHER RESOLVED that authorization for purchase of an air conditioning system from Commair for the Data Processing Department for an estimated cost of \$20,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-119

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1990-91 TO TRANSFER THREE HUNDRED THIRTY-SEVEN THOUSAND (\$337,000) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130) FOR VILLAGE ONE IMPLEMENTATION PROGRAM AND ALLOCATION OF FUNDS FOR STEP ONE.

WHEREAS, approval of Village One Implementation Program and Allocation of Funds for Step One in the amount of Three Hundred Thirty-seven Thousand (\$337,000) Dollars require certain adjustments to the 1990-91 Fiscal Year Budget of the City of Modesto, and

WHEREAS, the sum of Three Hundred Thirty-seven Thousand (\$337,000) Dollars is available in the Unappropriated Fund Balance of the General Fund (Fund No. 010), and

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

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for Implementation of the Village One Program and Allocation of Funds for Step One,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1990-91 Annual Budget be amended to transfer Three Hundred Thirty-seven Thousand (\$337,000) Dollars from the Unappropriated Fund Balance of the General Fund (Account No. 010-800-8000-8003) to the Special Fund for Capital Outlays (Account No. 130-140-P895-6000).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-120

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ECONOMIC PLANNING SYSTEMS (EPS) FOR CONSULTANT SERVICES IN CONNECTION WITH THE VILLAGE ONE IMPLEMENTATION PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Economic Planning Systems (EPS) for consultant services in connection with the Village One implementation program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-121

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROMA DESIGN GROUP FOR ON-CALL CONSULTANT SERVICES IN CONNECTION WITH THE VILLAGE ONE IMPLEMENTATION PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and ROMA Design Group for on-call consultant services in connection with the Village One implementation program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-122

A RESOLUTION TO THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION EXPRESSING THE MODESTO CITY COUNCIL'S OPPOSITION TO ANNEXATIONS IN THE VILLAGE ONE AREA UNTIL SUCH TIME AS THE AREA IS PREZONED BY THE MODESTO CITY COUNCIL.

WHEREAS, on October 3, 1989, the Modesto City Council adopted the City's "Growth Management Strategy" that provides for future expansion of the City's "Urban Reserve" as "villages" that are comprehensively planned with Specific Plans, and

WHEREAS, on September 11, 1990, the Modesto City Council adopted a General Plan amendment for the area to the north and east of the existing city boundaries (former Merle, Merle East, Roselle, and Claus Neighborhoods), known as Village One, changing the land use classification of the area from "Urban Reserve" to a mixture of urban land use classifications (i.e. Residential, Commercial, Industrial, Schools, Parks, etc.) consistent with the then draft Village One Specific Plan, and

WHEREAS, on October 11, 1990, the Modesto City Council adopted the Village One Specific Plan and Village One Financing Plan for the Village One area, and

WHEREAS, the Village One Specific Plan requires that Precise Plans be prepared before developments are approved as a means to address land use, design, zoning, financing, infrastructure, affordable housing and other development related issues, and

WHEREAS, the City's Zoning Ordinance needs to be amended to reflect the Village One Specific Plan's land use classifications and standards, and to provide for the Precise Plan process described in the Specific Plan, and

WHEREAS, once the above amendments to the Zoning Ordinance are completed, the City intends to prezone the entire Village One area and annex it all at one time (excluding the areas north of Sylvan Avenue where the property lines do not correspond to the Specific Plan), consistent with the policies of the Village One Specific Plan, and

WHEREAS, on February 26, 1991, the Modesto City Council adopted a two step Village One Implementation Program, including time table, for the actions needed to implement the Village One Specific Plan, and

WHEREAS, according to the Village One Implementation Program, the Village One area should be prezoned and an application for annexation of the entire area filed with the Stanislaus County Local Agency Formation Commission by July or August of 1991, and

WHEREAS, until such time as the Village One area is prezoned, the zoning of any property annexed in this area will be governed by Section 10-2.309 of the Modesto Municipal Code that automatically converts the County Zoning to City Zoning, which will result in zoning that is inconsistent with the City's General Plan and the Village One Specific Plan, and

WHEREAS, the application of inconsistent zoning to the Village One area will dramatically complicate the orderly process of Implementing the Village One Specific Plan because it bypasses the Precise Plan process, conveys the incorrect impression that the land may be subdivided, and could result in the construction of buildings and structures in direct conflict with the Specific Plan.

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

1. The Modesto City Council finds that the orderly development of Village One requires the cooperation of the Stanislaus County Local Agency Formation Commission, and asks the Commission to consider the negative impact that a premature application to annex property in the Village One area to the City of Modesto could have on the implementation process.
2. The Modesto City Council urges the Stanislaus County Local Agency Formation Commission to deny any application for annexation to the City of Modesto in the Village One area, before the area has been rezoned, on the basis that such applications are premature.
3. The Modesto City Council finds, pursuant to the Stanislaus County Local Agency Formation Commission's adopted policies (II EVALUATION OF PROPOSALS, D. Evidence of City Approval, 2. Predetermination) that it cannot provide evidence of "City approval" for any application to annex property in the Village One area of the City of Modesto before the area is rezoned, since the means to provide urban services cannot be determined without the review and approval of a Precise Plan consistent with the policies of the Village One Specific Plan.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this Resolution to 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 February, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-123

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN EMPIRE SURPLUS LINES FOR RENEWAL OF TUOLUMNE RIVER REGIONAL PARK ERRORS & OMISSIONS INSURANCE POLICY FOR FEBRUARY 27, 1991 - FEBRUARY 27, 1992

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the American Empire Surplus Lines for renewal of the Tuolumne River Regional Park Errors & Omissions insurance policy for February 27, 1991 - February 27, 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 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-124

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARTHA L. MALSON, JANE MARIE BAKER, WILLIAM CLARK STANTON, NOEL ANN STANTON AND STEPHEN S. LOCKE, OWNERS OF THE COMMERCIAL BUILDING AT 401 "H" STREET, FOR LEASE BY THE CITY'S HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Martha L. Malson, Jane Marie Baker, William Clark Stanton, Noel Ann Stanton and Stephen S. Locke, owners of the commercial building at 401 "H" Street, for lease by the City's 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 26th day of February , 19 91 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-125

AMENDED

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMOS DEGROOT AND HEIN HETTINGA FOR THE LEASE OF THE REMOTE SEWER PONDS PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Amos DeGroot and Hein Hettinga for the lease of the remote sewer ponds property

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February , 19 91 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-126

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH MODESTO IRRIGATION DISTRICT AND DEL ESTE WATER COMPANY FOR DESIGN, FINANCING AND CONSTRUCTION OF A SURFACE WATER TREATMENT PLANT, TRANSMISSION PIPELINES AND RESERVOIRS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding with Modesto Irrigation District and Del Este Water Company for design, financing and construction 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 Memorandum of Understanding by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-127

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES HALL HILL & WHITE, A PROFESSIONAL LAW CORPORATION, FOR SPECIAL LEGAL COUNSEL SERVICES IN CONNECTION WITH WATER TREATMENT PLANT FINANCING BY THE MODESTO IRRIGATION DISTRICT.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jones Hall Hill & White, a professional law corporation, for special legal counsel services in connection with Water Treatment Plant financing by the Modesto Irrigation District, be and it is hereby approved, subject to the condition that in addition to Paragraph 2. entitled "Compensation" of said agreement that the Council hereby imposes a limitation on the City of Modesto not to exceed total expenditures in the amount of \$10,000 for said services.

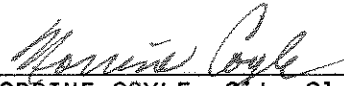
BE IT FURTHER RESOLVED that the execution of said agreement by designated City officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney
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MODESTO CITY COUNCIL
RESOLUTION NO. 91-128

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SEIDLER-FITZGERALD PUBLIC FINANCE TO PROVIDE FINANCIAL ADVISORY SERVICES FOR THE SURFACE WATER TREATMENT PLANT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Seidler-Fitzgerald Public Finance to provide financial advisory services for the Surface Water Treatment Plant Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February , 19 91 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-129

A RESOLUTION AMENDING RULE 1 OF THE PERSONNEL RULES
RELATING TO GENERAL PROVISIONS AND AMENDING RULE 12 OF THE
PERSONNEL RULES RELATING TO APPEALS AND HEARINGS.

WHEREAS, Section 1202 of Article XII of the Charter of the City of Modesto provides that the personnel system provided by said Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the City Council upon recommendation of the City Manager, and

WHEREAS, the City Council has adopted Personnel Rules as authorized by the City Charter, and

WHEREAS, the City Manager has recommended that Section 1.7 of Rule 1 of the Personnel Rules relating to General Provisions be amended to add a definition of the term disciplinary probation, and Rule 12 of the Personnel Rules relating to Appeals and Hearings be rewritten to refer to the appropriate Memorandum of Understanding for employees and provide for binding disciplinary arbitration, and

WHEREAS, at its meeting of February 26, 1991, the City Council considered amending Section 1.7 of Rule 1 of the Personnel Rules relating to General Provisions to add thereto paragraph (o) entitled "Disciplinary Probation", and amending throughout Rule 12 of the Personnel Rules relating to Appeals and Hearings to refer to the appropriate Memorandum of Understanding for represented employees and for management and confidential employees to provide for binding disciplinary arbitration as well.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Rules 1 and 12 of the Personnel Rules shall be amended to read as follows:

1.1 Authority

These rules are adopted under the authority of Section 1202 of Article XII of the City Charter, which provides that "The personnel system provided by this article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council upon the recommendation of the City Manager".

1.2 Intent

It is the intent of these rules to recognize the following principles:

- (a) The City Council and all citizens of the City of Modesto have the right to expect: that the City will employ the best qualified persons reasonably available with preference to citizens of Modesto, qualifications being equal; that the tenure of every city employee will be based on demonstrated need for the work performed, availability of funds, faithful effective performance, proper personal conduct, and continuing fitness for his position; that each employee will be encouraged, trained, and developed to assure optimum performance.
- (b) Each employee of the City of Modesto has the right to expect: that he/she will be fully informed as to his/her duties and responsibilities; that he/she will be provided with adequate administrative and supervisory direction; that he/she will be informed as to how well he/she is performing his/her duties and will be encouraged and helped to improve his/her level of performance; that promotions will be made on the basis of merit and ability; that progressively improved work performance over an extended period will be recognized and rewarded and that incompetence will not be tolerated; that he/she will not be subject to dismissal without justification.

1.3 Changes in Rules

Suggestions for changes in these rules shall be submitted to the City Manager in writing. The City Manager shall transmit any suggested changes to the City Attorney who shall review them to determine conformance with the spirit and intent of the Charter, Modesto Municipal Code, and with these rules. The proposed changes shall be submitted to the City Council along with a recommendation from the City Manager concerning them. Adoption of changes in the rules shall be by Council resolution.

1.4 Fair Employment Personnel Policy

- (a) Employment and promotion by the City of Modesto shall be based on merit and fitness, free of personal and political considerations, in no way shall be affected or influenced by race, religion, color, national origin, ancestry, age, handicap, or sex.

- (b) The California Fair Employment Practice Act shall govern all City employment and employment practices.

1.5 Acceptance of Rules

In accepting employment with the City of Modesto, each employee agrees to be governed by and to comply with these personnel rules, administrative orders and procedures established by the City Manager pursuant thereto, and rules, regulations and directives of the department in which he/she is employed.

1.6 Violation

Violation of the provisions of the City Charter, the Modesto Municipal Code, these personnel rules, or related personnel administrative orders shall be grounds for rejection, suspension, demotion, or dismissal.

1.7 Definitions

The words and terms used in these rules shall have the meaning indicated as follows, unless the context clearly indicates otherwise:

- (a) Advancement. A salary increase within the limits of the salary range established for the class.
- (b) Allocation. The assignment of a position to its class.
- (c) Anniversary Date. The anniversary of the date an employee was appointed to his/her current position.
- (d) Applicant. A person who has made formal application for employment.
- (e) Appointment. The offer to a person and his/her acceptance of a position.
- (f) Board of Personnel Appeals. A three (3) member Board established by Section 1108 of the City Charter.
- (g) Appointing Authority. The Council, City Manager, or persons delegated authority to make appointments or remove persons from city service.
- (h) Candidate. An applicant whose application has passed initial screening, and who is admitted to examination.
- (i) Class or Classes of Positions. A group of positions having duties and responsibilities sufficiently similar that the same title, examples of duties, and requirements may be applied.
- (j) Classification Plan. The arrangement of positions into classes, with titles and specifications describing each class.

- (k) Classified Service. All positions in the city service EXCEPT: (1) all elected officers; (2) City Manager, Deputy City Manager (as revised July 6, 1965), City Attorney, City Clerk and Auditor, and all heads of departments; (3) all members of boards and commissions; (4) persons employed as unskilled laborers; (5) positions in any class or grade created for a special or temporary purpose for a period of not longer than 90 days in any one fiscal year; (6) persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character; (7) part-time employees paid on an hourly or per diem basis.
- (l) Consult/Consultation in Good Faith. "Consult/Consultation in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement.
- (m) Continuous Service. Employment by the City, uninterrupted from the date of appointment, except by authorized absence with pay.
- (n) Demotion. A downgrade of a regular employee from one class to another class with a lower salary range imposed as a disciplinary action or as a substitution for layoff. A reduction in salary within the same class shall not be considered a demotion.
- (o) Disciplinary Probation. A form of disciplinary action, as distinguished from the usual probationary period for new employees, for a specified time not to exceed one year. Employees placed on disciplinary probation may be dismissed for failure to meet any requirement imposed as a condition to such status.
- (p) Dismissal. The separation from employment of an employee by an appointing authority for cause.
- (q) Downgrade: A change in employment status of a regular employee from one class to another class with a lower salary range.
- (r) Eligible. A person whose name is on an appropriate eligible list and who is not ineligible for appointment for any reason.
- (s) Eligible List. A record of the names of persons who have qualified, through examination, for employment in a specific class.
- (t) Examination. A test or group of tests and evaluations used to determine eligibility and to rank candidates for employment in a class.

- (u) Lay-off. Termination of service because of lack of work, lack of funds, or in the interests of economy, without fault on the part of the employee involved.
- (v) Leave of Absence. Permission to be absent from duty without pay for a specified period and purpose, with the right to return before or at the expiration of the period.
- (w) Modesto Municipal Code. Chapter 5 of Title II of the Modesto Municipal Code plus any other provisions of the Modesto Municipal Code which deal with the City's personnel system.
- (x) Original Appointment. The first appointment of an employee to a position in the city service.
- (y) Position. A combination of duties regularly assigned to be performed by one person.
- (z) Probationary Period. A working test period during which an employee appointed from an eligible list is required to demonstrate his/her fitness for the class by actual performance of the duties of his/her position.
- (aa) Probationary Status. The status of an employee who has been appointed from an eligible list, but has not completed the prescribed probationary period.
- (ab) Probationer. An employee who has probationary status.
- (ac) Promotion. A change in employment status of a regular employee from one class to another class with a higher salary range.
- (ad) Promotional Examination. An examination in which competition is limited to regular employees in the classified service.
- (ae) Promotional List. An eligible list resulting from a promotional examination.
- (af) Proof of Employee Support. "Proof of Employee Support" means (1) an authorization card recently signed and personally dated by each employee, or (2) an authorization petition or petitions recently signed and personally dated by each employee, or (3) employee deduction authorization, using the payroll register for the payroll period immediately prior to the date a petition is filed hereunder, that dues deduction authorizations for more than one employee for the account of any one employee shall not be considered as proof of employee support for any employee organization. The words "recently signed" shall mean within sixty (60) days prior to the filing of a petition or an authorization card. The only authorization which shall be considered as proof of employee support hereunder shall be

the authorization last signed by an employee. The City Manager shall arrange for the City Clerk/Auditor to verify the information on authorization cards and petitions.

- (ag) Provisional Employee. An employee who is appointed without examination to a regular position in the classified service for which no eligible list exists.
- (ah) Recognized Employee Organization. "Recognized Employee Organization" means an employee organization which has been formally recognized by the City as the employee organization that represents the employees in an appropriate representation unit.
- (ai) Reduction. A salary decrease within the pay range for the class.
- (aj) Regular Employee. An employee who has satisfactorily completed his/her initial probationary period and has been retained in the classified service.
- (ak) Regular Position. A position in the classified service which requires, or is likely to require, the services of an employee for more than six months.
- (al) Release. Separation of an employee from the service during or at the close of the probationary period.
- (am) Reinstatement. The reappointment without examination of an employee who has resigned in good standing.
- (an) Resignation. The voluntary separation of an employee from his/her position.
- (ao) Separation. Any termination of employment.
- (ap) Status. The condition of an employee's present appointment, such as temporary, provisional, probationary, or regular.
- (aq) Suspension. An involuntary absence without pay, imposed for disciplinary purposes, or pending investigation of charges.
- (ar) Temporary Appointment. An appointment for a limited period.
- (as) Transfer. A change in employment status of a regular employee from one position to another within the same class, or a comparable class. "Comparable" means a class with similar duties and responsibilities, and the same or similar minimum qualifications, and the same salary range.
- (at) Unclassified Service. The noncompetitive service. Positions in the unclassified service are those listed as exceptions in definition (j) above.

- (au) Vacancy or Vacant Position. Any unfilled position in the city service.

12.1. Requests for Hearing on Disciplinary Actions

Any regular employee in the classified service shall have the right to appeal any disciplinary probation, suspension, demotion or dismissal in accordance with the provisions of the applicable Memorandum of Understanding, or in the absence of such procedures in a Memorandum, in accordance with the Personnel Rules. Said right of appeal shall not apply to reclassifications, lay-offs, demotions as a substitute for lay-off, or any actions taken for non-disciplinary reasons.

12.2 Disciplinary Hearings

The remaining provisions of Personnel Rule 12 shall apply to all employees in the classified service not covered under a Memorandum of Understanding.

- (a) An appeal must be filed in writing with the Director of Personnel within thirty (30) days following written notice to the employee of the discipline.
- (b) Upon filing of an appeal, the City shall request a list of seven (7) hearing officers from the State Mediation and Conciliation Service. The City and employee shall alternately strike names from the list until only one name remains and the remaining name shall be that of the Hearing Officer. The parties shall toss a coin to determine who will strike first.
- (c) The Hearing Officer shall proceed in any manner which will, in the Hearing Officer's judgment, develop all the facts bearing upon the matter, and no informality on the Officer's part shall constitute just cause for criticism of findings and decisions. Upon completion of the hearing, the Hearing Officer shall furnish certified copies of findings and decisions to the persons concerned. The decision of the Hearing Officer shall be final.
- (d) The person selected as the Hearing Officer shall set a date for the start of the hearing.
- (e) Oral evidence at the hearing shall be taken only on oath or affirmation.
- (f) Each party shall have these rights at the hearing: To be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; to subpoena witnesses and relevant documentary evidence, and to rebut the evidence against him or her. Further, at the

hearing the employee may be examined and may examine or cause any person to be examined under Section 776 of the Evidence Code.

- (g) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

Evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is presumed inadmissible absent an offer of proof establishing its relevance and reliability and that its probative value is not substantially outweighed by the probability that its admission will create substantial danger of undue prejudice or confuse the issue. For purpose of this paragraph, "complainant" means any person claiming to have been subjected to conduct which constitutes sexual harassment, sexual assault, or sexual battery.

- (h) At the request of either of the parties, the City shall employ a competent court reporter to record the proceedings.
- (i) If either party requests it, the Hearing Officer may exclude from the hearing room any witness not at the time under examination so that the witness may not hear the testimony of other witnesses, but a party to the proceeding may not be so excluded.
- (j) The Hearing Officer shall, after the matter is submitted, prepare and file findings and decisions. The decisions of the Hearing Officer shall be final. The decisions shall be rendered as quickly as possible with due regard for the hardships that may result from undue delay.
- (k) The cost of the Hearing Officer and court reporter shall be divided equally between the City and the employee. Upon receipt of invoices for said services, the City shall bill the employee for the employee share. The employee shall pay said sum to the City within sixty (60) days of billing. The City shall have the right to withdraw reasonable amounts from an employee's paycheck until the bill is paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

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. 91-130

A RESOLUTION APPROVING COMPREHENSIVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND MODESTO CITY FIREFIGHTERS ASSOCIATION WHICH INCLUDES THE BINDING DISCIPLINARY ARBITRATION PROCESS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and Modesto City Firefighters Association be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

Clerk 25)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-131

A RESOLUTION DENYING THE REQUEST OF THE PROPERTY OWNER AT
2254 FLOYD AVENUE FOR CITY TO ACCEPT WATER SERVICE
INSTALLATION CHARGES IN THE AMOUNT OF \$6,470.23. OWNER:
ROSS BRILES OCCUPANT: "PUTT-PUTT MINIATURE GOLF COURSE"

WHEREAS, Section 11-1.04 of the Modesto Municipal Code, provides
that the Council may establish by resolution water service installation
charges for property that has not already participated in the cost of a water
main and which is to be served by an existing water main, and

WHEREAS, the basis for the water service installation charges is to
collect equally from each property served by an existing water main, and

WHEREAS, said water service installation charges are collected upon
the issuance of the building permit for properties which are not included in a
parcel map or subdivision map, and

WHEREAS, Ross Briles, hereinafter referred to as OWNER, did not
apply for nor did the City issue a building permit to connect OWNER'S property
to the City water main prior to January 1, 1991, and

WHEREAS, Council Resolution No. 90-850 established the rate schedule
for said water service installation charges to be collected on and after
January 1, 1991, and

WHEREAS, Council Resolution No. 89-1136 was rescinded as of
January 1, 1991 and was superseded by Council Resolution No. 90-850, and

WHEREAS, OWNER prepared a check in the amount of \$6,470.23 in
accordance with Council Resolution No. 89-1136 and mailed said check to the
City of Modesto for payment of said water service installation charges for
said OWNER'S property, which check was received by the City on January 2,
1991, and

WHEREAS, OWNER is requesting that the City accept said check as payment in full for said water service installation charges. Said check being based on the rate schedule established by Council Resolution No. 89-1136, which resolution and rate schedule was rescinded as of January 1, 1991.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that OWNER shall pay the water service installation charges in the amount of \$7,331.23 for the property located at 2254 Floyd Avenue in accordance with Council Resolution No. 90-850, which was effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-132

A RESOLUTION APPROVING THE FINAL MAP OF THE STANDIFORD 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 1.14 acres, known as the Standiford Avenue Professional Offices Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 5th 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 Standiford 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, 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 26th day of February, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

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

Dick

MODESTO CITY COUNCIL
RESOLUTION NO. 91-133

A RESOLUTION ADVISING THE LOCAL AGENCY FORMATION COMMISSION THAT CITY SERVICES COULD BE MADE AVAILABLE TO THE PROPOSED NORTH BEYER PARK REORGANIZATION, AND REQUIRING AN ENVIRONMENTAL IMPACT REPORT.

WHEREAS, on January 18, 1991, Dennis E. Wilson, President of Mid-Valley Engineering, Inc., representing the owners of the real property of what is known as the North Beyer Park Reorganization Area (hereinafter "Applicant"), represented to the City that Applicant was preparing to file an application with the Stanislaus County Local Agency Formation Commission (hereinafter "LAFCO") for annexation to the City of Modesto, and

WHEREAS, Applicant has represented that LAFCO guidelines require that such an application include a resolution of the City Council stating that the City can provide the necessary services, and

WHEREAS, said proposed North Beyer Park Reorganization Area is in the urban reserve area of the City of Modesto, and is north of the Beyer Neighborhood, and

WHEREAS, said area is bounded on the south by the current sanitary sewer limit and city limits on the west by Coffee Road on the north by the proposed extension of Pelandale Road (Claratina Avenue) and on the east by Oakdale Road, containing 160.1 total acres, and

WHEREAS, on February 13, 1990, the City Council accepted the Public Projects Committee recommendation that remnants of five neighborhoods be considered on a case-by-case basis, and the North Beyer Park area was designated a neighborhood "remnant", and

WHEREAS, various City departments have been polled as to the degree of impact which would be placed on each department to provide City services to the proposed North Beyer Park Reorganization Area, and

WHEREAS, on March 5, 1991, the Council of the City of Modesto considered the City's staff report and whether City services could be provided to the proposed North Beyer Park Reorganization Area,

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

1. That in the event of annexation, City services can be provided to the proposed North Beyer Park Reorganization Area.

2. That LAFCO require a tiered or phased EIR for the proposed annexation with the understanding, in the event such annexation occurs, that City reserves the right to conduct further environmental review when the Applicant submits specific development proposals for the area to the City.

3. That by this action, the City Council is not approving the proposed annexation.

4. That the City Clerk is hereby directed to transmit a certified copy of this resolution to LAFCO.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Bird, 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, Lang, Muratore, Patterson,

NOES: Councilmembers: Irizarry, Mayor Whiteside

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clarke

AMENDED

MODESTO CITY COUNCIL
RESOLUTION NO. 91-134

on _____
By Resolution 1992-556

A RESOLUTION 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, adequate public school capital facilities are necessary for the general well-being of city residents, and

WHEREAS, school mitigation fees authorized by the state legislature are only one of the exclusive methods of mitigating impacts to school facilities, and

WHEREAS, current school mitigation fees have not proven adequate to address capital facilities needs of public schools serving Modesto residents, and

WHEREAS, inadequate school mitigation fees and additional approval of new residential projects compounds the difficulty of public schools addressing their capital facility needs, and

WHEREAS, the City of Modesto is not restricted to statutorily exclusive public school mitigation measures when making zoning decisions and undertaking other legislative acts, and may deny applications based on a lack of school facilities, and

WHEREAS, the California Environmental Quality Act requires cities to avoid or minimize impacts, where feasible, through the imposition of mitigation measures, and

WHEREAS, the school districts serving the Modesto Urban Area have asked the Modesto City Council to exercise its authority to require that new residential projects to be approved in conjunction with other legislative acts address the impact of such projects on public school facilities, and

WHEREAS, the largest number of new students will come from residential developments located on property that is currently classified as "Urban Reserve" in the Modesto General Plan, or on property that is currently classified for nonresidential use if subsequently reclassified as "Residential" in the Modesto General Plan, and

WHEREAS, the fewest number of new students will come from residential development on property that is currently classified as "Residential" in the Modesto General Plan because there is very little of this land that is vacant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 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; or agree to diligently and expeditiously pursue funds from the State of California to reimburse residential developers who participated in a Mello-Roos District, other special assessment program, or other measures, which addressed public school facility needs.
2. Submit to the Planning and Community Development Department of the City of Modesto the following:

- a. A copy of the application and resolution of the school board approving an application to the State building program, together with an identification of the period of time that the application remains valid, or
- b. A copy of any Mello-Roos District, other special assessment, or other mitigation measure documentation, including the school board's commitment to pursue reimbursement from the State, and
- c. 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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, or
 - (e) a school district uses or intends to use a Mello-Roos District, other special assessment district, or other mitigation measure that contains a provision to seek reimbursement from the State to mitigate school facility impacts.
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. 91-135

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR SAND BLASTING AND RECOATING CLARIFIER NO. 2
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 sand blasting and recoating Clarifier No. 2 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 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-136

A RESOLUTION ACCEPTING THE BID OF ACME GLASS COMPANY INC. FOR FURNISHING AND INSTALLING TWO ELECTRONIC ENTRY DOOR SYSTEMS AT THE SENIOR CITIZENS' CENTER

WHEREAS, Resolution No. 91-47, adopted by the Council of the City of Modesto on January 22, 1991, approved the plans and specifications for furnishing and installing two electronic entry door systems at the Senior Citizens' Center and authorized the calling for bids; and

WHEREAS, the bids received for furnishing and installing two electronic entry door systems at the Senior Citizens' Center were opened at 11:00 a.m. on January 22, 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 Acme Glass Company Inc. in the amount of \$26,436

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Acme Glass Company Inc. in the amount of \$26,436 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 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Murray Cagle*
MURRAY CAGLE

/2

MODESTO CITY COUNCIL
RESOLUTION NO. 91-137

A RESOLUTION ACCEPTING THE SYLVAN AVENUE IMPROVEMENTS AT BEYER HIGH SCHOOL AS COMPLETE

WHEREAS, a report has been filed by the Director of Finance, that the Sylvan Avenue improvements at Beyer High School

has been completed by Western Stone Products, Inc.

in accordance with the contract agreement dated May 8, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Sylvan Avenue improvements at Beyer High School

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 \$171,048.07 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 5th day of March, 19 91, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-138

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES, AND RESCINDING RESOLUTION NO. 90-151.

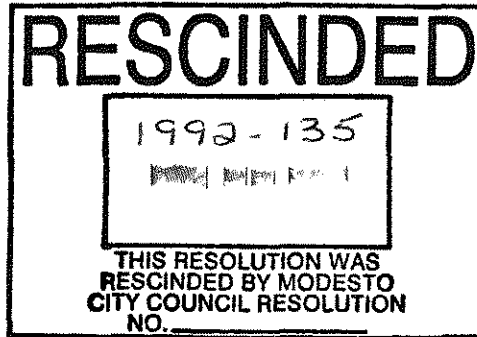
WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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, 1991

<u>Size of Meter</u>	<u>Monthly Rate</u> <u>April 1, 1991</u>
¾"	\$ 6.29
1 "	8.37
1½"	10.40
2 "	12.55
3 "	16.73
4 "	21.76
6 "	32.71
8 "	41.78
10 "	50.36
12 "	58.98



The charge for each additional 100 cf over 1,680 cf on a monthly rate .38

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 thirty-eight (\$.38) 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, 1991 shall be as follows:

<u>Lot Area</u>	<u>Monthly Rate April 1, 1991</u>
3,500 SF, or less	\$ 8.24
3,501 to 7,000 SF	9.50
7,001 to 10,500 SF	10.65
10,501 to 14,000 SF	11.79
14,001 to 17,500 SF	14.20
17,501 to 21,000 SF	16.65
For each 3,500 SF or fraction thereof over 21,000	2.24

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. 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 No. 90-151 adopted on February 27, 1990, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 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. 91-139

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND SUPERSEDING
RESOLUTION NO. 89-766 AND RESOLUTION NO. 89-1182.

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, the Council has previously established sewer service
charges, and

WHEREAS, this resolution supersedes Resolution No. 89-766 and
Resolution No. 89-1182, and

WHEREAS, City staff has recommended adjustment in the various sewer
service charges, and

WHEREAS, on March 5, 1991, the Council held a public hearing to
consider the recommended adjustments in the sewer service charges,

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.

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 for the period commencing on and after April 1, 1991.

- (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 for the period commencing on and after April 1, 1991:

- (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	
<u>Group 2</u>	1.62
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>	1.98
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>	2.38
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 for the period commencing on and after April 1, 1991:

- (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)	\$3.12
Each dwelling unit in a duplex	2.17
One additional dwelling unit or mobile home on a lot	2.17
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	2.17
Service Fee	0.35

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. EFFECTIVE DATE. This resolution shall become effective and apply on and after April 1, 1991.

SECTION 9. SUPERSEDES PRIOR RESOLUTIONS. This resolution supersedes Modesto City Council Resolution No. 89-766 and Resolution No. 89-1182.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

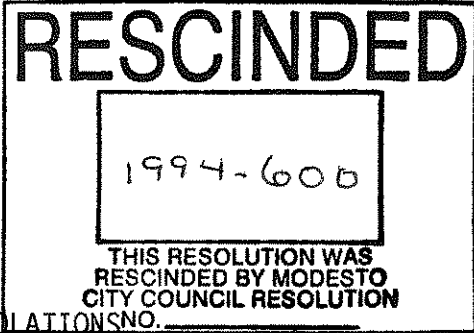
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



MODESTO CITY COUNCIL
RESOLUTION NO. 91-140

A RESOLUTION ESTABLISHING A FINE SCHEDULE FOR VIOLATIONS
OF WASTE DISCHARGE PERMITS AND RESCINDING RESOLUTION
NO. 90-611.

WHEREAS, Section 5-6.13.2 of the Modesto Municipal Code relating to sewage collection and disposal states that the Public Works and Transportation Director may determine the existence of a violation and may levy a fine for violations of waste discharge permits, which fine shall be in accordance with a schedule approved by the Council from time to time by resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that wastewater permit violation fines are hereby established as follows:

1. Administrative fine in the amount of \$1100.00 for each violation.
2. Processing fine in the amount of:
 - \$570.46 per million gallons of flow in excess of permit allocation.
 - \$67.47 per 1,000 pounds of Biochemical Oxygen Demand (BOD) in excess of permit allocation.
 - \$62.11 per 1,000 pounds of Suspended Solids (SS) in excess of permit allocation.

BE IT FURTHER RESOLVED that the fines established by this resolution are in addition to the sewer service charges for processing the wastewater flow which is excess of the permit allocation.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective for violations which occur on and after April 1, 1991.

BE IT FURTHER RESOLVED that effective through March 31, 1991, Resolution No. 90-611 adopted on June 26, 1990 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-141

A RESOLUTION ESTABLISHING A FINE SCHEDULE FOR VIOLATIONS OF CATEGORICAL INDUSTRY PRETREATMENT STANDARDS AS SET BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA), 40 CFR PART 469, ADOPTED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (CRWQCB), AND STATED IN MODESTO'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND RESCINDING RESOLUTION NO. 87-1264.

WHEREAS, categorical industry's permit mandates that said industry comply with specified categorical pretreatment standards, and

WHEREAS, Section 5-6.13.2 of the Modesto Municipal Code relating to sewage collection and disposal authorizes the Director to levy fines for violations of national pretreatment standards, which fines shall be in accordance with a schedule approved by the Council from time to time by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that categorical pretreatment standard violation fines are hereby established as follows:

1. Parameters shall mean a limited concentration of the following chemicals in an amount set by the Environmental Protection Agency (EPA). A processing fine may be imposed for each parameter per pound over industry's permit limits in the amount of:

Cadmium	\$250 per pound over industry's permit limits
Chromium	\$100 per pound over industry's permit limits
Copper	\$ 80 per pound over industry's permit limits
Lead	\$500 per pound over industry's permit limits
Nickel	\$100 per pound over industry's permit limits
Silver	\$225 per pound over industry's permit limits
Zinc	\$ 80 per pound over industry's permit limits
Cyanide T	\$160 per pound over industry's permit limits
Cyanide A	\$100 per pound over industry's permit limits

(Example:) Industry A has a flow of .01 MGD and exceeds lead by 2ppm, the excess amount is (.01 MGD) (2ppm) (8.34) = .17 pounds which may result in a processing fine of (.17) (\$500) = \$85.00.

2. An administrative fine up to \$10,000 (Section 5-6.13.2, Part B, Modesto Municipal Code), may be levied for each violation stated in Part 1. Each failure to remain within the parameters shall constitute a separate violation.
3. The pH range shall be 6.0 to 9.0 for any industrial waste discharged into the City sewer lines. pH for hauled-in industrial waste to the wastewater treatment plant shall be greater than 2 and less than 12.5. Any variation over or under this range may result in an administrative fine of \$500.00.

BE IT FURTHER RESOLVED that the fines established by this resolution shall become effective for violations which occur on or after April 1, 1991.

BE IT FURTHER RESOLVED that effective through March 31, 1991, Resolution No. 87-1264 adopted on December 8, 1987, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-142

A RESOLUTION DETERMINING THAT A PROJECT AREA COMMITTEE SHALL NOT BE FORMED IN CONNECTION WITH THE MODESTO REDEVELOPMENT PROJECT.

WHEREAS, by Resolution No. 91-3 adopted on January 7, 1991, the Planning Commission of the City of Modesto selected and designated the boundaries of the project area (the "Project Area") for the Modesto Redevelopment Project (the "Project"), approved a Preliminary Plan for the Project and submitted said Preliminary Plan to the Redevelopment Agency of the City of Modesto (the "Agency"), and

WHEREAS, the Agency is preparing a proposed redevelopment plan (the "Redevelopment Plan") for the Project, and

WHEREAS, Section 33385 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requires that a project area committee be formed if a substantial number of low-and moderate-income families will be displaced by a redevelopment project, and

WHEREAS, the California Community Redevelopment Law also requires that, in the event a redevelopment project will not displace a substantial number of low-and moderate-income families, the redevelopment agency shall consult with and obtain the advice of residents and existing community organizations and, in addition, requires that the redevelopment plan be submitted to such project area committee or residents and community organizations prior t submitting it for adoption,

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

Section 1. The City Council hereby finds and determines that the proposed Project will not displace a substantial number of low- and

moderate-income families and that formation of a project area committee is not required prior to the adoption of the Redevelopment Plan. The City Council further determines that a project area committee shall not be formed in connection with the Project.

Section 2. The Executive Director of the Agency is hereby authorized and directed to consult with and obtain the advice of residents and community organizations with the Project Area and to provide such residents and community organizations with the Redevelopment Plan prior to its submission to the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

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. 91-143

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN MARINE AND AVIATION/IRIS, LTD, FOR RENEWAL OF AIRPORT LIABILITY INSURANCE POLICY

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 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 5th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-144

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CAROLINA CASUALTY/HAMILTON MERIDIAN FOR RENEWAL OF TRANSIT LIABILITY INSURANCE 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 Meridian for renewal of transit liability insurance 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 5th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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**MODESTO CITY COUNCIL
RESOLUTION NO. 91-145**

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CURTIS C. AND MARY L. LEMMONS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1315 CARPENTER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Curtis C. and Mary L. Lemmons for water service to property outside City limits at 1315 Carpenter Road, located on the west side of Carpenter Road between Woodland Avenue and Shaddox Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

**ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL
RESOLUTION NO. 91-146

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD L. AND SHERRY O. NELSON FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1746 EUREKA STREET

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richard L. and Sherry O. Nelson for sewer service to property outside City limits at 1746 Eureka Street, located on the east side of Eureka Street between Colusa Avenue and Glenn 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 5th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-147

1.537

A RESOLUTION APPROVING THE FINAL MAP OF THE REMAX
PROFESSIONAL PLAZA SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Coffee Road Investors Limited, a California Limited Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.371 acres, known as the Remax Professional Plaza Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 8th day of May, 1989, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Remax Professional Plaza 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 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-148

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BISSELL AND KARN FOR DESIGN SERVICES FOR A PEDESTRIAN OVER-CROSSING OVER CLAUS ROAD AT JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Bissell and Karn for design services for a pedestrian over-crossing over Claus Road at Johansen High School

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-149

A RESOLUTION AUTHORIZING THE MODESTO IRRIGATION DISTRICT
TO PROCEED WITH AN ENGINEERING SERVICES AGREEMENT WITH
BLACK AND VEATCH FOR DESIGNS OF THE SURFACE WATER
TREATMENT PLANT AND TRANSMISSION SYSTEM.

WHEREAS, negotiations have resulted in a Memorandum of Understanding with the Modesto Irrigation District ("District"), Del Este Water Company ("DEW"), and the City of Modesto ("City") in relation to treated surface water to supplement ground water supplies, and

WHEREAS, by Resolution No. 91-126 adopted on February 26, 1991, the Council of the City of Modesto authorized execution of said Memorandum of Understanding, and

WHEREAS, page 9, Subsection 6.1.1 of Paragraph 6 entitled "Design Phase" of said Memorandum of Understanding provides in part that District shall retain a project engineer or engineers necessary for the construction, operation and maintenance of the project. and

WHEREAS, page 32, Subsection 12.3.1 of Paragraph 12 entitled "Project Management" of said Memorandum of Understanding provides in part that prior to District's approval of any engineering services contract concerning the design and engineering of the project, City and DEW shall review the contract or contracts and each shall provide to District written authorization to proceed, and

WHEREAS, District, City, and the DEW have negotiated an engineering agreement, scope of work and method of payment with the firm of Black and Veatch for design of the surface water project, and

WHEREAS, at its meeting of March 5, 1991, the Council considered authorizing District to proceed with an engineering services agreement with Black and Veatch for design of the surface water treatment plant and transmission system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto Irrigation District to proceed with an engineering services agreement with Black and Veatch for design of the surface water treatment plant and transmission system.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to District and DEW.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of MARCH, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-150

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEEDSHILL-HERKENHOFF, INC. 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 agreement between the City of Modesto and Leedshill-Herkenhoff, Inc. 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 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-151

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHANI L. AND REBECCA A. VILLANEUVA FOR THE LEASE OF THE MANCINI HOUSE AT MANCINI PARK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Chani L. and Rebecca A. Villaneuva for the lease of the Mancini House at Mancini Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-152

A RESOLUTION AMENDING THE FISCAL YEAR 90-91 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES TO ALLOCATE UNUSED FUNDS FROM STANISLAUS COUNTY ECONOMIC DEVELOPMENT CORPORATION (SCEDCO) TO CITY'S ECONOMIC DEVELOPMENT REVOLVING LOAN FUND AND CITY'S REHABILITATION PROGRAMS.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Fiscal Year 90-91 Final Statement of Community Development Objectives to Allocate \$200,000 unused funds from Stanislaus County Economic Development Corporation to \$100,000 for City's Economic Development Revolving Loan Fund and \$100,000 for City's Rehabilitation Programs, as recommended by the Citizens Housing and Community Development Committee, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-153

A RESOLUTION AMENDING THE FISCAL YEAR 90-91 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES TO APPROVE FUNDS TO INSTALL AUDIBLE TRAFFIC SIGNALS THROUGH THE CITY PUBLIC WORKS AND TRANSPORTATION DEPARTMENT.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Fiscal Year 90-91 Final Statement of Community Development Objectives to approve \$6,200 in Community Development Block Grant (CDBG) Funds to the City Public Works and Transportation Department to install audible traffic signals at Briggsmore/Prescott and McHenry/Floyd Intersections, under the Handicapped Barrier Removal Program, as recommended by the Citizens Housing and Community Development Committee, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-154

AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITIES SERVICE PROGRAM/SENIOR NUTRITION PROGRAM TO INCREASE THEIR GRANT BY \$19,616 AND AMENDING THE 1990-91 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and the Senior Opportunities Service Program/ Senior Nutrition Program to increase their grant by \$19,616 and amending the 1990-91 Final Statement of Community Development Objectives

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-155

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
AUTHORIZING AND DIRECTING THE PREPARATION AND EXECUTION OF
CERTAIN LEASE FINANCING DOCUMENTS, AUTHORIZING THE
PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL
STATEMENT 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 Council of the City of Modesto, California
(the "City"), as follows:

WHEREAS, the City, working together with the Redevelopment Agency of
the City of Modesto (the "Agency"), has caused Certificates of Participation
(Modesto Community Center Project) (the "Prior Certificates") to be executed
and delivered in the aggregate principal amount of \$21,600,000, the proceeds
of which were used to refinance the acquisition, construction, installation
and equipping of certain capital improvements, as more particularly described
in the hereinafter defined Lease Agreement (the "Project"), and

WHEREAS, the City proposed to refinance the Project, and it is in
the public interest and for the public benefit that the City authorize and
direct the preparation and the execution of the hereinafter defined Lease
Agreement and certain other financing documents in connection therewith, and

WHEREAS, Merrill Lynch & Co. (the "Underwriter") has been directed
to prepare a preliminary official statement containing information material to
the offering and sale of the 1991 Certificates described below, and

WHEREAS, the documents below specified shall be filed with the City
and the members of the City Council, with the aid of its staff, shall review
said documents,

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Certificates of Participation (1991 Modesto Community Center Refinancing Project) (the "1991 Certificates") are hereby authorized to be executed and delivered pursuant to the provisions of the Trust Agreement hereinafter defined; provided, however, the payments of principal and interest with respect to the 1991 Certificates shall create a present value savings in comparison to the payments of principal and interest with respect to the Prior Certificates of not less than \$500,000. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to establish the principal amount of 1991 Certificates to be executed and delivered and to establish any other terms and provisions with respect to the 1991 Certificates, so long as such terms and provisions are substantially similar to the terms and provisions of the Prior Certificates.

Section 2. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to have prepared, and to review upon preparation thereof, the below-enumerated documents, the review and execution thereof as herein provided being conclusive evidence of the approval of such documents by the City, and any one of 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 site and facility lease between the City, as lessor, and the Agency, as lessee;

(b) a lease agreement, relating to the Project, between the Agency, as lessor, and the City, as lessee (the "Lease Agreement");

(c) a trust agreement, by and among the Agency, the City and an institution to be named therein, as trustee (the "Trust Agreement"), relating to the financing, and the execution and delivery of the 1991 Certificates evidencing the direct, undivided fractional interests of the owners thereof in lease payments to be made by the City under the Lease Agreement; and

(d) an escrow trust and deposit agreement, by and between the City and the trustee for the Prior Certificates pursuant to which the Prior Certificates will be defeased.

Section 3. The City 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 authorizes and directs 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 4. The Underwriter, on behalf of the City, is authorized and directed to cause the Preliminary Official Statement to be distributed to such investors and other persons as may be interested in purchasing the 1991 Certificates therein offered for sale if, in its judgment, such distribution would enhance the marketing of the 1991 Certificates.

Section 5. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to have prepared, and to review upon preparation thereof, a contract of purchase, by and between the Underwriter

and the City, pursuant to which the Underwriter agrees to purchase the 1991 Certificates, the review and execution thereof as herein provided being conclusive evidence of the approval of such contract of purchase hereby, and the Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute said document, with such changes, insertions and omissions as may be approved by such official.

Section 6. 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 1991 Certificates, 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 1991 Certificates, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the 1991 Certificates, and does not, as of the date of delivery of the 1991 Certificates, 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 7. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the 1991 Certificates.

Section 8. The law firm of Jones Hall Hill & White, A Professional Law Corporation, is hereby approved as special counsel to the City in connection with the transaction contemplated by this Resolution. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute an agreement for legal services, if any, in connection with the transaction contemplated by the Resolution.

Section 9. The financial consulting firm of Seidler-Fitzgerald Public Finance is hereby approved as financial consultant to the City in connection with the transaction contemplated by this Resolution. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute an agreement for financial consulting services, if any, in connection with the transaction contemplated by the Resolution.

Section 10. 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 11. 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 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:


By Stan T. Yamamoto
STAN T. YAMAMOTO, 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 at a meeting thereof on the 5th day of March, 1991, by the following vote of the members thereof:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-156

A RESOLUTION AMENDING COUNCIL RESOLUTION NO. 91-83 TO
AMEND THE EFFECTIVE DATE OF THE APPOINTMENT OF J. EDWARD
TEWES AS CITY MANAGER OF THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto, by Resolution No. 91-83 adopted February 5, 1991, appointed J. Edward Tewes as City Manager of the City of Modesto effective March 18, 1991, and

WHEREAS, the Council desires to amend said Resolution No. 91-83 to change the effective date of the appointment of J. Edward Tewes from March 18, 1991, to March 10, 1991,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Council Resolution No. 91-83 to appoint J. Edward Tewes to the position of City Manager of the City of Modesto effective March 10, 1991 as follows:

Effective Date. That March 10, 1991 shall be the effective date of the appointment of Mr. J. Edward Tewes to the City Manager position.

BE IT FURTHER RESOLVED that all other conditions of employment set forth in Council Resolution No. 91-83 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 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-157

A RESOLUTION APPOINTING MEMBER OF THE AIRPORT ADVISORY COMMITTEE (LARRY DAVIS)

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

SECTION 1. The following person is hereby appointed to the Airport
Advisory Committee for the respective term as indicated:

Larry Davis

Term expires: 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Airport
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 5th day of March, 1991,
by Councilmember Lang, who moved its adoption, which motion being
duly seconded by Councilmember Bird, was upon roll call carried and
the resolution adopted by the following vote:

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

ATTEST: *Norrme Coyle*
NORRME COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-158

A RESOLUTION APPOINTING STEPHEN BURKE TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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:

Stephen Burke

Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to 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 5th day of March, 19 91, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-~~458~~ 159

A RESOLUTION APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(NINA ZAGARIS)

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:

Nina Zagaris

Term expires: 1/1/92

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 5th day of March, 1991,
by Councilmember Lang, who moved its adoption, which motion being
duly seconded by Councilmember Bird, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrie Coyle*
NORRME COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-~~159~~ 160

A RESOLUTION APPOINTING MEMBER OF THE LANDMARK PRESERVATION COMMISSION (MARTHA COWDREY)

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

SECTION 1. The following person is hereby appointed to the LANDMARK PRESERVATION COMMISSION for the respective term as indicated:

Martha Cowdrey

Term expires: 1/1/93

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 5th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrme Coyle
NORRME COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-161

A RESOLUTION APPROVING A COST SHARING ARRANGEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO HIGH SCHOOL DISTRICT, STATING THE COUNCIL'S INTENTION TO CONTRIBUTE A PERCENTAGE OF THE COSTS RELATING TO THE CLAU ROAD PEDESTRIAN OVERCROSSING AT JOHANSEN HIGH SCHOOL AND AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS.

WHEREAS, an understanding has been reached between the City of Modesto and the Modesto High School district relating to the cost sharing arrangement involving the design and construction of a pedestrian overcrossing on Claus Road at Creekwood Drive to service Johansen High School and related public facilities, and

WHEREAS, the Council desires to indicate a commitment by the City to contribute forty (40) percent of the total cost of the project, and

WHEREAS, the Modesto High School District has agreed to contribute sixty (60) percent of the total cost of the project, and

WHEREAS, the estimated cost sharing amounts would be as follows:

<u>City (40%)</u>	<u>School District (60%)</u>	<u>Total</u>
\$564,600	\$847,000	\$1,411,600

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby states its intention to contribute \$564,600 which is forty (40) percent of the total cost of the design and construction of a pedestrian overcrossing on Claus Road at Creekwood Drive to service Johansen High School and related public facilities,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any and all documents necessary to provide for said cost sharing arrangement between the City of Modesto and the Modesto High School District for the pedestrian overcrossing on Claus Road at Creekwood Drive to service Johansen High School and related public facilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

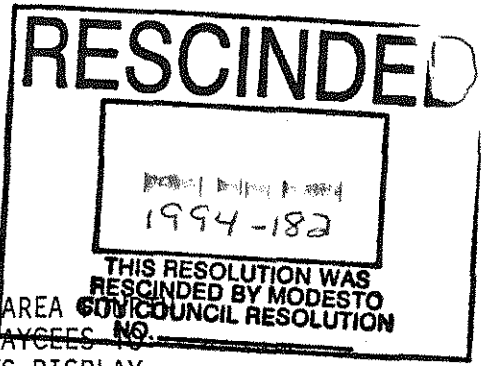
ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Link



MODESTO CITY COUNCIL
RESOLUTION NO. 91-162

A RESOLUTION GRANTING APPROVAL TO THE MODESTO AREA OF JULY CELEBRATION COMMITTEE OF THE MODESTO JAYCEES TO HOLD A PARADE, PICNIC IN THE PARK AND FIREWORKS DISPLAY FOR THE 1991 FOURTH OF JULY CELEBRATION IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Modesto Area Fourth of July Celebration Committee of the Modesto Jaycees (hereinafter referred to as the Committee) has filed a request with the City Council for permission to have a parade, picnic in the park, and fireworks display which will be held to celebrate the 1991 Fourth of July, and

WHEREAS, the Committee has requested the use of Graceada Park for the 1991 Fourth of July Celebration, and

WHEREAS, the Council deems it appropriate to grant approval and assistance to the Committee relating to its Fourth of July celebration, 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 1991 Fourth of July Celebration parade, picnic in the park and fireworks display:

1. The Committee is granted permission to use the bluff land adjacent to Dryden Park Golf Course (part of Tuolumne River Regional Park) for display of fireworks on the evening of Thursday, July 4, 1991, subject to the following conditions:

(a) That the weather conditions will not create any fire hazard to the surrounding area;

(b) That the City be reimbursed for any damages which may occur to the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses, and John Thurman Field;

(c) That arrangements be cleared by the Parks and Recreation Director and the Police Chief;

(d) That the fireworks display be conducted according to the requirements of the Fire Chief of the City of Modesto.

2. The City will supply two (2) standby fire trucks for the fireworks display.

3. The City will provide twelve (12) chemical toilets for use in the Dryden Park Driving Range for the fireworks display on Thursday, July 4, 1991.

4. "I" Street, between 11th and 12th Streets will be barricaded between 9:30 a.m. and 2:30 p.m. on Thursday, July 4, 1991, for the parade.

5. 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 8:00 a.m. for use for the parade on Thursday, July 4, 1991, and will remove said reviewing stand thereafter.

6. The Committee is granted permission to use a public address system at the reviewing stand for the parade. Said public address system to be furnished by the Committee.

7. The following parade route is approved as the parade route to be used on Thursday, July 4, 1991, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and F Streets, north on 10th to J Street; east on J Street to 11th Street; south on 11th to I Street; east on I Street to 16th Street; then disband.

8. The City will supply three (3) street sweepers for the parade.

9. The City will pay the Committee a total of Ten Thousand and no/100ths Dollars (\$10,000.00) to help defray some of the Committee's expenses such as insurance, postage, etc. for the 1991 Fourth of July fireworks display and parade.

10. The City will provide police assistance during the parade, picnic in the park, and fireworks display as deemed necessary by the Police Chief.

11. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb side parking for the Committee during park activities.

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

1. That the Committee's request to use Graceada Park relating to the Picnic in the Park 1991 Fourth of July Celebration is hereby approved subject to the following conditions:

- a. There shall be no amplified music in the Park.
- b. Alcoholic beverages shall not be sold.
- c. The number of booths in the park shall be limited to craftsman/purveyors of original art.
- d. The sale of food will be limited to one booth per kind of food.
- e. The Picnic in the Park 1991 Fourth of July Celebration shall not continue beyond the hour of 6:00 o'clock p.m. on said date.

2. That the City of Modesto will supply a minimum of ten (10) chemical toilets for use in the Graceada Park for the Picnic in the Park on, Thursday, July 4, 1991.

3. Dial-A-Ride service will operate on its regular schedule for handicapped and senior citizens on Thursday, July 4, 1991.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its 1991 parade, picnic in the park and fireworks display:

1. That the City of Modesto shall indemnify and hold harmless the Committee 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 ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That 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 Fourth of July parade, use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the streets and areas adjacent thereto for the Committee's fireworks display and the use of City facilities for the Committee's parade and picnic in the park.

3. That the Committee shall furnish to the City Clerk of City current and valid certificate(s) of insurance evidencing coverages of general and automobile liability insurance as shall protect the Committee and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Committee's use of Graceada Park and the areas adjacent thereto for the Committee's use of City facilities for the

Picnic in the Park and the Committee's use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the areas adjacent thereto for the Committee's fireworks display and the use of City facilities for the Committee's parade.

The amounts of Public Liability insurance shall be as follows:

Combined Single Limits of not less than One Million and no/100ths Dollars (\$1,000,000.00) per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and Two Hundred Thousand and no/100ths Dollars (\$200,000.00) for claims for property damage, subject to the approval of the Risk Manager.

The City, its elected or appointed officers, officials, employees and volunteers shall be included as additional insureds with regard to damages and defense of any and all claims arising from the named insureds' use of City property for the Fourth of July parade, fireworks display, bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and the areas adjacent thereto as well as John Thurman Field and the picnic in the park.

The Committee shall provide to the City Clerk copies of valid certificate(s) of insurance and an original endorsement naming the City as an additional insured. The certificates shall contain contractual liability certification provisions stating that the policies are extended to cover the liability assumed by the Committee under the terms of this resolution. The certificate(s) of insurance must be on file with the 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 1, 1991.

BE IT FURTHER RESOLVED that future Fourth of July celebrations consisting of parades, picnics in the park and/or fireworks displays are approved so long as each such event and activity complies with all ordinances, rules, regulations, orders, conditions or the like as the same now exists or as hereafter may be promulgated and all authorizations or approvals are first obtained from the City Manager, Police Chief, the Fire Chief, the Parks and Recreation Director or such other City officers as may be appropriate.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto 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 19th day of March, 1991, 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, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whitesdie

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

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-163

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL
BUDGET OF THE CITY OF MODESTO TO REAPPROPRIATE
REVENUES FOR TRAFFIC SIGNALS.

WHEREAS, the Public Works staff, as directed by Council, met extensively with the Planning Commission and Councilmembers to evaluate the prioritization of traffic improvement projects in the current CIP.

WHEREAS, as a result of the meetings, it was recommended by the Planning Commission that the traffic signal at Orangeburg and Claus be constructed prior to the traffic signal at Orangeburg and Kearney.

WHEREAS, the traffic signal at Orangeburg and Kearney is currently budgeted for \$121,000 in fund 141, and Orangeburg and Claus-engineering is budgeted for \$10,000 in fund 070. No work has been done on either project.

WHEREAS, Public works now wishes to remove the Orangeburg - Kearney traffic signal from the annual budget, and completely fund Orangeburg and Claus traffic signal in fund 141. The Orangeburg and Kearney traffic signal will be requested in the 1991-92 CIP.

WHEREAS, the Orangeburg and Claus traffic signal is fully fundable through CFF, and the \$10,000 budgeted in Gas Tax Fund (070), needs to be moved to CFF-Streets Fund (141).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91.

GAS TAX FUND (070)		
<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Expenditures		
070-160-P929-6000	Orangeburg/Claus T/Signal-eng.	\$ (10,000)
070-800-8000-8003	Contingency Reserve	10,000
CFF STREETS FUND (141)		
141-160-P957-6000	Orangeburg/Kearney T/Signal	\$(121,000)
141-160-P929-6000	Orangeburg/Claus T/Signal	\$ 110,000
141-800-8000-8003	Contingency Reserve	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 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-164

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FLOYD NEIGHBORHOOD PARK

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

SECTION 1. The plans and specifications for the Floyd Neighborhood 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 April 11, 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 19th day of March, 1991,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-165

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS FOR FURNISHING UTILITY TRUCKS AND VANS

WHEREAS, Resolution No. 91-64 , adopted by the Council of the City of Modesto on February 5, 1991, approved the plans and specifications for the purchase of utility trucks and vans

and authorized the calling for bids; and

WHEREAS, the bids received for utility trucks and vans

were opened at 11:00 a.m. on March 4, 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 Country Ford Trucks in the amount of \$91,133

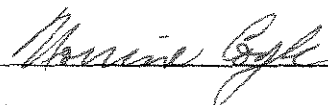
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks in the amount of \$91,133 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 19th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



MODESTO CITY COUNCIL
RESOLUTION NO. 91-166

A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND TRUCKS FOR FURNISHING UTILITY TRUCKS AND VANS

WHEREAS, Resolution No. 91-64 , adopted by the Council of the City of Modesto on February 5, 1991, approved the plans and specifications for the purchase of utility trucks and vans

and authorized the calling for bids; and

WHEREAS, the bids received for utility trucks and vans

were opened at 11:00 a.m. on March 4, 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 Dow Hammond Trucks for the total price of \$174,043

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dow Hammond Trucks for the total price of \$174,043 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 19th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Morrin Boyle

MODESTO CITY COUNCIL
RESOLUTION NO. 91-167

A RESOLUTION ACCEPTING THE BID OF F.B. HART CO. FOR FURNISHING UTILITY TRUCKS AND VANS

WHEREAS, Resolution No. 91-64 , adopted by the Council of the City of Modesto on February 5 , 1991 , approved the plans and specifications for the purchase of utility trucks and vans

and authorized the calling for bids; and

WHEREAS, the bids received for utility trucks and vans

were opened at 11:00 a.m. on March 4, 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 F.B. Hart Co. for the total price of \$216,554

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of F.B. Hart Co. for the total price of \$216,554 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 19th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 

MODERATOR: _____

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-168

A RESOLUTION ACCEPTING THE ADDITIONAL RIP RAP REPAIR AT THE STORAGE PONDS
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the additional rip rap repair at the storage ponds

has been completed by Cimarron Construction
in accordance with the contract agreement dated November 6, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the rip rap repair at the
storage ponds

be accepted from said contractor, Cimarron Construction ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$38,250 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 19th day of March ,
19 91, by Councilmember Lang , who moved its adoption, which
motion being duly seconded by Councilmember Bird , was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-169

A RESOLUTION ACCEPTING THE UNION AVENUE RAILROAD CROSSING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Union Avenue railroad crossing

has been completed by Western Stone Products, Inc.

in accordance with the contract agreement dated October 9, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the Union Avenue railroad
crossing

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 \$26,158.80 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 19th day of March ,
1991, by Councilmember Lang , who moved its adoption, which
motion being duly seconded by Councilmember Bird , was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-170

A RESOLUTION APPROVING THE REQUEST OF LIQUOR BARN FOR REFUND OF \$660.62 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Liquor Barn for refund of \$660.62 for overpayment of business license tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-171

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY HOUSING AUTHORITY ENABLING THEM TO USE SINGLE FAMILY MORTGAGE REVENUE BOND PROCEEDS TO FINANCE ABOUT 200 SINGLE FAMILY RESIDENCES FOR FIRST TIME HOME-BUYERS WITHIN THE CITY LIMITS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Housing Authority, enabling them to use Single Family Mortgage Revenue Bond proceeds to finance about 200 single family residences for first time homebuyers within the City limits

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-172

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, AUTHORIZING PARTICIPATION IN A HOME MORTGAGE FINANCE PROGRAM IN COOPERATION WITH THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR AN ALLOCATION TO ISSUE QUALIFIED MORTGAGE BONDS AND AUTHORIZING ASSIGNMENT OF SUCH BONDS AND AUTHORIZING ASSIGNMENT OF SUCH ALLOCATION TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS.

WHEREAS, there is a shortage throughout Stanislaus County (the "COUNTY") of decent, safe and sanitary housing which is affordable to first-time home buyers who are persons of low and moderate income and a consequent need to encourage the construction or development of homes affordable by such persons and otherwise increase the housing supply in the County for such persons, and

WHEREAS, the Board of Commissioners of the Housing Authority of the County of Stanislaus (the "Authority") has heretofore adopted its resolution declaring its intent to engage in home mortgage finance program (the "Program") pursuant to Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code of the State of California (the "Act"), and

WHEREAS, the City desires to cooperate with the Authority and authorize the Authority to use its best efforts to provide financing for first time home buyers of low and moderate income to secure single family home mortgages for homes located within the boundaries of the City in accordance with the Program, and

WHEREAS, the Authority intends to issue bonds (the "Bonds") pursuant to the Act to provide funds for the Program, and

WHEREAS, before issuing the Bonds, the Authority must apply for and receive a private activity bond allocation from the California Debt Limit Allocation Committee or other appropriate state committee grant allocations (the "Committee"), and

WHEREAS, the Authority can obtain an allocation from the Committee in the maximum amount of only TWENTY MILLION DOLLARS (\$20,000,000.00), and in order for there to be sufficient allocation to permit home mortgages to be originated from proceeds of the bonds with respect to homes located in the City it is necessary for the City to obtain an allocation from the Committee and to assign said allocation to the Housing Authority.

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

Section 1. Cooperative Agreement. The City Council hereby authorizes the Authority to use its best efforts to provide financing for first time home buyers of low and moderate income with respect to single family home mortgages for homes located within the boundaries of the City in accordance with the Program; subject, however, to the applicable provisions of the Act, as amended and the proceedings to be had and taken for the issuance of the Bonds, including the availability of proceeds of such Bonds for such purposes. The form of the Agreement of Cooperation presented to this meeting is hereby approved and the City Manager is hereby authorized and directed to execute and the City Clerk is authorized and directed to attest said Agreement of Cooperation in substantially the form presented with such insubstantial changes thereto as may be approved by the officers executing the same such approval to be conclusively evidenced by the execution thereof.

Section 2. Private Activity Bond Allocation. The City Manager or the City Manager's designee is hereby authorized to apply to the Committee for a private activity bond allocation for Single Family Mortgage Revenue Bonds in an amount not to exceed Twenty Million and no/100ths (\$20,000,000.00) Dollars, the allocation received by the City shall be assigned to the Authority, which will issue qualified mortgage bonds pursuant to the terms of the Program to make mortgage loans to first time home buyers of low and moderate income. The City Manager or the City Manager's designee is hereby directed to take such steps and execute such documents as are necessary to effect the assignment of such allocation to the Authority.

Section 3. Official Actions. The officers and employees of the City are hereby authorized and directed, jointly and severally, to do any and all things necessary or advisable in order to effectuate the purposes of this resolution or the issuance of the Bonds by the Authority, and any and all actions previously taken by such officers and employees in connection with the matters herein are hereby ratified and approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-173

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

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry and Patricia Askew and David and Sandra Mesenhimer, dba Modesto Flight Center for lease of a portion of Hangar No. 1 and four tie-downs at the 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 19th day of March , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-174

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

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry and Patricia Askew and David and Sandra Mesenhimer, dba Modesto Flight Center for lease of Office Building No. 1, Hangar No. 5, and tie-downs at the Modesto City-County Airport

be, and it is hereby approved.

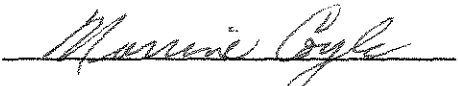
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-175

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAY A. & PATRICIA G. FRIESEN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 717 BRIGGS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Jay A. and Patricia G. Friesen for sewer service to property outside City limits at 717 Briggs Avenue, located on the north side of Briggs Avenue between Wheatley Avenue and Spencer 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 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-176

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH PERRY, JR.
TO STATE THE TERMS OF RIGHT OF ENTRY NEEDED TO PERFORM WORK ON PRIVATE PROPERTY
FOR THE JEFFERSON STREET LIFT STATION CONSTRUCTION PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Ralph Perry, Jr., to state the terms
of Right of Entry needed to perform work on private property for the Jefferson
Street lift station construction 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 March , 1991, by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember Bird , was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-177

A RESOLUTION ACCEPTING A RIGHT OF ENTRY FROM RALPH PERRY, JR. TO PERFORM WORK ON PRIVATE PROPERTY FOR THE JEFFERSON STREET LIFT STATION CONSTRUCTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Right of Entry from Ralph Perry, Jr. to perform work on private property for the Jefferson Street lift station construction project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Right 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 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION 91-178

A RESOLUTION ACCEPTING THE "HOUSING NEEDS REPORT,
STANISLAUS COUNTY AND ITS CITIES, VOLUME III, 1990-1997"
PREPARED BY STANISLAUS AREA ASSOCIATION OF GOVERNMENTS

WHEREAS, the Stanislaus Area Association of Governments (hereinafter "SAAG") is the local council of governments and is an areawide planning organization; and

WHEREAS, each council of governments is required by Section 65584 of the Government Code, as added by Chapter 1143, Statutes of 1980, (hereinafter "Section 65584"), to determine the existing and projected housing needs for its region; and

WHEREAS, each council of governments is further required to determine each city's and county's share of the regional housing needs; and

WHEREAS, the Housing Needs Report, Stanislaus County and its Cities, Volume III, 1990-1997 (hereinafter "Housing Needs Report") is intended to satisfy all State requirements for determining local and regional housing needs; and

WHEREAS, SAAG's staff has prepared and circulated, for public review and comment, a draft Housing Needs Report, meeting the requirements of Section 65584; and

WHEREAS, on February 13, 1991, SAAG's Executive Policy Board considered the proposed Housing Needs Report and comments thereon; and

WHEREAS, SAAG's Executive Policy Board found that such report includes consideration of all factors listed in Section 65584 in proposing the initial determination of regional housing needs; and

WHEREAS, the Housing Needs Report, was approved by SAAG's Executive Policy Board for the purpose of beginning the official review and revision of the determinations contained therein; and

WHEREAS, SAAG's staff have worked with the staff of the City of Modesto to ensure that the most complete and reliable information has been used in the determination of housing needs for this jurisdiction; and

WHEREAS, Section 65584(c) states that a local government may, within 90 days of the council of governments above decision, revise the determination of its share of the regional housing needs; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 65584, the City of Modesto hereby accepts its Regional Housing Needs, as contained in the "Housing Needs Report, Stanislaus County and its Cities, Volume III, 1990-1997"; and

BE IT FURTHER RESOLVED, that the City of Modesto may, at a later date, revise its share of the regional housing need, based upon available data and accepted planning methodology in accordance with the requirements of Section 65584;

PASSED AND ADOPTED by the Council of the City of Modesto, this 19th day of March, 1991, by the following vote:

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird was upon roll call carried and the resolution adopted by the following vote:

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

NOES: None

ABSENT: None

ATTEST:



NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By:



STAN T. YAMAMOTO

MODESTO CITY COUNCIL
RESOLUTION NO. 91-179

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:

ASSISTANT TRAFFIC ENGINEER

The specification for the classification created, 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 March 19, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ASSISTANT TRAFFIC ENGINEER

DEFINITION

To perform technical traffic engineering work; and to provide technical staff assistance to higher level engineering staff.

DISTINGUISHING CHARACTERISTICS

This is the entry level class in the professional traffic engineering series. Employees in this classification perform a wide range of traffic engineering duties. Employees at this level work under general supervision while learning job tasks and are expected to perform at the journey level within prescribed time frames. Employees at this level exercise some independence and discretion in the performance of their jobs.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level engineering staff.

Exercises technical supervision over technical staff within the traffic engineering division.

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

Evaluate traffic flow within the City; conduct traffic engineering studies and surveys.

Track accidents within the City to identify potentially hazardous situations; recommend changes to improve traffic safety.

Design, plan and coordinate traffic signal installations; review and design modifications in signal timing and design.

Design and modify design of traffic striping plans and traffic signs.

Review and respond to citizen requests relating to traffic flow and safety.

Review site development plans to assess impact to traffic flow, compatibility and accessibility of streets, circulation and accessibility for pedestrians and parking design, and conformance with City standards.

Assist in reviewing and recommending modifications or additions to the circulation element of the general plan.

Design and coordinate street lighting plans.

Meet with developers and community groups to discuss various issues relating to traffic management and operations.

Performs related and other duties as required.

QUALIFICATIONS

Knowledge of:

Principles and practices of traffic engineering.

Pertinent Federal, State and local rules, regulations and ordinances.

Trends, developments, current literature and sources of information regarding traffic engineering.

Methods, materials and techniques used in the construction of traffic engineering projects.

Ability to:

Design, check and prepare engineering plans.

Understand and interpret engineering construction plans, specifications and contract documents.

Perform technical research.

Conduct engineering studies and surveys; prepare and present recommendations.

Ensure compliance with Federal, State and local rules, regulations and ordinances.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Use computer software such as SOAP, PASSER, Auto Cad, Transit and Netsim is highly desirable.

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:

Training:

A Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

Experience:

Experience in traffic engineering is desirable.

License or Certificate:

Possession of a valid California Class C (Class III) driver's license at time of appointment.

File

MODESTO CITY COUNCIL
RESOLUTION NO. 91-180

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 90-607 ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 19, 1991", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds Assistant Traffic Engineer to the Class Range Table, salary range 432.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 19, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
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 March 19, 1991

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 Personnel Manager Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
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

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

Effective March 19, 1991

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
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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-181

A RESOLUTION AUTHORIZING A THIRD QUARTER PAYMENT TO THE COUNTY OF STANISLAUS AS PART OF THE CITY OF MODESTO'S CONTRIBUTION TOWARD THE STANISLAUS COUNTY FREE LIBRARY OPERATIONS.

WHEREAS, in the City of Modesto's 1990-91 Operating Budget the Council of the City of Modesto appropriated funds in the amount of \$634,496 for contribution toward the Stanislaus County Free Library main branch operations, and

WHEREAS, first and second quarter payments to the County of Stanislaus have previously been authorized until such time as an agreement for shared administrative decision making purposes could be entered into between the City of Modesto and the County of Stanislaus, and

WHEREAS, at its meeting of February 19, 1991, the Council of the City of Modesto agreed to approve a third quarter payment to the County of Stanislaus toward the Stanislaus County Free Library main branch operations, conditioned upon pending ongoing negotiations to secure an agreement as mentioned above,


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a third quarter payment to the County of Stanislaus in the amount of \$160,000 as part of the City of Modesto's contribution toward the Stanislaus County Free Library main branch operations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

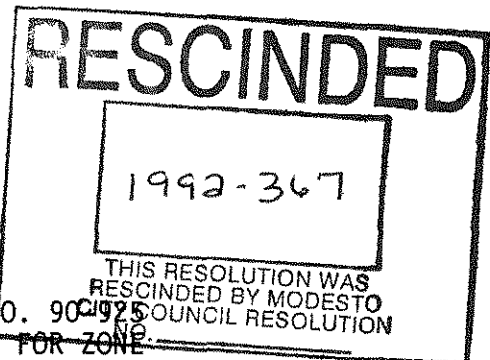
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 91-182

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 90-925 ENTITLED "A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 89-987" TO REVISE THE FILING FEES RELATING TO THE ENVIRONMENTAL ASSESSMENT PROCESS.

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 "City of Modesto Environmental Review Guidelines for Compliance with the California Environmental Quality Act" 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, as of January 1, 1991, a State Department of Fish and Game review fee, pursuant to AB 3158, is required at the time of filing of the Notice of Determination, said fee to be collected by the Planning and Community Development Department in advance of the final hearing on a project and only those projects where a "de minimis" (less than significant) finding can be made by staff are exempt from paying said fees, and

WHEREAS, in accordance with the new legislation, the County Clerk-Recorder is empowered to collect an administrative fee of \$25 for filing of all Notices of Determination, thus, virtually all projects that go before the Environmental Assessment Committee will be subject to said additional fee, and

WHEREAS, on February 5, 1991, the County Board of Supervisors adopted an ordinance that implements AB 3158 (Fees for Filing Notices) by charging \$25 for filing all Notices of Determinations; AB 3158 requires the payment of a review fee for environmental documents reviewed by the Department of Fish and Game and authorizes the County Clerk-Recorder to charge a \$25 administrative fee for all Notices of Determinations, and

WHEREAS, project sponsors, both public and private, are now required to pay the appropriate fee when filing Notices of Determination, and

WHEREAS, in order to ensure that no City projects are delayed, an amendment to City Council Resolution No. 90-925 is needed to modify the Environmental Assessment fee schedule to change the existing initial fee from \$390 to \$415,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 90-925 entitled "A Resolution Establishing Filing Fees for Zone Boundary Changes, Use Permits, Variances, Environmental Review, Subdivisions, and other Applications, and Rescinding Resolution No. 89-987", is hereby amended to read as follows:

"SECTION 1. FEES. The following filing fees and environmental review fees are hereby established:

(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	415.00
- staff evaluation of special studies	380.00
- Environmental Impact Report	Actual Cost
- Environmental Impact Report deposit	\$2,000 advance deposit. Refund or balance due upon completion of final EIR
(q) Appeals	
- of Planning Commission or 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"	

(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	415.00
- staff evaluation of special studies	380.00
- Environmental Impact Report	Actual Cost
- Environmental Impact Report deposit	\$2,000 advance deposit. Refund or balance due upon completion of final EIR
(q) Appeals	
- of Planning Commission or 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"	

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 90-925 not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED that this resolution shall become 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 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

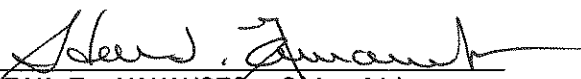
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-183

A RESOLUTION ACCEPTING IMPROVEMENTS IN COUNTRY RANCH IV SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS AND SAVINGS ACCOUNT
ASSIGNMENTS

WHEREAS, Bright Development, subdividers of Country Ranch IV Subdivision, have filed Irrevocable Commitment of Funds in the amount of \$300,000 and Savings account assignment in the amount of \$23,600 for faithful performance, and Irrevocable Commitment of Funds in the amount of \$150,000 and savings account assignment in the amount of \$11,800 for labor and materials, to guarantee improvements in Country Ranch IV Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated March 6, 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 Irrevocable Commitment of Funds and savings account assignments upon expiration of the statutory period.

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

1. The improvements in Country Ranch IV Subdivision are hereby accepted.
2. The City Clerk is hereby authorized the release the Irrevocable Commitment of Funds for faithful performance in the amount of \$300,000 and savings account assignment in the amount of \$23,600 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 \$150,000, and savings account assignment in the amount of \$11,800 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 19th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-184

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ELWYN JOHNSON FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE MARCH 19, 1991

WHEREAS, Elwyn Johnson was appointed a member of the International Friendship Committee on February 23, 1988; and

WHEREAS, Elwyn Johnson has tendered his resignation from the International Friendship Committee effective March 19, 1991; and

WHEREAS, Elwyn Johnson 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 Elwyn Johnson 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 Elwyn Johnson 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 19th day of March, 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-185

A RESOLUTION ESTABLISHING PROCEDURES AND REQUIREMENTS FOR
THE CONSIDERATION OF DEVELOPMENT AGREEMENTS.

WHEREAS, Government Code section 65864 et seq. authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, a set of "Procedures and Requirements for the Consideration of Development Agreements" by the City has been prepared, and has been reviewed and recommended for approval by the City Attorney and Planning and Community Development Director, and

WHEREAS, the public health, safety and general welfare will be promoted by the adoption of such Procedures and Requirements by, among other things, providing certainty and consistency to the processes involved in the application for, and timely consideration of, development agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Procedures and Requirements for the Consideration of Development Agreements, attached hereto as Exhibit A and incorporated herein by this reference, are hereby adopted, and that the Planning and Community Development Director or his designee is instructed to prepare, or cause to be prepared, application forms, checklists and such other documents as required by, or necessary or appropriate to the implementation of, said Procedures and Regulations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

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

EXHIBIT A

PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION
OF
DEVELOPMENT AGREEMENTS

TABLE OF ARTICLES

ARTICLE 1	APPLICATIONS
ARTICLE 2	NOTICE AND HEARINGS
ARTICLE 3	STANDARDS OF REVIEW, FINDINGS AND DECISION
ARTICLE 4	RECORDATION
ARTICLE 5	ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE
ARTICLE 6	COMPLIANCE, MODIFICATION OR TERMINATION
ARTICLE 7	MISCELLANEOUS PROVISIONS

ARTICLE 1. APPLICATIONS

Section 101. Authority for Adoption. These regulations are adopted pursuant to Government Code section 65864 et seq.

Section 102. Coordination with Related Laws. Processing an application with the City of Modesto (the "City") for a development agreement must be done in coordination with other related City ordinances, regulations, policies and standards, including without limitation the City's General Plan, specific plans, zoning and subdivision map requirements.

Section 103. Forms and Information.

(a) Forms. The Planning and Community Development Director or the designee (the "Director") shall prepare or cause to be prepared an application form, a standard notice form, and all other documents provided for, required under, or necessary or appropriate to the implementation of these regulations and the preparation and implementation of a development agreement. Prior to the completion of such forms, application may be made to the City for a development agreement, provided the application satisfies the requirements of Section 105(a) and (b) herein.

(b) Information. The Director shall require the submittal of such information and supporting data as the Director considers necessary or appropriate for the processing of an application for a development agreement.

Section 104. Qualification as an Applicant.

(a) Only a qualified applicant may file an application for a development agreement. A qualified applicant is any person or business entity, or authorized agent of either, or any successors in interest thereto (the "Applicant"), who has legal or equitable interest in the real property which is the subject of the development agreement. The Director may require a Applicant to submit proof of such interest and/or authorization to act on behalf of the Applicant of such interest as the Director considers necessary or appropriate.

(b) The minimum combined project size, including the combined total of a phased development, eligible for development agreement consideration shall be fifty thousand (50,000) square feet for a commercial, retail office, medical office and other non-residential uses; or one hundred (100) dwelling units. In the case of a mixed use development, combining residential and commercial uses, each residential unit shall be counted as five hundred (500) square feet of commercial area.

Section 105. Proposed Form of Agreement.

(a) Submitted Agreement. Each application shall clearly state that it is an application for a development agreement, and shall include the proposed draft development agreement (the "Submitted Agreement"). The Submitted Agreement shall contain, without limitation, the provisions required under Government Code section 65864 et seq., particularly Section 65865.2, which includes:

- (1) duration of the agreement;
- (2) permitted uses of the property;
- (3) density or intensity of use;
- (4) maximum height and size of proposed buildings; and
- (5) provisions for reservation or dedication of land for public purposes.

(b) Additional Information. In addition to the mandatory elements described above, the Submitted Agreement may also include:

- (1) conditions, terms, restrictions and requirements for subsequent discretionary actions by the City;
- (2) terms and conditions relating to the construction and financing of necessary public facilities and reimbursement relating to same; and

- (3) terms and conditions requiring that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

Section 106. Review of Application.

(a) Time Of Review. Not later than thirty (30) calendar days after the Director has received an application for a development agreement, the Director shall review the application for sufficiency, shall determine in writing whether the application is complete and shall transmit that written determination to the Applicant. If the application is determined to be incomplete, the Director shall describe those parts of the application which are incomplete, and indicate the manner in which the application can be made complete, which may include but not be limited to a list and general description of the information needed to complete the application. The Applicant shall submit materials to the Director in response to that list and description.

(b) Additional Submittals. Upon receipt of any materials submitted to the Director in response to the Director's written determination regarding the completeness and sufficiency of the application, a new thirty (30) calendar day period shall begin, during which the Director shall again take the steps described in subdivision (a) of this Section in determining the sufficiency and completeness of the application.

(c) Staff Report and Recommendation. Within thirty (30) days after receiving an application determined to be sufficient, the Director shall submit the proposed development agreement and any materials appended thereto for review in accordance with Title IV, Chapter 10. Environmental Impact, of the Modesto Municipal Code, and any and all guidelines or procedures established therefore. Upon completion of said review, the Director shall: (1) prepare or cause to be prepared a staff report and recommendation; (2) shall offer an opinion as to whether the agreement as proposed or in an amended form would be consistent with the General Plan, any specific plan, and other applicable City and/or State land use regulations; and (3) notify the applicant that the proposed development agreement is calendared for a public hearing before the Planning Commission.

In addition and concurrently with compliance with Title IV, Chapter 10. Environmental Impact, the Director may transmit copies of the application and Submitted Agreement to appropriate City departments. If the Director elects to transmit the application and Submitted Agreement to such appropriate City departments, the Director shall specify a time period for response.

ARTICLE 2. NOTICE AND HEARINGS.

Section 201. Planning Commission and City Council Hearings.

(a) Generally. All proposed development agreements shall be considered at public hearings before the Modesto Planning Commission (the "Commission") and Modesto City Council (the "Council"), which are noticed, conducted and concluded pursuant to this Article 2.

(b) Planning Commission. A public hearing on a proposed development agreement shall be held by the Commission not more than sixty (60) calendar days after compliance with Title IV, Chapter 10, of the Modesto Municipal Code and the guidelines or procedures related thereto. The Commission may continue the public hearing from time to time but not to exceed forty-five (45) days from the original hearing date. The Commission shall make its written recommendation to the Council, pursuant to Section 301 of this Resolution, no later than fifteen (15) calendar days after the conclusion of its public hearing on the proposed development agreement. Notice of such hearing(s) and the Commission's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

(c) City Council. A public hearing on a proposed development agreement shall be held by the Council not more than forty-five (45) calendar days from the date the Commission makes its written recommendation regarding a proposed development agreement to the City Council. The public hearing may be continued from time to time, but not to exceed sixty (60) calendar days from the hearing date specified in the original notice of public hearing. Notice of such hearing(s) and the Council's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

If the Council finds that the proposed development agreement is consistent with the City's General Plan and any applicable specific plan, and that the agreement will promote the public health, safety and general welfare, it may, but is not required to approve, the development agreement.

Section 202. Duty to Give Notice. The Director shall give notice of the Commission's and/or Council's intention to consider the adoption of the development agreement, and of any other public hearings required by law or this Resolution, pursuant to this Article 2.

Section 203. Form and Time of Notice.

(a) Form of Notice. The form of the notice of intention to consider adoption of proposed development agreements shall contain without limitation:

- (1) the date, time and place of the hearing;
- (2) the identity of the hearing body or officer;

- (3) a general explanation of the matter to be considered;
- (4) a general description, in text or by diagram of the location of the real property that is the subject of the development agreement and the hearing;
- (5) the location(s) where a copy of the proposed development agreement may be reviewed; and
- (6) any proposals in the development agreement affecting the City's General Plan or any applicable prior approvals of the project.
- (7) a notice substantially stating all of the following: "If you challenge the development agreement in any court of law, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (Planning Commission or City Council) at, or prior to, the public hearing.

(b) Time and Manner of Notice. Notice of the Commission's or Council's intention to consider the adoption of a proposed development agreement at a public hearing shall be given pursuant to Government Code Section 65867.

Section 204. Failure to Receive Notice. The failure of any person entitled to receive notice required by law or these regulations does not and shall not constitute grounds for invalidation of any actions of the City for which the notice was given.

Section 205. Irregularity in Proceedings. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to application, notice, record, findings, hearing, report, recommendation, or any matters or procedures whatever, unless after an examination of the totality of the circumstances, including the administrative record, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. No presumption of prejudice or injury shall arise from any showing of an error having occurred.

ARTICLE 3. STANDARDS OF REVIEW, FINDINGS AND DECISION.

Section 301. Determination by Planning Commission. At a public hearing(s), noticed conducted and concluded pursuant to Article 2 herein, the Commission shall review and consider the staff report and testimony or

comments offered by the Applicant and the public at or before its public hearing on the proposed development agreement. After said hearing(s), the Commission shall make its recommendation, and the reasons therefore, in writing to the Council, which shall include, without limitation, the Commission's determination as to whether or not the proposed development agreement:

(a) is consistent with the goals, objectives, policies, standards, programs and uses specified in the General Plan, and any applicable specific plan;

(b) is consistent with the specific content and other requirements of this Resolution, the City's subdivision and zoning provisions of the Modesto Municipal Code, and Government Code Section 65864 et seq.; and

(c) is in compliance with the California Environmental Quality Act.

Section 302. Decision by City Council.

(a) Ordinance; Public Hearing. The adoption of a development agreement is a legislative act and shall be approved by ordinance only after a public hearing before the Council, noticed, conducted and concluded pursuant to Article 2 herein.

ARTICLE 4. RECORDATION.

Section 401. Recordation of Development Agreement.

(a) Original Recordation. Within ten (10) business days after the City or its authorized agent enters into the development agreement, the Director shall record with the Stanislaus County Recorder's Office, a copy of the development agreement, which shall describe the land subject thereto. From and after the time of such recordation, the development agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the development agreement.

(b) Subsequent Recordation. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868, the Director shall have notice of such action recorded with the Stanislaus County Recorder's Office.

ARTICLE 5. ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE.

Section 501. Time for Review. The Applicant's best efforts shall be required to initiate an annual review by submitting a written request for same at least seventy-five (75) calendar days prior to the review date specified in the development agreement. An annual review shall occur at least every twelve (12) months from the effective date of the agreement. The

Applicant shall be required to demonstrate good faith compliance with the terms of the development agreement.

Section 502. Delegation to Planning and Community Development Director. Any annual or periodic review shall be conducted by the Director.

Section 503. Notice of Annual Review. The Director shall begin an annual or periodic review process by giving at least ten (10) calendar days advance notice to the Applicant and any other parties to the development agreement of the time, date and place at which the matter will be considered by the Director.

Section 504. Public Hearing. The Director shall conduct a noticed public hearing pursuant to procedures set forth in Article 2 herein, at which time the Applicant shall have the burden of proof, based upon substantial evidence, good faith compliance with the terms of the development agreement.

Section 505. Evidence and Findings.

(a) Written Findings. The Director shall make written findings based on substantial evidence in the record whether or not the Applicant has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

(b) Compliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded, and the City shall not modify or terminate the agreement absent Applicant consent.

Upon the determination of compliance, the Director may issue a "Finding of Compliance," which shall be in recordable form and may be recorded by the Applicant, at the Applicant's expense, in the Stanislaus County Recorder's Office after conclusion of the annual review. The following events shall be a final and conclusive determination of compliance and shall complete the review for the applicable period: (i) the issuance of a Finding of Compliance by the Director and the expiration of the appeal period hereinafter specified (without an appeal being filed); (ii) the confirmation by the Council of the issuance of the Finding of Compliance on such appeal; or (iii) the lack of a Finding of Noncompliance within thirty (30) days after the review date specified in the development agreement.

(c) Noncompliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has not complied in good faith with the terms and conditions of the development agreement during the period under review, the Director shall issue a "Finding of Noncompliance" which may be recorded by the City in the Stanislaus County Recorder's Office. The Director shall state in writing to the Applicant the respects in which Applicant has failed to comply, and shall set forth, to the extent possible, terms of compliance and state a reasonable time for the Applicant to meet the terms of compliance.

If the Applicant subsequently fails to comply with the Director's terms of compliance within the prescribed time limits, the development agreement shall be subject to Council action pursuant to Article 6 herein.

(d) Appeal of Determination. Upon issuance of either a Finding of Compliance or a Finding of Noncompliance, the Director shall give public notice of the issuance in the manner provided by Section 2(a) herein. An appeal may be brought regarding the issuance of a Finding of Compliance or Finding of Noncompliance within fifteen (15) calendar days after the Director has issued a notice of such determination. An appeal of the Director's determination to the Council shall be noticed pursuant to Article 2 herein and conducted in the same manner as any other adjudicatory appeal before the Council, at which time both oral and written testimony or comments shall be taken and considered and written findings thereon made which support the conclusions and determinations made by the Council. If no appeal to the Director's determination of a Finding of Compliance or a Finding of Noncompliance is filed within fifteen (15) calendar days of the giving of public notice, such determination shall become final and conclusive.

ARTICLE 6. COMPLIANCE, MODIFICATION OR TERMINATION.

Section 601. City Council Proceedings. If an appeal is brought pursuant to Section 505 (d) herein, or if the Director intends to take action under Section 505 (c) herein, the Council shall review and consider the findings and determinations of the Director made pursuant to Article 5 herein, any oral or written testimony or comments submitted prior to or at a public hearing noticed, conducted and concluded pursuant to Article 2, and shall further determine whether or not to modify or terminate the development agreement, to add, delete or modify conditions of compliance, to rescind the Finding of Compliance or Finding of Noncompliance or order the issuance of a different finding, or to take such other action as the Council determines necessary or appropriate.

Section 602. Other Actions by City Council. The Council may refer any matter under Articles 1-7 herein to the Commission for further proceedings, including without limitation, promulgation of a report and recommendation. Any such Commission proceedings shall be noticed, conducted and concluded pursuant to Article 2 herein. The Council may also take such other actions as it determines necessary or appropriate. The decision of the Council shall be final and conclusive.

Section 603. Cancellation or Modification by Mutual Consent. Any development agreement may be cancelled or modified by mutual consent of the parties, but only in the manner provided for in Government Code Section 65868.

In the event that a development agreement is cancelled or terminated, all rights of the Applicant or any successors in interest pursuant to the agreement shall terminate. The City may, in its sole discretion, and

upon a finding of noncompliance determine to retain any and all benefits, including reservations or dedications of land, and payment of fees, obligated to or received by the City.

Notwithstanding the above paragraph, any termination or cancellation of the development agreement shall not prevent the Applicant from completing a building or other improvements authorized pursuant to a valid building permit, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring after termination or cancellation of the development agreement.

ARTICLE 7. MISCELLANEOUS PROVISIONS

Section 701. Effect of Development Agreement. The following development agreement provisions are declaratory of existing law pursuant to Government Code Section 65866. If State law is subsequently amended to prescribe different development agreement requirements, those requirements shall supersede the following provisions:

(a) unless otherwise provided by the development agreement, the City's rules, regulations and official policies governing permitted uses of the property, density, design, improvement, and construction standards and specifications applicable to the development of the real property subject to a development agreement shall be those City rules, regulations and official policies in force on the effective date of the development agreement.

(b) a development agreement shall not prevent the City in subsequent actions applicable to the real property described in the agreement, from applying new rules, regulations and official policies which do not conflict with those rules, regulations and official policies applicable to said real property as set forth in the development agreement.

(c) a development agreement shall not prevent City from denying or conditionally approving any subsequent land use permit or authorization for the real property described in the agreement, on the basis of such existing or new rules, regulations, and official policies.

Section 702. Construction. This Resolution governs the interpretation of any development agreement enacted under this Resolution.

Section 703. Judicial Review; Time Limitations.

(a) Any judicial review of a legislative act of the City taken pursuant to this Resolution and relating to a development agreement, such as the adoption of an ordinance approving a development agreement, shall be by writ of mandate pursuant to Code of Civil Procedure Section 1085; any judicial review of any adjudicatory act of the City taken pursuant to this Resolution and relating to development agreement shall be by writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

(b) Any action or proceeding to attack, review, set aside, void or annul any adjudicatory action of the City taken pursuant to this Resolution and relating to a development agreement shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the action, as authorized by Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 704. Reimbursement for Costs. Fees and charges imposed for the filing and processing of each application and document provided for or approved under this Resolution, including appeals, annual reviews, and administration of development agreements shall be based on the established hourly rate for all development applications as established and periodically amended by separate Council Resolution.

Section 705. Indemnity. All development agreements shall contain an indemnity clause requiring the Applicant to indemnify and hold the City harmless against any and all claims arising out of the development agreement process, including all legal fees and costs.

Section 706. Separate Procedure. This Resolution setting forth the procedures and requirements for the consideration of development agreements is and shall be a separate procedure from other land use planning procedures and shall not take the place of the City's General Plan, any specific plan, zoning ordinance, development plan, conditional use permit or any other City planning procedures or functions. Public hearings on a proposed development agreement may, but need not be held concurrently with any other public hearings on related land use matters.

Section 707. Enforcement of Development Agreements. The procedures for enforcement, modification or termination of a development agreement specified in this Section and Government Code Section 65865.4, as the same now exists or hereafter may be amended, are non-exclusive. A development agreement may be enforced, modified or terminated in any manner otherwise provided by law or by the terms of the development agreement.

Section 708. Severability. Should any provision of this Resolution or a subsequent development agreement be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Resolution or any development agreement shall remain in full force and effect unimpaired by the holding except as may otherwise be provided in a development agreement.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-186

A RESOLUTION AMENDING THE CITY OF MODESTO'S AFFIRMATIVE ACTION POLICY STATEMENT

WHEREAS, on April 7, 1987, by Resolution No. 87-238, the City Council adopted an Affirmative Action Policy statement that included only seven of the ten required protected groups, reflecting the requirements and guidelines established by the California Fair Employment and Housing Act and Section 8014(a) (1) of the California Administrative Code; and

WHEREAS, the Affirmative Action Commission has reviewed the amended Affirmative Action Policy and approved the amended statement demonstrating the City of Modesto's commitment to equal opportunity for all persons regardless of their medical condition (cancer related), ancestry or physical handicap (including AIDS).

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the amended policy statement entitled "Affirmative Action Policy Statement", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

AFFIRMATIVE ACTION

POLICY STATEMENT

The Modesto City Council is committed to the principles of justice, equal opportunity and nondiscrimination in all employment practices. We fully endorse the policy of equal opportunity and have committed the City of Modesto to a program of affirmative action to provide employees and applicants equal employment opportunities in all departments and job classifications within the City. The City's Affirmative Action Program aims at: identifying and eliminating the effects of any past discrimination; removing any artificial barriers to the employment of women, minority and handicapped persons; improving the ratio of women, minority and handicapped employees at all levels of employment so that it approximates parity in the labor market; and providing a continuing program of training and promotion for such employees.

The Modesto City Council recognizes an individual's right to secure employment with the City of Modesto in any field of endeavor based on his/her merit and qualifications. The City will not participate in discriminatory practices against any person employed or seeking employment because of race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS) or sexual orientation. Equal employment opportunity extends, but is not limited to recruitment, compensation, benefits, layoff, termination and all other conditions of employment.

As an integral part of the Modesto City Council's affirmative action policy, the Council also recognizes the need to actively recruit, identify and encourage minority enterprises to enter the contract bidding process of the City of Modesto. As potential minority bidders are identified, they will be contacted and made familiar with the bidding process. Contractors awarded public works contracts are required to comply with applicable federal and state laws and regulations relating to affirmative action in the work place.

The City Manager is responsible for the implementation of the Affirmative Action Program. The Affirmative Action Program has established and will maintain affirmative action goals and a monitoring system to overcome any effects of past discrimination, either real or perceived. An active effort will be made to recruit women, minorities and handicapped individuals for all employment opportunities within the City.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-187

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO COMPLETE RECONSTRUCTION OF A PORTION OF THE MODESTO CITY-COUNTY AIRPORT'S AIR CARRIER AND TRANSIENT AIRCRAFT PARKING APRON, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT.

WHEREAS, the Modesto City-County Airport's pending master plan recommends that the passenger terminal area, air carrier and corporate aprons be reconstructed and widened, and

WHEREAS, on February 12, 1991, the City Council reviewed and approved the submittal of a Project Application for Federal funds for a project at or associated with the Modesto City-County Airport, specifically, terminal apron reconstruction and widening including marking, and

WHEREAS, acceptance of the Grant Offer of Federal funds in the amount of \$136,890 to complete reconstruction of a portion of the Modesto City-County Airport's air carrier and transient aircraft parking apron will obligate the City of Modesto to accomplish the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grant Offer of Federal funds in the amount of \$136,890 to complete the reconstruction of a portion of the Modesto City-County Airport's air carrier and transient aircraft parking apron is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the Grant Agreement 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 26th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-188

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL
TO APPROPRIATE A NEW AIRPORT CAPITAL IMPROVEMENT
PROJECT.

WHEREAS, a grant offer for federal fund in the amount of \$136,890
to complete the reconstruction of a portion of the Airport's air carrier and
transient aircraft parking apron has been accepted.

WHEREAS, the federal revenue was estimated in the 1990-91 Annual
Budget in account 632-510-9510-3613 FAA Capital Grants. However, the project
was not known at that time and therefore was not appropriated. The revenue
estimate was appropriated to the Airport contingency reserve.

WHEREAS, there is a required ten percent match of \$15,210. This
match will be fully provided for out of the Special Fund for Capital Outlays
(130). The County will be billed for up to \$7,605, if payment is received,
that portion will be transferred back to fund 130.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the following adjustments be made to the Annual Budget of the
City of Modesto for Fiscal Year 1990-91.

SPECIAL AVIATION FUND (632)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
632-480-G586-6000	Terminal Parking Apron-Reconstruct(12)	\$ 152,100
632-800-8000-8003	Contingency Reserve	(136,890)
632-700-7000-9130	Transfer in from fund 130	15,210

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

130-700-7000-7632	Transfer out to fund 632	\$ 15,210
130-800-8000-8003	Contingency Reserve	\$ (15,210)

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 March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

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. 91-189

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ESTHER J. RATLIFF FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1333 WATTS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Esther J. Ratliss for water service to property outside City limits at 1333 Watts Avenue, located on the west side of Watts Avenue between Woodland Avenue and Shaddox Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-190

A RESOLUTION RECOGNIZING MAYOR WHITESIDE'S SERVICE TO THE COMMUNITY

WHEREAS, Carol G. Whiteside has served our community as Mayor from December 22, 1987 to March 19, 1991; and

WHEREAS, prior to becoming Mayor, she served as a Councilmember for four years; and

WHEREAS, she has provided enormous energy, dedication and talent to serving the citizens of Modesto in both capacities; and

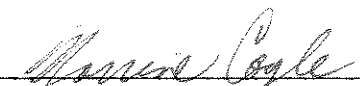
WHEREAS, she worked toward compromise and positive solutions on issues pressing local government today by considering and listening to the viewpoints of all willing to come before the Council; and

WHEREAS, she has distinguished herself in her role as Mayor and Councilmember through active participation in the United States Conference of Mayors, the National League of Cities, and the League of California Cities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does adopt this resolution of appreciation and gratitude in recognition of the service of Carol G. Whiteside on this 26th day of March, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

13/1/88

MODESTO CITY COUNCIL
RESOLUTION NO. 91-191

A RESOLUTION AUTHORIZING A SUBSTITUTION OF DEPOSIT FOR PERMITS IN RELATION TO CONDITION NO. 14 OF COUNCIL RESOLUTION NO. 88-914 WHICH APPROVED A REVISED DEVELOPMENT PLAN FOR P-D(451) AND WHICH AMENDED RESOLUTION NO. 88-628. (ERNEST P. GRAHAM)

WHEREAS, the City Council, by Ordinance No. 2603-C.S., which was introduced on August 23, 1988, finally adopted on September 6, 1988, and which became effective on October 6, 1988, to rezone from a portion of Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), to allow a three-story office complex with free-standing "pads" for restaurants or banks/financial institutions, property located on the southwest corner of Standiford Avenue and Carver Road, and

WHEREAS, City Council Resolution No. 88-628, which was adopted on August 23, 1988, approved a development plan for P-D(451) and contained the conditions of approval thereof, and

WHEREAS, Resolution No. 88-914 adopted by the Council on November 22, 1988, amended Condition No. 14 of the development plan for P-D(451) to allow Ernest P. Graham Development Company to place a deposit in the amount of \$100,000 in lieu of completion of the final traffic signal design plans and approval thereof by the City Traffic Engineer, and

WHEREAS, City inadvertently issued building permits without requiring Developer to make the \$100,000 deposit required by Condition No. 14, as amended by Council Resolution No. 88-914, and

WHEREAS, by letter dated March 22, 1991, Mid-Valley Engineering on behalf of Ernest P. Graham Development Company requested revising the requirements of Condition No. 14 of Resolution No. 88-628 as amended by

Resolution No. 88-914 in relation to the development plan for P-D(451) to allow Ernest P. Graham Development Company to substitute a non-interest bearing note in the amount of \$100,000 secured by a deed of trust on the property, in lieu of the required cash deposit in the amount of \$100,000 required by Condition No. 14, until completion of the final traffic signal design and approval, and

WHEREAS, Developer is unable to provide the required \$100,000 deposit at this time and contends that if he is unable to obtain a building permit for tenant improvements in the three-story office building to accommodate the needs of a prospective tenant and if City refuses to issue such a permit until Developer makes the \$100,000 deposit and provides the final plans for upgrading the signal to the traffic engineer for his final approval, he will suffer severe economic hardship, and

WHEREAS, after a public hearing held on March 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the request of Mid-Valley Engineering on behalf of Ernest P. Graham Development Company requesting a modification to Condition No. 14 of the development plan for P-D(451) to allow Ernest P. Graham Development Company to place a non-interest bearing note in the amount of \$100,000 in lieu of the cash deposit required by Condition No. 14 of Resolution No. 88-628 as amended by Resolution No. 88-914, should be granted, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after consideration of the request of Mid Valley Engineering on behalf of Ernest P. Graham Development Company, the Council hereby authorizes a

substitution of a non-interest bearing note in the amount of \$100,000 in lieu of the cash deposit required by Condition No. 14 of Resolution No. 88-628 as amended by Resolution No. 88-914, conditioned upon the terms set forth in an agreement dated March 26, 1991, between the City of Modesto and Ernest P. Graham Development Company, a copy of which agreement is marked Exhibit "A", attached hereto and incorporated herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

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

AGREEMENT

This Agreement made and entered into in the City of Modesto, State of California, this 26th day of March, 1991, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as City, and ERNEST P. GRAHAM DEVELOPMENT CO., and STANDIFORD CENTRE, LTD., a California General Partnership, hereinafter referred to collectively as Developer.

This Agreement is made with regard to the following recitals:

Whereas, The Modesto City Council, by Ordinance No. 2603-C.S. introduced on August 23, 1988, and effective on October 6, 1988, upon application by Developer, rezoned Developer's property hereinafter described from a portion of Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), to allow a two structure three-story office complex with two free-standing "pads" for restaurants or banks/financial institutions; and

Whereas, Developer's property is located on the southwest corner of Standiford Avenue and Carver Road and is more particularly described in Exhibit "A" which is attached hereto and made a part hereof and which is hereinafter referred to as "the property"; and

Whereas, City Council Resolution No. 88-628, which was adopted on August 23, 1988, approved a development plan for P-D(451) and contained the conditions of approval thereof; and

Whereas, condition 14 of said Resolution No. 88-628 provided as follows:

"14. Prior to issuance of a building permit, as a traffic impact mitigation measure, the developer shall pay an amount as determined by the City Traffic Engineer, 70 percent of the cost of upgrading the existing traffic signal at the Carver Road/Standiford Avenue intersection including but not limited

to left turn phasing in accordance with engineered plans and specifications prepared by the applicant's traffic consultants and approved by the City's Traffic Engineer."

Whereas, in November, 1988, Developer requested a modification to said condition number 14 of Resolution No. 88-628 to allow Developer to place a deposit in the amount of \$100,000 in lieu of completion of the final traffic signal design plans and approval thereof by the City traffic engineer; and

Whereas, the purpose of Developer's request was to allow Developer to immediately obtain building permits without having to await the completion of the final traffic signal design plans; and

Whereas, the Modesto City Council considered Developer's request to amend said condition 14 at a public hearing held on November 22, 1988; and

Whereas at the conclusion of the public hearing, the Modesto City Council adopted Resolution No. 88-914 which amended condition 14 to read as follows:

"14. Prior to issuance of a building permit, the developer shall deposit \$100,000 with the City to cover the cost of upgrading the existing traffic signal at the Carver Road/Standiford Avenue intersection. Said \$100,000 deposit represents 70 percent of the construction cost of upgrading the signal. Within a reasonable time after issuance of the building permit, the developer, at his own expense, shall have his consulting traffic engineer submit engineered plans for upgrading the signal to the City Traffic Engineer. The plans shall include but not be limited to left turn phasing and a construction cost estimate. Upon the City Traffic Engineer's approval of the plans and estimate, the City shall refund to the developer the difference between \$100,000 and 70 percent of the estimated cost of constructing the upgraded signal."

and

Whereas, shortly after the adoption of said Resolution No. 88-914, Developer obtained a foundation permit for its project on the property on December 2, 1988. A second permit was issued by the City on January 3, 1989, for the first three-story office building shell for which a final occupancy

permit was issued on September 26, 1989. Thereafter, on August 9, 1990, a building permit was issued for the construction of a restaurant on the free-standing pad located on the northeast corner of the property. A final occupancy permit was issued for that structure on November 6, 1990; and

Whereas, City inadvertently issued said building permits without requiring Developer to make the \$100,000 deposit required by condition 14, as amended; and

Whereas, Developer also failed to provide the final plans for upgrading the signal to the City traffic engineer for his final approval; and

Whereas, Developer now desires a building permit for tenant improvements in the three-story office building to accommodate the needs of a prospective tenant and City refuses to issue such a permit until Developer makes the \$100,000 deposit and provides the final plans for upgrading the signal to the traffic engineer for his final approval; and

Whereas, Developer is unable to provide the required \$100,000 deposit at this time and also contends that if he is unable to obtain a building permit for said tenant improvements, he will suffer severe economic hardship; and

Whereas, Developer proposes to provide the City with a non-interest bearing note in the amount of \$100,000, secured by a deed of trust on the property, in lieu of the \$100,000 cash deposit as well as a commitment to providing the required final engineered plans for upgrading the signal to the City traffic engineer for his approval; and

Whereas, the City is willing to accept this proposal upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the parties do hereby mutually agree as follows:

1. City agrees to accept a non-interest bearing note in the amount of \$100,000, all due and payable on September 1, 1991, in lieu of the cash deposit required by condition 14, as amended. The note shall be secured by a deed of trust on the property owned by Developer described in the attached Exhibit "A". The note and deed of trust are attached as Exhibit "B" and "C", respectively. In the event Developer does not pay the \$100,000 deposit on or before September 1, 1991, the City, in addition to any other remedies provided by the deed of trust, (e.g., private foreclosure) or by law, (e.g., judicial foreclosure) shall have the right to revoke any and all building permits then outstanding for tenant improvements that have been issued pursuant to this agreement.

2. Within five days after the date of this agreement, Developer shall supply City with a letter signed by a registered traffic engineer stating that the engineered plans for upgrading the signal at the Carver Road/Standiford Avenue intersection as required by condition 14, as amended, will be submitted to the City's traffic engineer for his approval no later than April 19, 1991. Thereafter, the Developer's traffic engineer shall respond within a reasonable time, as determined by the City's traffic engineer in his sole discretion, to any comments or requirements of the City's traffic engineer regarding plan amendments until the plans, including a construction cost estimate, have been finally approved. As provided by amended condition 14, in the event 70 percent of the construction cost estimate is less than \$100,000, the City shall accept such lesser amount in full satisfaction of the promissory note referred to in paragraph 1 of this agreement. In the event Developer's traffic engineer fails to provide the letter described in this

paragraph within five days of the date of this agreement, or in the event the Developer's traffic engineer fails to provide the engineered plans for upgrading the signal at the Carver Road/Standiford Avenue intersection to the City's traffic engineer for his approval on or before April 19, 1991, or fails to respond within a reasonable time to any comments or requirements of the City's traffic engineer, then the City may revoke any and all building permits that have been issued for tenant improvements pursuant to this agreement. In addition, City may immediately, pursuant to the terms of the note, accelerate Developer's obligation.

3. Upon execution of this agreement, City shall process Developer's applications for building permits for tenant improvements to the existing three-story office building on the property as if condition 14, as amended, had been satisfied. Developer understands and agrees that this agreement does not relieve Developer of any other requirements normally imposed by the City's building department as conditions to the issuance of building permits or of any of the other conditions of approval set forth in Resolution No. 88-914. Developer further understands and agrees that this agreement only applies to applications for building permits for tenant improvements to the existing three-story office structure on the property. In other words, Developer understands that this agreement does not entitle it to apply for building permits in connection with the construction of the second three-story office structure or the remaining free-standing "pad" for a restaurant or bank or other financial institution that were approved as part of P-D(451). Developer acknowledges that it has received no promises, assurances, or commitments of any kind that City will issue building permits for the second three-story office structure or the remaining free-standing pad

pursuant to this agreement. The sole purpose of this agreement is to permit Developer to apply for building permits for tenant improvements to the existing three-story office structure only. Developer understands and acknowledges that any expenditures made or liabilities incurred, including contractual obligations to furnish additional space to existing or prospective tenants in a second three-story office structure or in a second restaurant and/or bank or financial institution on the remaining free-standing "pad" on the property are at the sole risk of Developer. Accordingly, the parties agree that Developer shall not apply for nor shall City issue any additional building permits other than building permits for tenant improvements in the existing three-story office building on the property until condition 14, as amended, has been satisfied by Developer's cash deposit in the required amount and final approval by City of the engineered plans for the upgrading of the traffic signal. In the event Developer fails to meet the obligations under either paragraph 1 or paragraph 2 of this agreement and City forecloses its lien on Developer's property at either a private sale or through a judicial foreclosure, neither Developer nor its successor in interest shall be entitled to apply for any additional building permits after the date of Developer's default until the chief building official determines in his sole discretion that the City has realized enough cash from such proceedings to satisfy Developer's entire obligation under condition 14, as amended.

4. In the event Developer applies for and City issues building permits for tenant improvements in the existing three-story office structure pursuant to the terms of this agreement, it is understood and agreed that the issuance of said permits by City does not confer upon Developer a "vested right" to have further building permits issued for the construction of a

second three-story office structure and/or a restaurant or bank or other financial institution on the remaining free-standing "pad".

5. Developer acknowledges and agrees that the provisions of Government Code §66000 through §66024, inclusive, do not apply to the traffic mitigation fee required by condition 14, as amended. Developer further waives whatever right it may have under law to challenge said fee.

6. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of both parties, however, Developer shall not assign any of its rights, duties or obligations under this agreement without the prior written consent of City, which consent shall not be unreasonably withheld.

Dated: _____

CITY OF MODESTO

By _____
J. EDWARD TEWES, City Manager

Dated: 3-26-91

ERNEST P. GRAHAM DEVELOPMENT CO.

By Ernest P. Graham
ERNEST P. GRAHAM

APPROVED AS TO FORM:

STANDIFORD CENTRE, LTD., a
California Limited Partnership

By _____
STAN T. YAMAMOTO, City Attorney

By Ernest P. Graham
General Partner

ATTEST:

By _____
NORRINE COYLE, City Clerk

All that real property situate in the State of California, County of Stanislaus, City of Modesto described as follows:

Parcel 2 as per Parcel Map filed December 1, 1986 in Volume 38 of Parcel Maps, at Page 94, Stanislaus County Records.

EXHIBIT "A"

PROMISSORY NOTE SECURED BY DEED OF TRUST

\$100,000.00

Modesto, California
March 26, 1991

FOR VALUE RECEIVED, the undersigned, STANDIFORD CENTRE, LTD., a California Limited Partnership, promises to pay to the CITY OF MODESTO, or order, at 801 11th Street, Modesto, California, 95353, or at such other place as the holder may from time to time designate by written notice to maker, the principal sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) without interest. The principal will be due and payable in lawful money of the United States of America without set off, deduction, or counterclaim, in one lump sum, on September 1, 1991.

The entire principal sum will at once become due and payable, without notice, at the option of the holder of this note, in the event maker defaults in the performance of any of its obligations in the security agreement executed on this same date between maker and City of Modesto or in the performance of any of the agreements in the deed of trust securing this note. Failure to exercise such option will not constitute a waiver of the right to exercise it in the event of any subsequent failures to perform.

If the property, any part of it, or interest in it is sold or further encumbered, or if the trustor agrees to sell, convey, further encumber, or alienate the property, by operation of law or otherwise, all obligations secured by this instrument regardless of the maturity dates, at the option of the holder and without demand or notice will immediately become due and payable. Failure of the holder to exercise the option to accelerate

the debt in the event of sale, assignment, or further encumbrance will not constitute a waiver of the right to exercise this option in the event of subsequent sale, assignment or further encumbrance.

This note is secured by a deed of trust executed this date.

STANDIFORD CENTRE, LTD., a
California Limited Partnership

By Ernest P. Gualam 3-26-91

Order No.
Escrow No.
Loan No.

WHEN RECORDED MAIL TO:
CITY OF MODESTO
CITY ATTORNEY'S OFFICE
Post Office Box 642
Modesto, California 95353

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEED OF TRUST WITH ASSIGNMENT OF RENTS
(SHORT FORM)

This DEED OF TRUST, made this 26th day of March, 1991, between

STANDIFORD CENTRE, LTD., a California Limited Partnership, herein called TRUSTOR,
whose address is

(Number and Street) (City) (State)

FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called TRUSTEE, and

the CITY OF MODESTO, a Municipal Corporation, herein called BENEFICIARY,
WITNESSETH: That Trustor grants to Trustee in Trust, with Power of Sale, that property in the City of Modesto
County of Stanislaus, State of California, described as:

Parcel 2 as per parcel map filed December 1, 1986 in
Volume 38 of Parcel Maps, at page 94, Stanislaus County
Records.

Together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the Purpose of Securing (1) payment of the sum of \$ 100,000.00 with no interest thereon according to the terms of a promissory note or notes of even date herewith made by Trustor, payable to order of Beneficiary, and extensions or renewals thereof, and (2) the performance of each agreement of Trustor incorporated by reference or contained herein (3) Payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or his successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust.

To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth in subdivision A, and it is mutually agreed that each and all of the terms and provisions set forth in subdivision B of the fictitious deed of trust recorded in Orange County August 17, 1964, and in all other counties August 18, 1964, in the book and at the page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, namely:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	1288	556	Kings	858	713	Placer	1028	379	Sierra	38	187
Alpine	3	130-31	Lake	437	110	Plumas	166	1307	Siskiyou	506	762
Amador	133	438	Lassen	192	367	Riverside	3778	347	Solano	1287	621
Butte	1330	513	Los Angeles	1-3878	874	Sacramento	5039	124	Sonoma	2867	427
Calaveras	185	338	Madera	911	136	San Benito	300	405	Stanislaus	1970	56
Colusa	323	391	Marin	1849	122	San Bernardino	6213	768	Sutter	655	585
Contra Costa	4684	1	Mariposa	90	453	San Francisco	A-804	596	Tehama	457	183
Del Norte	101	549	Mendocino	667	99	San Joaquin	2855	283	Trinity	108	595
El Dorado	704	635	Merced	1660	753	San Luis Obispo	1311	137	Tulare	2530	108
Fresno	5052	623	Modoc	191	93	San Mateo	4778	175	Tuolumne	177	160
Glenn	469	76	Mono	69	302	Santa Barbara	2065	881	Ventura	2607	237
Humboldt	801	83	Monterey	357	239	Santa Clara	6626	664	Yelo	769	16
Imperial	1189	701	Napa	704	742	Santa Cruz	1638	807	Yuba	398	693
Inyo	185	672	Nevada	363	94	Shasta	800	633			
Kern	3756	690	Orange	7182	18	San Diego	SERIES 5	Book 1964, Page 149774			

shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivision A and B, (identical in all counties, and printed on the reverse side hereof) are by the within reference thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge therefor does not exceed the maximum allowed by law.

The undersigned Trustor, requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

STATE OF CALIFORNIA
COUNTY OF STANISLAUS

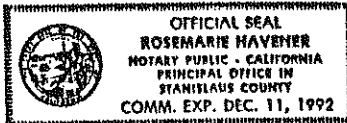
On March 26, 1991

before me, the undersigned, a Notary Public in and for said State, personally appeared Ernest P. Graham, General Partner, Standiford Centre, Ltd.

Ernest P. Graham
Ernest P. Graham, General Partner
Standiford Centre, Ltd.

(or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.



Rosemarie Havener Exhibit "C"

MODESTO CITY COUNCIL
RESOLUTION NO. 91-192

A RESOLUTION GRANTING APPROVAL TO THE CHAMBER OF COMMERCE FOR GRAFFITI USA ON SATURDAY, JUNE 8, 1991, AND SUNDAY, JUNE 9, 1991, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Chamber of Commerce (hereinafter referred to as the Chamber) has requested assistance from the City of Modesto (hereinafter referred to as City) with the Graffiti USA activities to be held on Saturday, June 8, 1991, and Sunday, June 9, 1991, and

WHEREAS, said Graffiti USA activities will include a downtown street festival, formerly known as Modesto a la Carte, which offers a variety of organized and managed family-oriented entertainment, and a controlled cruise/parade on Saturday only featuring classic cars, and

WHEREAS, Chamber specifically has requested that the City of Modesto support the following: concept, goals and strategy of Graffiti USA and to allow closure of City streets and parking lots in the event area; to support the closure of McHenry Avenue for the Graffiti USA cruise; to provide adequate personnel during the event; to provide barricading of streets; to provide any necessary cleanup of streets and parking lots; and to waive licensing or inspection fees, and

WHEREAS, City staff has met with Chamber to resolve most concerns and to discuss City assistance and has recommended that permission and assistance be given to Chamber, subject to certain conditions, and

WHEREAS, at its meeting of April 2, 1991, the Council considered the request for City assistance with the Graffiti USA activities to be held on Saturday, June 8, 1991, and Sunday, June 9, 1991, and the Council deems it appropriate to grant approval and assistance to the Chamber 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 Chamber's request for City assistance with the Graffiti USA activities to be held on Saturday, June 8, 1991, and Sunday, June 9, 1991:

1. The Chamber shall receive a permit from the California Department of Transportation authorizing closure of McHenry Avenue on Saturday, June 8, 1991, from 3:00 p.m. until 7:00 p.m., as a requirement of the proposed Cruise/Parade.
2. The Chamber shall be allowed to conduct the Cruise/Parade from 4:00 p.m. until 7:00 p.m., on Saturday, June 8, 1991, and shall not permit any cars to enter McHenry Avenue northbound after 6:30 p.m.
3. The Chamber is to provide sufficient volunteers to place and maintain barricades along McHenry Avenue. These volunteers shall remain on site during the entire time of the street closure, 3:00 p.m. until 7:00 p.m.
4. 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 the barricades to a corner location designated by the City.
5. The Chamber shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales areas.
6. The Chamber shall be responsible for cleanup of all parking lots and streets during and after the event. The City shall provide the normal street sweeping on Sunday evening.
7. Parking shall not be allowed at the Southern Pacific site on Saturday, June 8, 1991, due to its use as the alternate bus transfer site or at the Centre Plaza parking facilities, due to previously scheduled events.
8. Vehicular traffic on City parking lots shall be restricted to passenger vehicles and pickup trucks.
9. Portable toilets shall not be placed on City parking lots.
10. Signs shall be provided by the Chamber directing vehicular and pedestrian traffic at all locations where streets and sidewalks are closed to through traffic.

11. Prior to the event, all food carts shall be inspected at the Fire Prevention Bureau.
12. Emergency equipment shall be provided access at all times. Any vehicles or other items blocking access shall be towed.
13. 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.
14. Each tent shall be inspected by the Fire Marshall or his designee and appropriate permits shall be issued.
15. The Chamber shall execute a rental license to use the Centre Plaza and shall pay the required deposit to the Centre Plaza within one week of Council approval of the event.
16. The Chamber shall conform to all policies and procedures at the Centre Plaza and shall pay all applicable fees.
17. The City shall waive all fire inspection fees; however, the Chamber shall be responsible for any and all other fees as may be required by other agencies.
18. The Chamber shall provide its own 24-hour security in the downtown area during the setup period and for the duration of the event.
19. That Chamber 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 Chamber's sponsored Graffiti USA activities, use of the Centre Plaza, McHenry Avenue and other City streets and City parking lots.
20. The Chamber shall furnish to the Risk Manager of City current and valid certificate(s) of insurance evidencing coverages in the amounts of \$1,000,000 primary and \$4,000,000 umbrella with the City of Modesto named as "additional insured". In addition, a separate liquor legal liability endorsement must be obtained and included on the certificate of insurance if alcoholic beverages are to be sold.

The certificates shall contain contractual liability certification provisions stating that the policies are extended to cover the liability assumed by the Chamber under the terms of this resolution. After review and

approval of the certificates by the Risk Manager, the certificate(s) of insurance must be on file with the 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 8, 1991.

BE IT FURTHER RESOLVED that prior to the event, the Chamber shall receive approval by the County of Stanislaus, the Downtown Improvement District and the Downtown Merchants' Association.

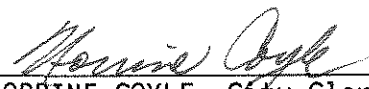
BE IT FURTHER RESOLVED that the City Clerk shall furnish the Chamber with a copy of this resolution. The Chamber shall file a written acceptance of this resolution with the city Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-193

A RESOLUTION RESCINDING RESOLUTION NO. 86-931 ENTITLED "A
RESOLUTION ADOPTING A HOUSING DENSITY BONUS POLICY."

WHEREAS, on August 5, 1986, by Resolution No. 86-931, the Council of
the City of Modesto adopted a Housing Density Bonus Policy, and

WHEREAS, at its meeting of April 2, 1991, the Council introduced an
Ordinance adding Chapter 3 entitled "Affordable Housing" to Title X of the
Modesto Municipal Code, and

WHEREAS, said amendment incorporates provisions for density bonuses
into Title X of the Modesto Municipal Code and replaces Resolution No. 86-931
and its housing density bonus policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby rescinds Resolution No. 86-931.

BE IT FURTHER RESOLVED that this resolution shall not become
effective until the effective date of Ordinance No. 2758-C.S.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 2nd day of April,
1991, 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, Irizarry, Lang, Muratore, Patterson,
Acting Mayor Dobbs

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
032991

10691CA2

MODESTO CITY COUNCIL
RESOLUTION NO. 91-194

A RESOLUTION ACCEPTING THE BID OF DON LAMBERT & SONS, INC. FOR REMOVING FIVE FUEL TANKS AT MODESTO CITY-COUNTY AIRPORT

WHEREAS, Resolution No. 91-114 , adopted by the Council of the City of Modesto on February 26, 1991, approved the plans and specifications for removing five fuel tanks at Modesto City-County Airport

and authorized the calling for bids; and

WHEREAS, the bids received for removing five fuel tanks at Modesto City-County Airport were opened at 11:05 a.m. on March 21, 1991, 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 Don Lambert & Sons, Inc. in the amount of \$36,995

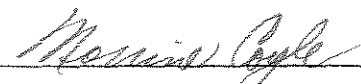
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Don Lambert & Sons, Inc. in the amount of \$36,995 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-195

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR YOSEMITE PARK STREETS

WHEREAS, Resolution No. 91-115 , adopted by the Council of the City of Modesto on February 26, 1991 , approved the plans and specifications for the Yosemite Park streets

and authorized the calling for bids; and

WHEREAS, the bids received for the Yosemite Park streets

were opened at 11:00 a.m. on March 2, 1991 , 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 Western Stone Products, Inc. in the amount of \$25,392

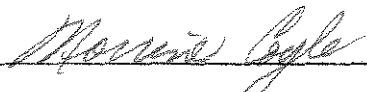
be accepted as the lowest responsible bid.

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 \$25,392 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April , 1991, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



NORRINE COYLE. City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-196

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUBLIC FACILITIES DISTRICT NO. 6
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the construction of Public Facilities District No. 6

has been completed by Ms. Machines Construction, Inc.

in accordance with the contract agreement dated May 8, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the construction of Public
Facilities District No. 6

be accepted from said contractor, Ms. Machines Construction, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$1,109,512.14 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 2nd day of April ,
1991, by Councilmember Lang , who moved its adoption, which
motion being duly seconded by Councilmember Irizarry , was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

York

MODESTO CITY COUNCIL
RESOLUTION NO. 91-197

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1990-91.

WHEREAS, it has been determined that certain interim adjustments are
required to the Annual Budget of the City of Modesto for the Fiscal Year
1990-91,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the changes listed in the attached Exhibits I, II, and III be made to the
Annual Budget of the City of Modesto for the Fiscal Year 1990-91.

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 2nd day of April,
1991, by Councilmember Bird, who moved its adoption, which motion
being duly seconded by Councilmember Lang, was upon roll call
carried and the resolution adopted by the following vote:

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

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

GENERAL FUND REVENUE

<i>FUND</i>	<i>AGENCY</i>	<i>REVENUE</i>	<i>DESCRIPTION</i>	<i>INC/(DEC) AMOUNT</i>
010	140	4008	ZONING FEES	(35,000)
010	140	4009	ENVIRONMENTAL IMPACT FEES	(13,000)
010	140	4010	PLOT PLAN REVIEW FEES	7,000
010	140	4011	SUBDIVISION INSPECTION FEES	(20,000)
010	140	4012	ANNEXATION FEE	(300)
010	180	4031	CONVAULT TANK INSTALLATION	230
010	180	4032	HOOD & DUCT INSTALLATION	784
010	180	4033	MEDICAL GAS SYS INSTALLATION	204
010	180	4035	UNDERGRD FLAM/COMB STOR TANK	840
010	180	4037	PLAN CHECK	26,000
010	180	4039	SPRINKLER SYSTEM	9,065
010	180	4041	CLEANING VACANT LOTS	(4,000)
010	180	4095	MISCELLANEOUS SPECIAL SERVICE	15,000
010	190	3127	SCHOOL POLICE REIMB	24,815
010	190	3129	D.A.R.E. REIMBURSEMENT	20,000
010	190	4024	FINGERPRINT FEES	500
010	190	4092	COPYING FEES	8,000
010	310	1325	BEYER PARK CONCESSION	(400)
010	320	4070	STREET TREES	(13,000)
010	370	4072	LEAGUE FEES	10,000
010	380	6207	CLUBHOUSE RENTAL	300
010	380	6216	MANCINI BOWL RENTAL	500
010	380	6228	SENIOR CITIZENS CENTER RENTAL	(500)
010	420	2210	ENCROACHMENT PERMITS	(14,000)
010	420	8137	SALE-CONST CODES AND SPECIFICA	(3,500)
010	420	8140	SALE-STD CONTRACT SPECIFICATIO	750
010	440	4001	BUILDING FEE- ALL INCLUSIVE	(575,000)
010	440	4002	BUILDING INSPECTIONS	(65,000)
010	440	4003	PLUMBING INSPECTIONS	(21,750)
010	440	4004	ELECTRICAL INSPECTIONS	(25,000)
010	440	4005	HEATING/COOLING CODE INSPECT	(22,250)
010	440	4006	MOBILE HOME INSPECTIONS	2,000
010	440	4007	PLAN CHECKING FEES	(125,000)
010	440	4014	EARTHQUAKE EDUC FEE	(200)
010	460	4051	ST HIWAY MAINTENANCE AGREEMENT	3,000
010	460	4052	TRAF SIGNAL MAINT AGREEMENT	1,000
010	460	4055	STREET NAME SIGNS	(7,000)
010	480	8103	WASTE ENERGY PROJECT RECOVERY	(25,000)
010	510	1104	DELINQUENT TAXES	50,000
010	510	1107	CURRENT YR UNSECURED TAXES	37,000
010	510	1110	SUPPLEMENTAL ROLL	(25,000)
010	510	1119	PROPERTY TRANSFER TAX	(145,000)
010	510	1201	SALES AND USE TAX	535,000
010	510	1207	AMUSEMENT TAX	(57,395)
010	510	1210	TRANSIENT OCCUPANCY TAX	(145,000)
010	510	1304	PG&E FRANCHISE	21,300
010	510	1307	GARBAGE LICENSE	113,000
010	510	1401	BUSINESS LICENSE REGISTRATION	30,000
010	510	1404	BUSINESS LICENSE MILL TAX	100,000
010	510	2204	BINGO PERMITS	7,000
010	510	3101	CIGARETTE TAX ALLOCATION	35,300
010	510	3108	STATE SUPPLEMENTAL SUBVENTION	(40,000)
010	510	3116	TRAILER COACH LICENSE FEES	(5,000)
010	510	3119	MOTOR VEHICLE LICENSE FEES	50,000
010	510	6201	LEASE OF LAND	300
010	510	6204	RENT, TAXI STANDS	(220)
010	510	6225	CITY BUILDING RENTAL-OTHER	58,700
010	510	8104	SALE OF PERSONAL PROPERTY	10,540
010	510	8107	DONATIONS	10,500
010	510	8110	JURY AND SUBPOENA FEES	2,500
010	510	8122	REFUNDS AND DAMAGE RECOVERY	10,000
010	510	8123	SPEC EVENTS INSURANCE	900
010	510	8134	RETURNED CHECK CHARGE	1,000
010	510	8143	ITEMS FOR RESALE	(14,000)
TOTAL				(\$198,487)

GENERAL FUND EXPENDITURES

<i>FUND</i>	<i>AGENCY</i>	<i>XORG</i>	<i>OBJECT</i>	<i>DESCRIPTION</i>	<i>INC/DEC AMOUNT</i>
010	120	1222	0301	Office supplies	100
010	120	1222	0110	Salaries and wages, regular	6,976
010	120	1222	5889	Desk, chair, calculator	1,000
010	120	1222	5890	Computer hardware & software	6,000
010	120	1222	9990	Service Credits	(16,170)
010	120	1222	0160	Benefits	2,094
010	180	1822	5888	Fire Brush Truck	58,000
010	180	1832	0110	Salaries and wages, regular	25,000
010	180	1832	0188	Benefits	270,289
010	190	1901	0239	County Jail Booking Fees	404,823
010	502	6502	0432	County Property Tax Assessment Fee	135,257
010	700	7000	7631	Transfer Out To Fund 631	114,573
010	700	7000	7130	Transfer Out To Fund 130	(300,000)
010	800	8000	8003	Contingency Reserve	(906,429)
Total Equals Revenue Decrease					(198,487)

INTERIM ADJUSTMENTS - OTHER FUNDS

FUND	AGENCY	XORG	OBJECT	EXPENSE	REVENUE	DESCRIPTION
051	160	G925	6000	63,500	0	FETSIM Project
				0		
051	510	9510	3138		63,500	State Share of Street Project
<hr/>						
113	140	1454	0235	15,000	0	Services, professional & other
113	140	1454	0492	10,000	0	Permanent Relocation
113	140	1454	0309	5,000	0	Tool bank supplies
<hr/>						
113	800	8000	8003	(30,000)	0	Contingency Reserve
<hr/>						
130	160	G098	6000	(44,000)	0	capital
130	160	G101	6000	(40,000)	0	capital
<hr/>						
130	700	7000	7632	56,998	0	Transfer Out To Fund 632
130	800	8000	8003	(56,998)	0	Contingency Reserve
<hr/>						
130	510	9510	3138	0	(84,000)	State Share of Street Project
130	700	7000	9010	0	(300,000)	Transfer In From General Fund
<hr/>						
139	120	P907	6000	10,000	0	CFP Staff Charges
139	800	8000	8003	(10,000)	0	CFP Reserve
<hr/>						
600	160	1682	0255	32,472	0	Services city forces
600	160	1672	0223	4,000	0	Services city forces
<hr/>						
600	800	8000	8003	(36,472)	0	Contingency Reserve
<hr/>						
610	700	7000	7628	46,000	0	Transfer Out To Fund 628
610	800	8000	8003	(46,000)	0	Contingency Reserve
<hr/>						
621	700	7000	7628	46,000	0	Transfer Out To Fund 628
621	800	8000	8003	(46,000)	0	Transfer Out To Fund 628
<hr/>						
628	480	5312	0130	1,000	0	Salaries and wages, overtime
628	480	5312	0209	2,000	0	Training expenses
628	480	5312	0235	89,000	0	Services, professional & other
<hr/>						
628	700	7000	9610	0	46,000	Transfer In From Fund 610
628	700	7000	9621	0	46,000	Transfer In From Fund 621

INTERIM ADJUSTMENTS - OTHER FUNDS

FUND	AGENCY	XORG	OBJECT	EXPENSE	REVENUE	DESCRIPTION
631	480	5412	0255	114,573	0	Airport Security
631	700	7000	9010	0	114,573	Transfer In From Fund 010
632	800	8000	8003	56,998	0	Contingency Reserve
632	700	7000	9130	0	56,998	Transfer In From Fund 130
651	160	1672	0232	28,000	0	Transportation operating contr
651	480	5612	0330	54,000	0	Fuel oil and lubricants
651	480	5612	0465	1,350	0	Tanks
651	480	5612	0223	4,000	0	Repair & maint-outside forces
651	160	1672	4510	0	6,900	Elderly-Handicapped Passes-Monthly
651	160	1672	4513	0	200	Commuter Books
651	160	1672	4519	0	8,000	Welfare Ticket Sales
651	160	1672	4504	0	77,000	Passenger Revenue-Regular
651	160	1672	4522	0	3,000	Regular Monthly Bus Passes
651	160	1672	4507	0	4,900	Student Passes-Monthly
651	510	9510	1213	0	54,675	Local Transportation Allocation
651	510	9510	3525	0	54,675	UMTA Transit Operating
652	160	1673	0232	108,000	0	Transportation operating contr
652	160	1673	0235	40,000	0	Professional Services
652	160	1673	4501	0	26,000	Passenger Revenue, Dail-A-Ride
660	330	3314	0209	150	0	Training expenses
660	330	3312	0255	8,085	0	Services City Forces
660	330	3312	0223	4,600	0	Repair & maint-outside forces
660	330	3311	0223	367	0	Repair & maint-outside forces
660	800	8000	8003	(13,202)	0	Contingency Reserve
670	340	3412	0120	40,000	0	Salaries and wages, part-time
670	340	3413	0360	1,232	0	Real property m&r supplies
670	340	3413	0255	8,085	0	Services City Forces
670	340	3413	0223	13,500	0	Repair & maint-outside forces
670	340	3412	0360	775	0	Real property m&r supplies
670	800	8000	8003	11,108	0	Contingency Reserve
670	510	9510	4080	0	32,800	Garage Parking
670	510	9510	4081	0	127,900	Services Centre Plaza
670	510	9510	6218	0	(86,000)	Room Rent - Centre Plaza

INTERIM ADJUSTMENTS - OTHER FUNDS

FUND	AGENCY	XORG	OBJECT	EXPENSE	REVENUE	DESCRIPTION
720	480	5812	0412	210,000	0	Vehicle liability insurance
720	800	8000	8003	(210,000)	0	Reserve
900	020	0290	0235	86,550	0	Professional Services
900	020	0290	0201	2,370	0	Postage
900	020	0290	0208	1,000	0	Business Expense
900	020	0290	0207	1,000	0	Conference Expense
900	020	0290	0255	10,000	0	Services City Forces
900	020	0290	0210	275	0	Utilities
900	020	0290	0230	2,000	0	Advertising
900	020	0290	0110	5,000	0	Salaries, Regular
900	020	0290	0301	1,000	0	Office Supplies
900	020	0290	0401	1,010	0	Memberships & Dues
900	020	0290	0245	150	0	Delivery Services
900	020	0290	0302	470	0	Books & Periodicals
902	800	8000	8003	(110,825)	0	Reserve

MODESTO CITY COUNCIL
RESOLUTION NO. 91-198

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CARROLL W. DUNKEL FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 533-37 BRIGGS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Carroll W. Dunkel, for sewer service to property outside City limits at 533-37 Briggs Avenue, located on the north side of Briggs Avenue between Ackerman Way and Martin Luther King 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 2nd day of April, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-199

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A COMPUTER PROGRAM FOR THE INDUSTRIAL WASTE DIVISION OF THE CITY OF MODESTO.

WHEREAS, the Industrial Waste Division of the City of Modesto tracks Modesto's permitted industries, and

WHEREAS, permits and discharge limits are issued on a yearly basis and monitored monthly to insure the industries' compliance with their limits as required by the State Water Resources Control Board, and

WHEREAS, the computer program currently used by Industrial Waste is workable but needs frequent modification and significant improvement because it is not applicable to our growing industrial monitoring needs, and

WHEREAS, City staff has recommended using a new program which will generate the necessary monitoring reports for the Environmental Protection Agency and the State and which will enable the Industrial Waste Division to perform more efficiently,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for a new computer program which will adequately handle the needs of the Industrial Waste Division 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 2nd day of April, 1991, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

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. 91-200

A RESOLUTION APPOINTING RICHARD LANG TO THE SEAT OF MAYOR OF THE CITY OF
MODESTO

WHEREAS, Section 702 of the Charter of the City of Modesto authorizes the City Council to appoint persons to fill vacancies in the office of Mayor or Councilmember, said appointee to hold office until a successor is duly elected at the next regular municipal election; and

WHEREAS, the Mayor's seat was vacated by Carol Whiteside on March 19, 1991; and

WHEREAS, Richard Lang has served as a Councilmember since his election to the City Council on March 8, 1977.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Councilmember Richard Lang is hereby appointed to fill the vacant seat of Mayor until the next regular municipal election which will be held on November 5, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1991, 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, Irizarry, Lang, Muratore, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-201

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR 1991 COLD-IN-PLACE RECYCLING PROJECT

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

SECTION 1. The plans and specifications for the 1991 cold-in-place recycling 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 May 2, 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 9th day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-202

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

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

SECTION 1. The plans and specifications for the purchase of golf course
turf maintenance equipment

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on May 6, 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 9th day of April, 1991,
by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Irizarry, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-203

A RESOLUTION ACCEPTING THE BID OF SANCON ENGINEERING, INC. FOR SAND BLASTING AND RECOATING CLARIFIER NO. 2 AT THE CITY'S WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 91-135, adopted by the Council of the City of Modesto on March 5, 1991, approved the plans and specifications for sand blasting and recoating clarifier No. 2 at the City's Water Quality Control Plant and authorized the calling for bids; and

WHEREAS, the bids received for the sand blasting and recoating of clarifier No. 2 at the City's Water Quality Control Plant were opened at 11:00 a.m. on March 27, 1991, 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 Sancon Engineering, Inc. in the amount of \$73,500

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sancon Engineering, Inc. in the amount of \$73,500 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 April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-204

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF ENGINE DIAGNOSTIC EQUIPMENT FROM SUN ELECTRIC CORP.

WHEREAS, the Service Division of Public Works and Transportation has requested the purchase of engine diagnostic equipment to provide City mechanics with equipment that can perform fleet diagnostic procedures on a variety of equipment; and

WHEREAS, research of the equipment available identified three manufacturers of this specialized equipment, but of the three, only Sun Electric Corp. performs a multitude of engine diagnostic routines that are geared toward large fleet operations such as the City's; and

WHEREAS, staff has determined that Sun Electric Corp. equipment is the most prevalent engine diagnostic equipment in the market, including a track record for reliability, service, and support.

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

BE IT FURTHER RESOLVED that purchase of engine diagnostic equipment from Sun Electric Corp. for the total cost of \$47,367 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 April, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, 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. 91-205

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:

Cross Connection Specialist

The specifications for the classification of Cross Connection
Specialist (Range 122), 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 April 9, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

CROSS CONNECTION SPECIALIST

DEFINITION

To inspect cross connection devices and to inspect, test and certify backflow prevention devices; to read, repair and maintain watermeters; to maintain, repair and service sewer and storm drain lift stations and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory staff. Exercises technical supervision over lower level maintenance staff.

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

Administer Cross Connection Control Program

Enforce public health regulations relating to backflow and cross connection control within the City of Modesto's water distribution system.

Conduct cross connection surveys and inspections in order to identify water user premises where cross connections are likely to occur.

Inspect premises for cross connections and certify backflow preventers on new construction or remodels when building permits are issued.

Provide information to contractors, architects and engineers, concerning the City's Cross Connection program.

Maintain the City of Modesto list of certified backflow assembly testers.

Maintain accurate records of backflow preventer locations, testing and repairs.

Maintain annual backflow testing and maintenance schedule with monthly notification program.

Test, maintain and repair backflow preventers on city property and buildings.

Trouble shoot and respond to complaints on backflow preventers within the city's water distribution system.

Inspect water tank trucks to ensure that the trucks have proper air-gap separations.

Maintain records on water trucks relating to its holding capacity in gallons and air gap separation.

Meet with State Health Inspector yearly for review and audit of the City's cross connection and backflow program.

EXAMPLES OF DUTIES (continued)

Hydrant Meter Program Duties

- Issue hydrant permits.
- Enforce hydrant meter program.
- Maintain records of repairs, maintenance and calibration of hydrant meters.
- Obtain hydrant meter readings for billing.
- Repair and test hydrant meters.

Subdivision Meter Program Duties

- Repair and maintain meter and check valve assembly.
- Obtain meter readings for billing.

Meter Replacement Program Duties

- Maintain service records information for large water meters.
- Test large meters for accuracy and replace water meters that are inefficient or obsolete.

Other Duties

- Work as Pump Mechanic if needed.
- Operate water automation control board.
- Sample water for State Health Department.
- Weld and fabricate.
- Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Inspection, testing, repair and certification of backflow prevention devices, watermeters, motors, and pumps.

Inspection and testing of cross connection devices.

QUALIFICATIONS (continued)

Knowledge of:

Principles, practices, tools, equipment and parts used in maintenance and repair of backflow prevention devices, water meters and lift stations.

Municipal water system and water service components.

Pertinent state, federal and local laws, codes and regulations.

Pertinent safety principles and practices including working in confined spaces.

Principles and practices of electricity, hydraulics, metal cutting and welding.

Basic mathematics.

Basic writing skills including grammar, punctuation, and spelling.

Ability to:

Perform a variety of skilled and complex work in the repair, testing, and certification backflow devices in accordance with state, county and city ordinances and regulations.

Perform skilled and complex work in the inspection, diagnose, repair and maintenance of cross connection devices, meters, pumps, motors, and computerized and pneumatic controls.

Work independently.

Maintain records and prepare reports.

Understand and carry out oral and written instructions.

Establish and maintain effective working relationships with others.

Communicate effectively both orally and in writing.

Tactfully deal with the public.

Enforce regulations relating to cross connection and backflow devices.

Perform heavy manual labor, including lifting and carrying 50 to 100 pounds.

Read and interpret blueprints.

Work in confined spaces.

Experience and Training Guidelines:

Experience:

Two years experience equivalent to Meter Reader/Repair Worker or 1 year of experience in the inspection repair and maintenance of backflow prevention devices. Three to six months experience in program administration is desirable.

Training:

Equivalent to completion of twelfth grade supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate

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

Possession of an AWWA Backflow Prevention Assembly Tester's Certificate.

Possession of an AWWA Cross Connection Control Specialist Grade I Certification.

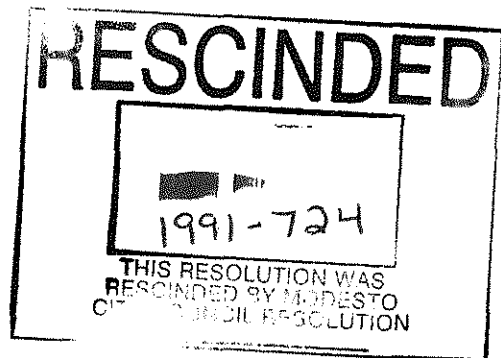
MODESTO CITY COUNCIL
RESOLUTION NO. 91-206

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 90-607 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective April 9, 1991", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary for a newly created position; Cross Connection Specialist at Range 122.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 9, 1991.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective April 9, 1991

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 Data Processing Technician
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Sr. Printing Service Operator Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Fire Supply Specialist Equipment Service Worker II

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective April 9, 1991

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
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 April 9, 1991

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
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective April 9, 1991

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. 91-207

A RESOLUTION APPROVING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR AN ADDITIONAL \$606,000 FOR THE TRANSPORTATION CENTER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended grant agreement between the City of Modesto and the State of California for an additional \$606,000 for the Transportation Center project under the State Transit Capital Improvement Program 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 9th day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-208

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO-STANISLAUS DIAL-A-RIDE TO PROVIDE FOR USE OF ADDITIONAL VANS TO MEET PASSENGER DEMAND

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto-Stanislaus Dial-A-Ride to provide for use of additional vans to meet passenger demand

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Mark 12

MODESTO CITY COUNCIL
RESOLUTION NO. 91-209

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 Engineering Division of the Public Works and Transportation Department has recommended extensive amendments, which include several additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled "CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS ENGINEERING STANDARD SPECIFICATIONS Annual Revisions 1991 Edition", and

WHEREAS, the proposed amendments are to accomplish correcting grammatical errors, clarifying existing text and drawings, updating to include the current editions of standards, tests and materials already required by the Standards, adding policies and procedures which have already been established by the Public Works 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 consider 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 March 18, 1991, and

WHEREAS, the Planning Commission, by Resolution No. 91-15, adopted on March 18, 1991, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS ENGINEERING STANDARD SPECIFICATIONS Annual Revisions 1991 Edition", 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 April 9, 1991, 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, 1991", 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 9th day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-210

A RESOLUTION DESIGNATING THE CITY MANAGER, THE DEPUTY CITY MANAGER, OR THE ASSISTANT TO THE CITY MANAGER OF THE CITY OF MODESTO AS AGENTS FOR THE CITY FOR THE PURPOSE OF EXECUTING APPLICATIONS FOR FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT OF 1988 AND P.L. 93-288 AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT OF 1988

WHEREAS, the severe freezing weather of December, 1990, caused extensive damage to public facilities owned and operated by the City of Modesto; and

WHEREAS, this event has been declared a disaster by both the state and federal governments; and

WHEREAS, these declarations create the possibility of financial assistance from the state and federal governments to offset the cost of repairing damage to Modesto facilities; and

WHEREAS, state and federal regulations require the agents for the City of Modesto be designated by resolution authorizing them to execute financial assistance applications.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. J. Edward Tewes, City Manager, or Paul Baxter, Deputy City Manager, or Adriana Garza, Assistant to the City Manager, for the City of Modesto, are hereby authorized to execute for and in behalf of the City of Modesto, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, or state financial assistance under the Natural Disaster Assistance Act.

2. The City of Modesto, a public entity established under the laws of the State of California, hereby authorizes its agent to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-211

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARY ANN GREENWOOD FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JUNE 1, 1991

WHEREAS, Mary Ann Greenwood was appointed a member of the Affirmative Action Commission on September 8, 1987; and

WHEREAS, Mary Ann Greenwood has tendered her resignation from the Affirmative Action Commission, effective June 1, 1991; and

WHEREAS, Mary Ann Greenwood 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 Mary Ann Greenwood 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 Mary Ann Greenwood 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 9th day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-212

A RESOLUTION EXPRESSING CITY COUNCIL SUPPORT FOR
FESTIVAL '91.

WHEREAS, the idea for an International Festival was first proposed by the Cultural Opportunities/Parks and Recreation Task Force of the Forward Modesto IV project, which proposal stated that the community organize and sponsor such a festival to celebrate the culture diversity of Modesto, and

WHEREAS, during the past few months an initial Steering Committee of community volunteers has been established, committee members have been designated, and various organizations and clubs representing the cultural diversity of Modesto have been contacted and an enthusiastic response has been received, and

WHEREAS, by letter dated April 2, 1991, from Bill Seavy, Festival '91 President, request was made that the Council designate the Festival '91 Committee as an official Committee of the City of Modesto and support the plans for this first year Festival which will commence on October 5, 1991, with an opening parade highlighting the various ethnic delegations in the community, and following the parade a street fair will be held which will be comprised of various international food and craft booths and which will run through Sunday, October 6, 1991, and

WHEREAS, at the Council meeting held on April 9, 1991, the Council considered said requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request that the Council designate the Festival '91 Committee as an official Committee of the City of Modesto and support the plans for the Festival '91 event as outlined in the letter dated April 2, 1991, from Bill Seavy, Festival '91 President, a copy of which letter is attached hereto, marked Exhibit "A", and incorporated herein by reference, are 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 April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

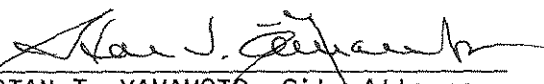
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)


APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

April 2, 1991

MODESTO CITY COUNCIL

Dear Council Members:



The idea for Festival '91 was born several years ago during the Forward Modesto IV project. It was an idea suggested by several task forces and highlighted as a goal in the final 1987 Forward Modesto IV report.

This idea was carried forward by Carol Whiteside and John Sutton, but with Councilmember Sutton's untimely death, it was put on hold until May of 1990. At that time Mayor Whiteside requested staff to gather preliminary data for a Fall 1990 event. City Council was asked for additional information or suggestions in gathering names of various ethnic groups in the community. It was quickly realized that this type of festival would need a longer time to plan.

Planning for the Festival began in earnest last fall. A Steering Committee was appointed by Mayor Whiteside and committee members designated. The list of members is attached.

A public informational meeting was held on January 16, 1991 and about 40 delegates representing various ethnic groups attended. Great enthusiasm was expressed by these attenders for such a festival.

Financial support to the Festival has already been given by Ogden Martin with a donation of \$15,000; the Modesto Bee has promised free advertising space to the same extent it supported "A La Carte" and PG&E will also contribute financial support. Modesto City schools are planning to take part in the Festival and support from other public and private school districts is being sought. Members of the Steering Committee represent a good cross section of interested groups in the Community. Each participating ethnic delegation will seek their own private sponsors.

Festival activities will commence Saturday, October 5, with an opening parade highlighting the various ethnic delegations in our community. The disbanding of the parade will also mark the beginning of the street fair, located across from the Civic Center Plaza, which will run through Sunday, October 6.

The Street Fair will be comprised of various international food and craft booths. A main stage area will be provided promoting local ethnic talent in conjunction with the festival's theme. The "Yes You Can" Children's Museum will

also be highlighting the ongoing schedule of events for youth throughout the day. Saturday night entertainment includes a dance whose theme is "World Beat '91" and includes four different professional band groups with Brazilian, Wazobia, Samba and Caribbean beats.

Insurance coverage for the event days of October 5 and 6 will be purchased by the Festival '91 Committee.

The Steering Committee feels that this event will be a success in Modesto due to the many ethnic groups living here. It will be a chance for the entire community to work together for a common goal - that of taking pride in our heritage and pride in our city. Modesto has many ethnic groups who already have their own festivals and celebrations. Festival '91 will bring these groups together for a common celebration of ethnic diversity.

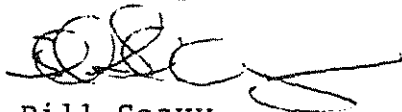
The Festival '91 committee is currently filing for 501(c)(3), non-profit status. This designation will take some time. Until that designation comes through, the Committee is asking to be appointed an official, City of Modesto, Council appointed Committee, for the remainder of this current year only (1991). By having this designation, it will give the entire project the status that it will need for more widespread support. It will make the festival more meaningful for our ethnic groups if it has City Council approval and support. The Festival Committee feels that Council support is critical for this first year.

In summary, the Festival '91 Steering Committee requests:

1. City Council appoint the Festival '91 Steering committee as an official City of Modesto Committee for the current year 1991;
2. City Council appoint a staff liaison to the Committee;
3. City Council authorize existing secretarial support for the Committee.

Thank you in advance for your consideration.

Sincerely,



Bill Seavy
Festival '91 President

WLS:jm

cc: Festival '91 Steering Committee Members

*Msgr.
Sally
Msgr.
Finance
P. Baker*

*Acie
P. Baker
P. M. J.*

FESTIVAL '91 STEERING COMMITTEE

Bill Seavy	Chair
Tom Wright	Vice Chair
Bette Belle Smith	Treasurer
Nancy Young	Secretary

Other Members:

Juan Alvarez, Modesto Junior College
Sam Gonzalez, Modesto Bee
Louis Levin, Modesto Realtors
Odessa Johnson, Modesto Junior College
Bev Kilpatrick, Boyle/Kilpatrick
Ron Toy, Model Pharmacy
Amy Wolfe, Ogden-Martin Systems
Peter Pen, Cambodian Community of Modesto
Susan Gnesa, Stanislaus Arts Commission
Robin C. Martin, Physical Therapy
Raul Garcia, paid coordinator

CITY OF MODESTO
RESOLUTION NO. 91-213

A RESOLUTION ORDERING CHANGES AND MODIFICATIONS

CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

WHEREAS, on February 26, 1991, this City adopted Resolution No. 91-112, A Resolution of Intention to Make Acquisitions and Improvements;

WHEREAS, the changes and modifications hereinafter ordered will not increase the total amount of the assessment or the amount of any individual assessment nor eliminate or add any acquisitions or work which will substantially and adversely alter or affect the benefits to be derived from the work and acquisitions;

WHEREAS, the public interest, convenience and necessity require the changes and modifications hereinafter ordered;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That the total assessment in said proceedings be decreased from \$1,119,593 to \$ 1,066,902.

2. That changes and modifications be made in the Engineer's Report in regard to the Engineer's Cost Estimate, the Assessment Spread Calculation, and in the individual assessments all as set forth in Exhibit "A", Exhibit "B" and Exhibit "C", respectively, attached hereto and made a part hereof.

* * * * *

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, 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

CITY OF MODESTO
 Improvement District No. 29
 (Standiford-Sisk-Dale-Prescott)

ENGINEER'S COST ESTIMATE	(1) As Preliminarily Approved	(2) As Confirmed and Recorded
1. CONSTRUCTION		
ROADWAY EXCAVATION	30,200	24,915
REMOVE CURB, GUTTER SIDE WALK	9,328	15,158
CURB & GUTTERS	31,660	31,660
SIDEWALK	17,490	17,490
ASPHALT CONCRETE	82,250	61,359
AGGREGATE BASE	27,100	20,596
LIQUID ASPHALT PRIME COAT	2,500	750
CATCH BASINS & ROCKWELLS	17,500	9,750
ROCKWELL W/ 8 IN DIP	9,000	4,800
SD MANHOLE ON 15 IN ACP	4,000	1,920
DRIVE WAY APPROACH	2,000	1,900
WHEEL CHAIR RAMPS	3,000	5,500
TRAFFIC SIGNAL MODIFICATION	75,000	88,500
STRIPING	10,000	20,000
MEDIAN CURBING	15,480	15,802
CONCRETE WALK FOR MEDIAN	6,420	5,350
LIGHTING	18,000	24,500
RELOCATE STREET LIGHTS	3,000	2,800
REPLACE MANHOLES W/ ECCENTRIC	3,600	1,500
CLEARING & GRUBBING	10,000	10,650
6 IN CHAIN LINK FENCE	24,000	15,200
10 IN WATER LINE	92,600	78,362
REMOVE SURFACING	1,265	1,518
ADJUST UTILITY COVERS	2,100	910
ABANDON 2 ROCKWELLS & BASINS		3,200
	=====	=====
TOTAL CONSTRUCTION	497,493	464,091
2. ACQUISITIONS, IMPROVEMENTS		
T/S DALE/SISK/STANDIFORD	94,347	94,347
T/S STANDIFORD/PRESCOTT	81,231	81,231
T/S SISK/RUMBLE	110,000	110,000
WIDEN STANDIFORD, DALE TO PRESCOTT	1,241,246	1,241,246
RELOCATE FLAGPOLE	25,000	25,000
	=====	=====
TOTAL ACQUISITIONS, IMPROVEMENTS	1,551,824	1,551,824
3. ACQUISITIONS, RIGHT OF WAY		
1 FARMER PARCEL	70,000	70,000
5 MID PARCELS	32,000	32,000
3 SANDERS PARCELS	44,000	44,000
2 VINTAGE FAIRE PARCELS	63,500	63,500
	=====	=====
TOTAL ACQUISITIONS, RIGHT OF WAY	209,500	209,500

4. INCIDENTALS

BOND COUNSEL	20,000	20,000
DESIGN ENGINEERING	29,850	27,845
ASSESSMENT ENGINEER	15,000	15,000
CONSTRUCTION ADMINISTRATION	29,850	27,845
FINANCIAL ADVISOR	25,000	25,000
COUNTY ADMINISTRATION	500	500
BOND PRINT AND PUBLISH	2,500	2,500
PAYING AGENT	15,500	15,500
PRINT OFFICIAL STATEMENT	7,500	7,500
BOND DISCOUNT, 3 %	33,588	32,007
BOND RESERVE, 7 %	78,371	74,683
CAPITALIZED BOND INTEREST, 8.0%	89,567	85,352
	=====	=====
TOTAL INCIDENTALS	347,226	333,732

5. CONTINGENCIES

	128,728	122,195
	=====	=====
TOTAL PROJECT COST	2,734,771	2,681,342
ESTIMATED CONTRIBUTIONS	(1,615,178)	(1,614,440)
	=====	=====
TOTAL TO ASSESSMENT	1,119,593	1,066,902

CITY OF MODOESTO
 Improvement District No. 29
 (Standiford-Sisk-Dale-Prascott)

ASSESSMENT SPREAD CALCULATION

ITEM	ZONE A	ZONE B	ZONE C	TOTAL
CLASS 1A				
RIGHT OF WAY ACQUIRED				
FARMER (1)	70,000			70,000
MID (3)	27,000			27,000
=====				
TOTAL CLASS 1A	97,000	0	0	97,000
CLASS 1B				
RIGHT OF WAY TO BE ACQUIRED IN ESCROW				
SANDERS (2)	36,500			36,500
TO BE ACQUIRED				
SANDERS (1) SISK/RUMBLE	5,025		2,475	7,500
VINTAGE FAIRE (2)	63,500			63,500
MID (2)	5,000			5,000
=====				
TOTAL, CLASS 1B	110,025	0	2,475	112,500
CLASS 2				
WORK COMPLETED				
TRAFFIC SIGNALS	94,347	81,231		175,578
=====				
TOTAL, CLASS 2	94,347	81,231	0	175,578
CLASS 3A				
CITY CONTRIBUTION, FEDERAL PROJECT				
T/S SISK AND RUMBLE	11,390		5,610	17,000
STANDIFORD, DALE TO PRESCOTT	139,685	46,562		186,246
=====				
TOTAL, CLASS 3A	151,075	46,562	5,610	203,246
CLASS 3B				
WORK WITH FEDERAL GRANTS				
T/S SISK AND RUMBLE	62,310		30,690	93,000
STANDIFORD, DALE TO PRESCOTT	791,250	263,750		1,055,000
=====				
TOTAL, CLASS 3B	853,560	263,750	30,690	1,148,000
CLASS 6D				
RELOCATE FLAGPOLE				
	25,000			25,000
=====				
TOTAL CLASS 6D	25,000	0	0	25,000

CLASS 60				78,362
INSTALL 10 IN WATER LINE				
TOTAL CLASS 60	0			78,362
CLASS 6A				17,000
OFF, T/S SISK & RUMBLE				
TOTAL CLASS 6A				17,000
CLASS 6B				89,500
OFF, TS MOD & STAND-DALE-SISK				
TOTAL CLASS 6B				89,500
CLASS 6E				10,000
TRAFFIC MITIGATION FEES				
TOTAL CLASS 6E				10,000
CLASS 4				
ID 29 CONTRACTS				
ROADWAY EXCAVATION	9,823	15,092	24,915	
REMOVE CURB, GUTTER	15,159		15,159	
CURB & GUTTERS	16,212	15,448	31,660	
SIDEWALK	17,490		17,490	
ASPHALT CONCRETE	18,408	42,951	61,359	
AGGREGATE BASE	6,179	14,417	20,596	
LIQUID ASPHALT PRIME COAT	225	525	750	
CATCH BASING & ROCKWELLS		9,750	9,750	
ROCKWELL W/ 8 IN DIP		4,900	4,900	
SD MANHOLE ON 15 IN ACP	1,920		1,920	
DRIVE WAY APPROACH	950	950	1,900	
WHEEL CHAIR RAMPS	5,500		5,500	
TRAFFIC SIGNAL MODIFICATION	89,500		89,500	
STRIPING	13,333	6,667	20,000	
MEDIAN CURBING	15,803		15,803	
CONCRETE WALK FOR MEDIAN	5,350		5,350	
LIGHTING	12,250		12,250	
RELOCATE STREET LIGHTS	1,400		2,800	
REPLACE MANHOLES W/ ECCENTRIC		1,500	1,500	
CLEARING & GRUBBING		10,650	10,650	
6 IN CHAIN LINK FENCE		15,200	15,200	
10 IN WATER LINE	759	759	1,518	
REMOVE SURFACING	455	455	910	
ADJUST UTILITY COVERS	1,600	1,600	3,200	
ABANDON 2				
TOTAL, CLASS 4	231,314	0	464,090	

WATERLINE	0			-78,362
WORK ATTRIBUTABLE TO EA ZONE	1,562,321	381,543	193,189	2,147,052
SUB-TOTAL, ALL ABOVE CLASSES LESS WATERLINE				

IN RATIO TO ABOVE SUB-TOTAL:				
CREDIT FOR CLASSES 1A,2,3B	-1,033,696	-257,061	-127,822	-1,420,578
CFF CREDIT, CLASS 6A	-12,370	-3,100	-1,530	-17,000
CFF CREDIT, CLASS 6B	-64,398	-13,139	-7,963	-88,500
TRAFFIC MITIGATION, 6E	-7,877	-1,824	-900	-10,000
	=====	=====	=====	=====
SUB-TOTAL, ALL CLASSES LESS CREDITS	444,580	111,419	54,975	610,974

CONTIGENCIES, 20%	88,916	22,284	10,995	122,195
	=====	=====	=====	=====
TOTAL CONSTRUCTION COST	533,497	133,703	65,969	733,169

CLASS 5				
LEGAL AND ADMINISTRATION				
BOND COUNSEL	14,553	3,647	1,800	20,000
DESIGN ENGINEERING	20,262	5,078	2,505	27,845
ASSESSMENT ENGINEER	10,915	2,735	1,350	15,000
CONSTRUCTION ADMINISTRATION	20,262	5,078	2,505	27,845
FINANCIAL ADVISOR	18,191	4,559	2,249	25,000
COUNTY ADMINISTRATION	364	91	45	500
BOND PRINT AND PUBLISH	1,819	456	225	2,500
PAYING AGENT	11,279	2,827	1,395	15,500
PRINT OFFICIAL STATEMENT	5,457	1,368	675	7,500
BOND DISCOUNT, 3 %	23,290	5,857	2,880	32,007
BOND RESERVE, 7 %	54,344	13,619	6,720	74,683
CAPITALIZED BOND INTEREST, 8.0%	62,107	15,565	7,680	85,352
	=====	=====	=====	=====
TOTAL, CLASS 5	242,844	60,861	30,029	333,733
GRAND TOTAL, TO ASSESSMENT	776,340	194,563	95,998	1,066,902

CITY OF MODESTO
IMPROVEMENT DISTRICT No. 29
(Standiford-Sisk-Dale-Prescott)

Page No. 1
04/05/91

Assessment No.	Assessor's Parcel No.	ASSESSMENT ROLL		
		(1) As Preliminarily Approved	(2) As Confirmed And Recorded	(3) As Modified After Recording
1	076-2814	59,352.03	49,867.00	
2	076-2815	84,430.35	75,601.46	
3	076-2983	25,968.60	25,850.95	
4	076-2982	16,514.07	16,439.26	
5	076-4807	568.44	565.87	
6	076-4808	1,972.83	1,963.89	
7	076-4809	2,758.62	2,746.12	
8	076-4811	3,699.05	3,682.29	
9	076-4812	10,198.52	10,152.31	
10	076-4813	5,517.23	5,492.24	
11	076-4814	1,897.59	1,889.00	
12	076-4815	1,149.42	1,144.22	
13	076-4804	2,315.56	2,305.07	
14	076-3109	48,693.74	48,473.14	
15	076-3110	3,343.78	3,328.63	
16	076-3114	24,242.38	24,132.55	
17	076-3116	5,851.61	5,825.10	
18	076-3119	397.07	395.27	
19	076-3120	132,555.65	131,955.12	
20	076-3121	4,597.69	4,576.86	
21	076-3122	44,890.19	44,686.83	
22	076-3123	5,366.76	5,342.45	
23	076-3124	58,516.08	58,250.98	
24	076-3125	36,651.97	36,485.92	
25	076-3126	11,941.46	11,887.36	

EXHIBIT "C"

17

CITY OF MODESTO
IMPROVEMENT DISTRICT No. 29
(Standiford-Sisk-Dale-Prescott)

Page No. 1
04/05/91

Assessment No.	Assessor's Parcel No.	ASSESSMENT ROLL		
		(1) As Preliminarily Approved	(2) As Confirmed And Recorded	(3) As Modified After Recording
1	076-2814	59,352.03	49,867.00	
2	076-2815	84,430.35	75,601.46	
3	076-2983	25,968.60	25,850.95	
4	076-2982	16,514.07	16,439.26	
5	076-4807	568.44	565.87	
6	076-4808	1,972.83	1,963.89	
7	076-4809	2,758.62	2,746.12	
8	076-4811	3,699.05	3,682.29	
9	076-4812	10,198.52	10,152.31	
10	076-4813	5,517.23	5,492.24	
11	076-4814	1,897.59	1,889.00	
12	076-4815	1,149.42	1,144.22	
13	076-4804	2,315.56	2,305.07	
14	076-3109	48,693.74	48,473.14	
15	076-3110	3,343.78	3,328.63	
16	076-3114	24,242.38	24,132.55	
17	076-3116	5,851.61	5,825.10	
18	076-3119	397.07	395.27	
19	076-3120	132,555.65	131,955.12	
20	076-3121	4,597.69	4,576.86	
21	076-3122	44,890.19	44,686.83	
22	076-3123	5,366.76	5,342.45	
23	076-3124	58,516.08	58,250.98	
24	076-3125	36,651.97	36,485.92	
25	076-3126	11,941.46	11,887.36	

EXHIBIT "C"

CITY OF MODESTO
 IMPROVEMENT DISTRICT No. 29
 (Standiford-Sisk-Dale-Prescott)

Page No. 2
 04/05/91

ASSESSMENT ROLL

Assessment No.	Assessor's Parcel No.	(1) As Preliminarily Approved	(2) As Confirmed And Recorded	(3) As Modified After Recording
26	076-3106	9,893.40	9,848.58	
27	076-0633	2,683.38	2,671.22	
28	076-0634	9,517.22	9,474.11	
29	076-0632	2,436.78	2,425.74	
30	076-0639	13,918.47	13,855.41	
31	076-3601	3,469.17	3,453.45	
32	076-3602	3,469.17	3,453.45	
33	076-3603	10,762.78	10,714.02	
34	076-3605	2,925.80	2,912.55	
35	076-3610	38,787.80	38,612.08	
36	076-4233	25,207.89	25,093.69	
37	076-4234	5,872.51	5,845.90	
38	076-4235	17,362.56	17,283.90	
39	076-4237	6,812.94	6,782.08	
40	005-3720	5,768.01	5,741.88	
41	005-3724	5,475.43	5,450.63	
42	005-3725	22,194.31	22,093.77	
43	005-3726	17,667.68	17,587.64	
44	005-4606	7,980.85	6,405.31	
45	005-8230	2,137.73	1,715.71	
46	005-8229	1,038.33	833.34	
47	005-8228	11,849.12	9,509.93	
48	005-8227	3,603.60	2,892.20	
49	005-8226	4,825.16	3,872.60	
50	005-8225	19,239.56	15,441.38	

CITY OF MODESTO
 IMPROVEMENT DISTRICT No. 29
 (Standiford-Sisk-Dale-Prescott)

Page No. 3
 04/05/91

ASSESSMENT ROLL

Assessment No.	Assessor's Parcel No.	ASSESSMENT ROLL		
		(1) As Preliminarily Approved	(2) As Confirmed And Recorded	(3) As Modified After Recording
51	005-8224	1,017.97	817.00	
52	005-8223	2,483.84	1,993.49	
53	005-8222	7,431.15	5,964.13	
54	005-8221	14,109.01	11,323.68	
55	005-8214	875.45	702.62	
56	005-8215	1,445.51	1,160.15	
57	005-8218	6,189.23	4,967.39	
58	005-5332	2,524.56	2,026.17	
59	005-5333	4,031.15	3,235.34	
60	005-5334	7,797.62	6,258.25	
61	005-5331	1,058.68	849.68	
62	005-5330	19,972.49	16,029.62	
63	076-3508	9,076.02	8,726.06	
64	076-4110	59,726.08	57,423.11	
65	054-4577	4,608.28	4,430.59	
66	054-4576	10,018.76	9,632.44	
67	054-4575	4,660.98	4,481.25	
68	054-2131	2,008.44	1,930.99	
69	054-2135	12,296.55	11,822.40	
70	054-2123	2,646.68	2,544.63	
71	054-2125	1,528.28	1,469.36	
72	054-2126	2,787.22	2,679.75	
73	054-2124	1,862.05	1,790.25	
74	054-2134	1,094.98	1,052.76	
75	054-2133	1,370.19	1,317.35	

CITY OF MODESTO
IMPROVEMENT DISTRICT No. 29
(Standiford-Sisk-Dale-Prescott)

Page No. 4
r/05/91

ASSESSMENT ROLL

Assessment No.	Assessor's Parcel No.	(1) As Preliminarily Approved	(2) As Confirmed And Recorded	(3) As Modified After Recording
76	054-2132	1,469.73	1,413.06	
77	054-2130	2,705.24	2,600.93	
78	054-2128	16,816.99	16,168.55	
79	054-2129	1,534.14	1,474.99	
80	054-2121	17,098.05	16,438.77	
81	054-2122	32,158.39	30,918.40	
82	054-2531	4,151.55	3,991.47	
83	054-2529	5,855.50	5,629.72	
84	054-2530	6,891.92	6,626.18	
Totals		1,119,593.02	1,066,900.99	

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CITY OF MODESTO
RESOLUTION NO. 91-214

A RESOLUTION OVERRULING PROTESTS

**CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)**

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"),
County of Stanislaus, State of California, that

WHEREAS, on February 26, 1991, this City adopted Resolution No. 91-112, A
Resolution of Intention to Make Acquisitions and Improvements;

WHEREAS, notice of the time and place of hearing protests in relation to said proposed
acquisitions and improvements was duly given and all written protests and other written
communications were publicly read at said hearing and all persons desiring to be heard were fully
heard;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That protests against said acquisitions and improvements, and/or matters related thereto,
were not signed and duly filed by the owners of a majority or more of the area of the lands within
the assessment district, or of the area of the lands within the assessment district assessed for the
costs and expenses of said acquisitions and improvements.
2. That said protests, and each of them, are overruled.

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, 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

RESOLUTION NO. 91-215**A RESOLUTION ADOPTING ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT AND ORDERING THE WORK AND ACQUISITIONS, AND DIRECTING ACTIONS WITH RESPECT THERETO****CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)**

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

WHEREAS, on February 26, 1991, this Council adopted Resolution No. 91-112, A Resolution of Intention to Make Acquisitions and Improvements (the "Resolution of Intention"), and therein directed the Engineer of Work to make and file a report in writing (the "Report") in accordance with and pursuant to the Municipal Improvement Act of 1913 (the "Act");

WHEREAS, the Report was duly made and filed, and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the Resolution of Intention, and on Tuesday, April 16, 1991, at the hour of 7:30 o'clock p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, were appointed as the time and place for hearing protests in relation to said proposed acquisitions and improvements, notices of which hearing were duly and regularly posted, mailed and published; and

WHEREAS, said hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said acquisitions and improvements were fully heard and considered by this Council, and all protests, both written and oral, were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order said acquisitions and improvements and the confirmation of said diagram and assessment to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. That the owners of one-half of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearing, file written protests against the said proposed acquisitions and improvements or the grades at which said work is proposed to be done, as a whole or as to any part thereof, or against the City or the extent thereof to be assessed for the costs and expenses of said acquisitions and improvements, as a whole or as to any part thereof, or against the engineer's estimate of costs and expenses, in whole or in part, or against the maps and

descriptions, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part.

2. That the public interest, convenience and necessity require that the acquisitions and improvements be made. Based upon evidence presented to this Council, it is hereby found that the total principal sum of outstanding unpaid special assessments levied against the parcels proposed to be assessed, plus the principal amount of the special assessments proposed to be levied in the instant proceedings do not exceed one half of the total value of the parcels proposed to be assessed, as such value is estimated as the full cash value of said parcels as shown on the last equalized assessment roll of the County of Stanislaus. Accordingly, this Council finds that there has been compliance with Part 7.5 of Division 4 of the California Streets and Highways Code and that all other requirements of said Division 4 are satisfied.

3. That the district benefited by said acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

4. That the Report as a whole and each part thereof, are hereby approved and confirmed to wit:

- (a) the plans and specifications for the proposed improvements;
- (b) the maps and descriptions of the lands and easements to be acquired, if any;
- (c) the engineer's estimate of the itemized and total costs and expenses of said acquisitions and improvements, and of the incidental expenses in connection therewith;
- (d) the diagram showing the assessment district and the boundaries and dimensions of the respective subdivisions of land within the City; and
- (e) the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in the City in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto.

5. That final adoption and approval of the Report as a whole, and of the plans and specifications, maps and descriptions of the lands and easements to be acquired, estimate of the costs and expenses, the diagram and the assessment, as contained in the Report, as hereinabove determined and ordered, is intended to and shall refer and apply to the Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. That said acquisitions and improvements be made, and that said assessment to pay the costs and expenses thereof is hereby levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution of Intention.

7. That based on the oral and documentary evidence, including the Report, offered and

received at said protest hearing, this Council expressly finds and determines (a) that each of said several subdivisions of land will be specially benefited by said acquisitions and improvements at least in the amount, if not more than the amount, of the assessment apportioned against said subdivisions of land, respectively, and (b) that there is substantial evidence to support, and the weight of said evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

8. That the City Clerk shall forthwith:

(a) deliver said assessment to the Superintendent of Streets, together with said diagram, as approved and confirmed by this Council, with a certificate of such confirmation and of the date thereof, executed by the Clerk, attached thereto. Said Superintendent of Streets shall record said assessment and diagram in his office in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

(b) cause a copy of said assessment diagram and a notice of assessment, executed by the Clerk, to be filed and recorded, respectively, in the office of the County Recorder of the County of Stanislaus, such notice to be in substantially the form provided in Section 3114 of the Streets and Highways Code.

From the date of recording of said notice of assessment, all persons shall be deemed to have notice of the contents of such assessment, and each of such assessments shall thereupon be a lien upon the property against which it is made, and unless sooner discharged such liens shall so continue for the period of ten (10) years from the date of said recordation, or in the event bonds are issued to represent said assessments, then such liens shall continue until the expiration of four (4) years after the due date of the last installment upon said bonds or of the last installment of principal of said bonds.

The appropriate officer or officers are hereby authorized to pay any and all fees required by law in connection with the above.

9. That the Finance Director is appointed Collection Officer for said assessments and the person to whom payment of said assessments shall be made, and that the office of the Finance Director at City of Modesto, P.O. Box 642, Modesto, California 95353, is designated as the place at which said payments will be made. Said Collection Officer, upon said recording of the assessment and diagram, shall cause Notice to Pay Assessments to be mailed and published. Said notice shall state that the assessment has been recorded as provided in Section 10402 of the Streets and Highways Code, and the date thereof, that all sums assessed therein are due and payable immediately and payment thereof is to be made to the Collection Officer at said office within 30 days after said date of recording the assessment, and the effect of failure to pay within such time, including the fact that bonds will be issued pursuant to the Improvement Bond Act of 1915 to

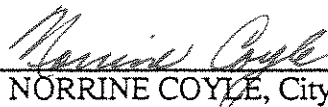
represent and upon the security of said assessments which are not paid within said 30-day period; and, in addition, said notice to be mailed shall contain a designation by street number or other description of the property assessed sufficient to identify same and the amount of the assessment thereon.

Said mailed notice shall be mailed to each owner of real property within the assessment district at his last known address as the same appears on the tax rolls of the County of Stanislaus, or on file in the office of or as known to the Clerk, or to both addresses if said address is not the same, or to the general delivery when no address so appears; and said published notice shall be published once a week for two successive weeks (with at least five days intervening between the respective publication dates, not counting such dates) in the Modesto Bee, newspaper published and circulated in the City.

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, 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

3/13/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-216

A RESOLUTION DENYING THE APPEAL FILED BY ERIK JOHNSON TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING A C-3 CONDITIONAL USE PERMIT TO SCOTT JOHNSON FOR CONVERSION OF THE CALIFORNIA HIGHWAY PATROL OFFICE AND FACILITIES TO A NIGHTCLUB INCLUDING EXPANSION OF THE PARKING AREA AT 2067 WEST ORANGEBURG AVENUE.

WHEREAS, an application for a C-3 conditional use permit for conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue was filed by Scott Johnson on January 7, 1991, and

WHEREAS, Sections 10.1.202(a) and 10-2.2503 of the Modesto 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 February 28, 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, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 1445 on February 28, 1991, which denied a C-3 conditional use permit to Scott Johnson for conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's denial of the request for a C-3 conditional use permit to allow conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, was filed by Erik Johnson by letter dated March 13, 1991, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on April 16, 1991, at 7:30 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 the C-3 conditional use permit to Scott Johnson to allow conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reason set forth in the Board of Zoning Adjustment Resolution No. 1445 and quoted below:

1. The proposed nightclub operation will impact both adjacent commercial and residential uses in terms of compatibility, noise generation, parking, and neighborhood safety.

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 proposed project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Erik Johnson for a C-3 conditional use permit to allow conversion of the California Highway Patrol Office and facilities to a nightclub including expansion of the parking area at 2067 West Orangeburg Avenue, is hereby denied for the reason set forth above, and the decision of the Board of Zoning Adjustment is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: 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. 91-217

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR PUMP STATION NO. 20 EMERGENCY GENERATOR SET
ADDITION

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

SECTION 1. The plans and specifications for Pump Station No. 20
emergency generator set addition

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 9, 1991, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 16th day of April, 1991,
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, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-218

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR EIGHT INCH SANITARY SEWER REHABILITATION, LALOMA
AT DRY CREEK

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

SECTION 1. The plans and specifications for eight inch sanitary sewer
rehabilitation, LaLoma at Dry Creek

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 9, 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 16th day of April, 1991,
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, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-219

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE BRUSH FIRE FIGHTING TRUCK

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

SECTION 1. The plans and specifications for furnishing one brush fire fighting 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 May 6, 1991, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Murature, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-220

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE VACTOR TRUCK

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

SECTION 1. The plans and specifications for furnishing one vactor truck
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 May 13, 1991, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-221

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR 20 TRAFFIC SIGNAL CONTROLLERS

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

SECTION 1. The plans and specifications for purchase of 20 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 May 13, 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 16th day of April, 1991,
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, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-222

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAMILTON/MERIDIAN INSURANCE FOR RENEWAL OF ALL-RISK PROPERTY INSURANCE ON LEVEES AT THE WATER QUALITY TREATMENT PLANT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Hamilton/Meridian Insurance for renewal of all-risk property insurance on levees at the Water Quality 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 16th day of April, 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Ch. 6.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-223

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE CALIFORNIA ENERGY COMMISSION TO PARTICIPATE IN ITS ENERGY CONSERVATION STUDY PARTNERSHIP PROGRAM.

WHEREAS, SB 880 has provided funds to the California Energy Commission (CEC) for energy support to local governments through the Energy Partnership Program, and

WHEREAS, the City of Modesto qualifies to participate in the CEC's Energy Partnership Program, and

WHEREAS, the City of Modesto recognizes that assistance will allow better use of limited staff resources and expertise to deal with energy matters,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby authorizes and directs the City Manager or his authorized designee to file an application with the California Energy Commission for participation in its Energy Partnership Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, 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, Dobbs, Irizarry, 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. 91-224

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DKS ASSOCIATES TO HELP CITY STAFF IN RETIMING TRAFFIC SIGNALS AT 17 INTERSECTIONS UNDER THE 1991 FETSIM PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and DKS Associates to help City staff in retiming traffic signals at 17 intersections under the 1991 FETSIM Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-225

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DANIEL M. AND ANGELICA. M. JUAREZ FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1206 GARDEN AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Daniel M. and Angelica M. Juarez for sewer service to property outside City limits at 1206 Garden 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 16th day of April , 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-226

A RESOLUTION PROVIDING PRELIMINARY APPROVAL OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FINANCING FOR CERTAIN HEALTH CARE FACILITIES APPOINTING A FINANCIAL ADVISOR, BOND COUNSEL AND AN UNDERWRITER AND APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF AN AGREEMENT FOR FINANCIAL ADVISORY SERVICES AND AN AGREEMENT FOR LEGAL SERVICES.

RESOLVED, by the City Council of the City of Modesto, California (the "City"), as follows:

WHEREAS, the City is authorized pursuant to its Charter and Ordinance No. 2138-C.S. (the "Law") to issue and sell its bonds for the purpose of providing financing for the acquisition and construction of health care facilities located within the City, and

WHEREAS, Memorial Hospitals Association (the "Corporation"), an organization qualified under Section 501(c)(3) of the Internal Revenue Code of 1986, has applied to the city to issue and sell its bonds for the purpose of financing and refinancing the acquisition and construction of certain health care facilities to be located within the City, which facilities are described in Exhibit "A" attached hereto and by this reference incorporated herein (the "Project"), and the City wishes to induce the Corporation to acquire and construct the Project within the City, and

WHEREAS, it is in the public interest, for public benefit and in furtherance of the public purposes of the City that the City Council provide preliminary approval of the issuance of bonds for the aforesaid purposes, and

WHEREAS, it is desirable to appoint a financial advisor, bond counsel and an underwriter in connection therewith,

NOW, THEREFORE, it is hereby FOUND, DETERMINED and ORDERED as follows:

1. The City hereby preliminarily approves the issuance and sale of bonds of the City pursuant to the Law in a principal amount of not to exceed \$25,750,000, for the purpose of providing financing to the Corporation for the financing of the Project.

2. The City hereby determines that it will take all action necessary or advisable in connection with the issuance and sale of the bonds and the execution of the financing agreements for the Project.

3. The bonds shall be special obligations of the City payable solely from the trust estate to be defined in the indenture authorizing the bonds, and shall not constitute an indebtedness of the City or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

4. The issuance and sale of the bonds shall be upon such terms and conditions as may be mutually agreed upon by the City, the Corporation, the underwriter and the purchasers of the bonds and shall be subject to completion of proceedings for issuance, sale and delivery of the bonds by the City.

5. The proceeds of the bonds shall include such related and necessary issuance costs, administrative expenses, debt service reserves and interest payments as may be required to accomplish the financing successfully.

6. The City Council hereby finds that the issuance of the bonds as described herein is a substantial inducement to the Corporation to acquire and construct the Project within the City and that the Project will further the public purposes of the City.

7. The financial advisory firm of Seidler-Fitzgerald Public Finance, Los Angeles, California ("Seidler-Fitzgerald"), is hereby appointed to act as financial advisor in connection with issuance of the bonds.

8. The law firm of Jones Hall Hill & White, A Professional Law Corporation, San Francisco, California ("Jones Hall"), is hereby appointed to act as bond counsel in connection with issuance of the bonds.

9. The investment banking firm of A. G. Edwards & Sons, Inc., Sacramento, California, is hereby appointed to act as underwriter in connection with issuance of the bonds.

10. That certain Agreement for Financial Advisory Services by and between the City and Seidler-Fitzgerald for financial advisory services in connection with issuance of the Bonds, a copy of which is on file with the City Clerk, is hereby approved. The City Manager or the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute said Agreement and the City Clerk is hereby authorized and directed to attest to such official's signature.

11. That certain Agreement for Legal Services by and between the City and Jones Hall for legal services in connection with issuance of the Bonds, a copy of which is on file with the City Clerk, is hereby approved. The City Manager or the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute said Agreement and the City Clerk is hereby authorized and directed to attest to such official's signature.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, 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, Dobbs, Irizarry, 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. 91-227

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 PRELIMINARY APPROVAL OF THE ISSUANCE OF REVENUE BONDS RELATING TO EXPANSION OF HEALTH CARE SERVICES PROVIDED BY MEMORIAL HOSPITAL.

WHEREAS, on April 16, 1991 the City Council approved City Council Resolution No. 91-226 giving preliminary approval to a proposal relating to the issuance of bonds to facilitate the ongoing expansion and improvement of health care services available to the community at Memorial Hospital in the City of Modesto, and

WHEREAS, the City Council certifies that at its meeting of April 16, 1991, 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 relating to the preliminary approval of the issuance of bonds to facilitate the ongoing expansion and improvement of health care services available to the community at Memorial Hospital 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 16th day of April, 1991, 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, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

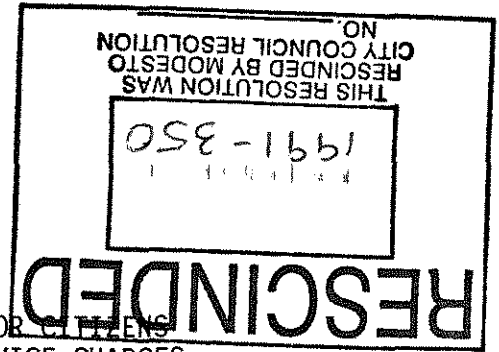
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-228



A RESOLUTION ESTABLISHING DISCOUNTS FOR SENIOR CITIZENS
AND DISABLED PERSONS FOR WATER AND SEWER SERVICE CHARGES.

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

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 established water and sewer service charges, and

WHEREAS, City staff has recommended approving the establishment of discounts on water and sewer utility rates for senior citizens and disabled persons, and

WHEREAS, on April 16, 1991, the Council considered the establishment of discounts for water and sewer service charges for senior citizens and disabled persons,

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

SECTION 1. WATER SERVICE CHARGES FOR RESIDENTIAL SERVICE. The following schedule of fees and charges for water services in the City of Modesto shall be as follows:

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	\$ 825.00
	1-1/2" service	850.00
	2" service	925.00
	4"-6" service	2,300.00
	8" service	2,500.00
	10" or larger service	COST
	Connection to existing main	1,850.00
11-1.04	Additional Charge for each water service installation involving pavement removal and/or replacements.	\$ 220.00
	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.	15.50
	Water detector check valve, 4 in.	400.00
	Water detector check valve, 6 in.	500.00
	Water detector check valve, 8 in.	850.00
	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.	15.50
	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	\$1,900.00
	Fire hydrant line to main per lineal foot	3.50
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	220.00
	Fire main test	87.00
11-1.06(e)	Meter installation cost	
	Each 1" meter	265.00
	Each 1" meter with traffic lid	325.00
	Each 1-1/2" meter	375.00
	Each 1-1/2" meter with traffic lid	490.00
	Each 2" meter	545.00
	Each 2" meter with traffic lid	600.00
	Each 4" meter	2,700.00
	Each 6" meter	3,830.00
	Each 8" meter	7,100.00
	Each 10" or larger meter	COST
11-1.09	Fire hydrant charge for construction water used.	COST OF WATER

11-1.14(e)	Water bill delinquent charge. (LATE CHARGE)	3.50
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)	Cut Waterline	300.00

*(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.)

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. WATER AND SEWER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water and sewer discount rates for senior citizens and disabled persons 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.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective and apply on and after June 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-229

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITY SERVICE PROGRAM OF STANISLAUS COUNTY TO ADMINISTER A DISCOUNT WATER AND SEWER UTILITY RATE PROGRAM FOR QUALIFYING SENIOR CITIZENS AND DISABLED PERSONS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program of Stanislaus County to administer a discount water and sewer utility rate program for qualifying senior citizens and disabled persons

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-230

A RESOLUTION DESIGNATING THE TURNER HITCHING POST LOCATED AT 1104 14TH 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 July 16, 1990, 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. 15, that the Turner Hitching Post 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 25, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Turner Hitching Post 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 Turner Hitching Post is located on property at 1104 14th 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 South half of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Blocks 11, 12 and Y 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 the Turner Hitching Post has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. It historically reflects the era of the horse-drawn vehicle.
2. It is an architectural relic.
3. It is economically feasible in that no maintenance or very little is required.

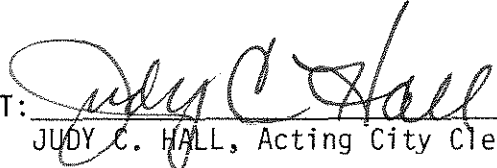
BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

201

MODESTO CITY COUNCIL
RESOLUTION NO. 91-231

A RESOLUTION DESIGNATING THE BIENVENU LAW OFFICES BUILDING
LOCATED AT 726 10TH 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 March 16, 1990, 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. 10, that the Bienvenu Law Offices Building located at 726 10th Street 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 26, 1991, in the
City Council Chambers, City Hall, 801 11th Street, Modesto, California, the
Council found and determined that the Bienvenu Law Offices Building located at
726 10th Street 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 Bienvenu Law Offices Building located at 726 10th Street is 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 southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Southwesterly 50 feet of Lot 29 in Block 70 of the CITY OF MODESTO, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 21, 1942 in Volume 15 of Maps, more particularly described as follows:

Beginning at the corner of Lots 29 and 30 on the Northeasterly line of 10th Street; thence Northeasterly between Lots 29 and 39, a distance of 50 feet; thence at right angles Southeasterly 25 feet to the Line between Lots 29 and 28; thence Southwesterly between Lots 29 and 28, a distance of 50 feet to the Northeasterly line of 10th Street; thence Northwesterly along the Northeasterly line of 10th Street, a distance of 25 feet to the point of beginning.

BE IT FURTHER RESOLVED that the Bienvenu Law Offices Building located at 726 10th Street has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The Bienvenu Law Offices building was built in 1886, it is architecturally significant as a fine example of the Italiante style of architecture.
2. Historically, it is the oldest business building in the downtown area.
3. It is economically viable. Presently the building is used as attorney's offices.

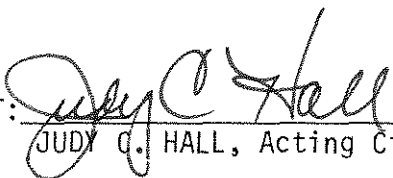
BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-232

A RESOLUTION DESIGNATING THE HAWKE CASTLE LOCATED AT 115
MAGNOLIA 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 March 16, 1990, 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. 13, that the Hawke Castle 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 23, 1991, in the
City Council Chambers, City Hall, 801 11th Street, Modesto, California, the
Council found and determined that the Hawke Castle 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 Hawke Castle is located on property at 115 Magnolia 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:

Lots 21, 22, 23, 24, 25, 26 and 27 in Block 534 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 the Hawke Castle has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Hawke Castle, built in 1929, is architecturally significant as a replica of a Norman Castle and is therefore unique among Modesto's residential architecture. It was originally built by Mr. and Mrs. Edwin R. Hawke.
2. It is economically viable as a residence.

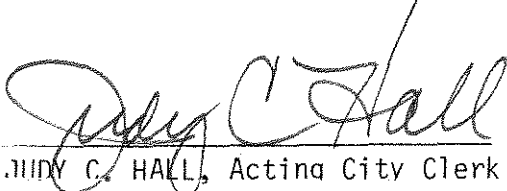
BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

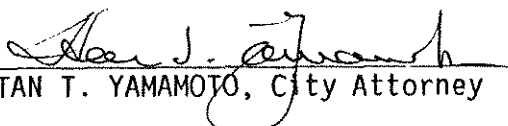
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

File

MODESTO CITY COUNCIL
RESOLUTION NO. 91-233

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO EXPAND THE MODESTO URBAN AREA BOUNDARY TO INCLUDE RESIDENTIAL DESIGNATION AT THE NORTHWEST CORNER OF DALE ROAD AND PELANDALE AVENUE (FLEUR DE VILLE SUBDIVISION), AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

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

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

- No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)
- No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)
- No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)
- No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)
- No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)
- No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)
- No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)
- No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)
- No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)
- No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)
- No. 78-854, adopted on August 14, 1978 (Conservation Element)
- No. 78-855, adopted on August 14, 1978 (Noise Element)
- No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)
- No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)
- No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)
- No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)
- No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)
- No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)
- No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)

- No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)
- No. 84-462, adopted on July 10, 1984 (Amendment to Housing Element)
- No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)
- No. 86-1297, adopted on November 26, 1986 (Circulation Element)
- No. 86-1298, adopted on November 26, 1986 (Circulation Element)
- No. 86-1299, adopted on November 26, 1986 (Circulation Element)
- No. 86-1300, adopted on November 26, 1986 (Circulation Element)
- No. 86-1301, adopted on November 26, 1986 (Circulation Element)
- No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)
- No. 89-579, adopted on May 23, 1989 (Amendment to the Modesto Urban Area General Plan Map - Orchard Neighborhood)
- No. 89-632, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Bret Harte)
- No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)
- No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map - Chrysler-99 Neighborhood)
- No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)
- No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire-General Plan)
- No. 90-758, adopted on September 11, 1990 (Amendment to Modesto Urban Area General Plan - Village One)

and

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

WHEREAS, on March 18, 1991, the Planning Commission held a public hearing on a proposal by Rule Development to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 91-19 on March 18, 1991, recommending to the City Council an amendment to the

General Plan Map to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), and

WHEREAS, the Council held a duly noticed public hearing on April 23, 1991, at 4:00 p.m. in the Council Chambers, 801 11th Street, Modesto, California, for the purpose of receiving public comment on the proposed amendment to the General Plan Map to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), at which time evidence both oral and documentary was received and considered by the Council, 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, after this General Plan amendment is in effect, the City Council will consider an application to prezone the project to P-D for single-family residential and commercial development, a request to support the Fleur de Ville reorganization, and to initiate the expansion of the Sphere of Influence,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), in the City of Modesto is required for the public health, safety and welfare for the following reasons:

1. That this General Plan amendment is a logical extension of the Modesto Urban Area.

2. That the proposed expansion of the Modesto Urban Area will provide efficient use of urban services for a development project already approved by Stanislaus County.
3. That the proposed residential and commercial uses at this location are consistent with the Modesto Urban Area General Plan, which provides for back-up single-family lots on major streets and commercial use at intersections of major/major streets.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to expand the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision), as shown on the map which is attached hereto marked as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination including mitigation measures in regard to the environmental impact of the subject project relating to expanding the Modesto Urban Area boundary to include residential designation at the northwest corner of Dale Road and Pelandale Avenue (Fleur de Ville Subdivision).

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan Map to the Board of Supervisors of the County of Stanislaus.

BE IF FURTHER RESOLVED that this resolution shall become effective thirty (30) days after adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, 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: Dobbs, Irizarry, 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. 91-234

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 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-O. (ARCHITECTURE PLUS)

WHEREAS, on April 23, 1991, the City Council introduced Ordinance No. 2760-C.S. giving approval to a project relating to an amendment to Section Map 9-3-9 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 on the west side of Coffee Road north of East Rumble 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 9-3-9 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 on the west side of Coffee Road north of East Rumble Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

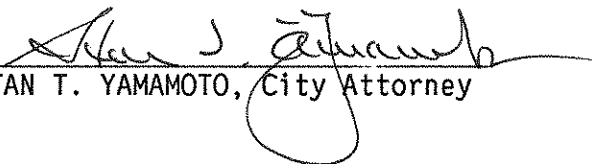
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Est. - 12/6

Corrected 5/1/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-235

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(147). (ST. PAUL'S CHURCH)

WHEREAS, a verified application for an amendment to Sections 14-3-9 and 23-3-9 of the Zoning Map was filed by Duane Russell on behalf of St. Paul's Episcopal Church on May 22, 1990, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), as an addition to P-D(147), to allow a Wells Fargo Bank and an elderly housing project, property located on the southeast corner of Briggsmore Avenue and Oakdale Road, described as follows:

R-1 to P-D(147)

ALL that portion of the Northwest one-quarter of the Northwest one-quarter of Sections 14, 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

ALL that portion of Parcel 1 as shown on the map filed in Book 14 of Parcel Maps, at Page 20, in the Stanislaus County Records, described as follows:

COMMENCING at the Southeast corner of said Parcel 1, said point being on the North right-of-way line of St. Paul's Way, thence Northerly along the Easterly line of said Parcel 1, North 0 degrees 25'40" East, 305.00 feet to the point of beginning of this description; thence leaving said Easterly line of Parcel 1 and running along the following three (3) courses and distances: North 89 degrees 34'20" West, 329.48 feet; thence North 0 degrees 19'00" West, 44.97 feet; thence North 89 degrees 34'20" West, 250.00 feet to a point on the Easterly right-of-way line of Oakdale Road; thence Northerly along said Easterly right-of-way line North 0 degrees 19'00" West, 153.16 feet to the beginning of a curve concave to the Southeast having a radius of 20.00 feet; thence 31.68 feet along the arc of said curve to the right through a central angle of 90 degrees 44'54" to a point on the Southerly right-of-way line of Briggsmore Avenue; thence Easterly along said Southerly right-of-way line South 89 degrees 34'06" East, 178.86 feet to the point of beginning of a curve concave to the Northwest having a radius of 1,260.00 feet; thence 329.87 feet along the arc of said curve to the left through a central angle of 15 degrees 00'00" to the end of said curve; thence North 75 degrees 25'54" East, 59.09 feet to the Northeast corner of

said Parcel 1; thence leaving said Southerly right-of-way line of Briggsmore Avenue and running in a Southerly direction along the East line of said Parcel 1, South 0 degrees 25'40" West, 276.57 feet to the Point of Beginning and containing 2.83 acres of land, more or less.

Including also the Southerly 60 feet East of Briggsmore Avenue, the Easterly 50 feet of Oakdale Road, and all being immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on March 18, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on March 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. 91-17, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed rezoning to and amendment of P-D(147) is in accordance with community objectives as set forth in the General Plan which provides for non-residential concentration and higher density residential developments near the major circulation systems.
2. Environmental Impacts including those of traffic are mitigated by virtue of revised site design and imposition of conditions of approval including specific mitigation measures.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on April 23, 1991, at 4:00 p.m., and

WHEREAS, after a public hearing held on April 23, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

the Council found and determined that the application of Duane Russell on behalf of St. Paul's Episcopal Church 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. 91-17 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2761 -C.S. on the 23rd day of April, 1991, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147).

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

1. All development shall conform to the plot plan and floor plans titled "Site Plan St. Paul's Church" as amended in red, stamped approved by the Planning Commission on March 18, 1991.
2. That the developer shall provide traffic mitigation as follows:
 - a. The developer shall dedicate right-of-way, widen, and restripe the east side of Oakdale Road south of Briggsmore as shown in concept in Figure 7 of the Traffic Impact Study by DKS, dated August 1990. The final design is to be approved by the Public Works and Transportation Director.
 - b. The developer shall widen and restripe the east side of Oakdale Road north of Briggsmore, as shown in concept in Figure 7 of the Traffic Impact Study by DKS, dated August 1990. The final design is to be approved by the Public Works and Transportation Director.
 - c. As an alternative to the above-described widening of Oakdale on the north side of Briggsmore, the developer shall widen Briggsmore Avenue on both sides of Oakdale to

provide dual left-turn lanes and three through lanes on the eastbound approach.

- d. The developer shall relocate and modify existing utilities and traffic signal control equipment as required at the Oakdale/ Briggsmore intersection, including, but not limited to, utility poles, fire hydrants, drainage facilities, signal mast arms, signal poles, detector loops, signal heads, signs, electrical conduits, and wiring. To the extent that the required signal modifications are determined by the Director of Public Works and Transportation to be included in those planned as part of the CFF signal modification projects list, the developer will be given credit up to, but not exceeding, the amount of his CFF payments for Streets.
 - e. Prior to issuance of a building permit, the developer shall submit engineering plans to the Public Works and Transportation Director and obtain his approval. All street, intersection, and traffic signal improvements and modifications are to be done in accordance with these approved plans.
 - f. All street, intersection, and traffic signal improvements and modifications shall be funded and completed by the developer prior to issuance of any occupancy permits.
 - g. The developer shall dedicate all necessary right-of-way to accommodate any approved Briggsmore access. The developer shall pay all costs associated with constructing any approved access, including relocation of utilities and structures. Relocation of proposed buildings may be necessary to accommodate the approved access design.
 - h. The developer shall widen and restripe the south side of Briggsmore Avenue along the project's frontage to the ultimate six-lane width within the existing right-of-way. The final design is to be approved by the Public Works and Transportation Director.
3. 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.
 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, except for

the relocated church building, 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 with Standard Specifications shall be provided prior to the occupancy of any structures, except for the relocated church building, 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 for any but the relocated church building, 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. Said improvement plans shall include specific plans for the ingress/egress right-turn channelization on Briggsmore Avenue.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
9. 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.
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 east and all affected parcels, substantially as shown in red on the plot plan.
12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
13. All signs shall comply with the sign requirements of the R-1 Zone, except that the originally-allowed 35 square foot church sign may be retained and signs for the bank shall conform to C-3 Zone sign limitations.

14. Prior to the issuance of a building permit for any structure, except the relocated church building, a final parcel map shall be recorded.
15. The housing portion of the 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.
16. That the developer shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense.
17. Prior to issuance of a building permit for the elderly housing facilities, to the extent that the elderly housing portion of the development falls within the limitations of Chapter 3 of Title X of the Modesto Municipal Code, 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 said Code.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(147):

The entire construction program be accomplished in one phase, construction to begin on or before March 18, 1993, and completion to be not later than March 18, 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(147), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

APPROVED AS TO DESCRIPTION:

By _____
Department of Planning and
Community Development

CEK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-236

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 14-3-9 AND 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON TO P-D(147). (ST. PAUL'S CHURCH)

WHEREAS, on April 23, 1991, the City Council introduced Ordinance No. 2761-C.S. giving approval to a project relating to an amendment to Sections 14-3-9 and 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), property located on the southeast corner of Briggsmore Avenue and Oakdale Road, and

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

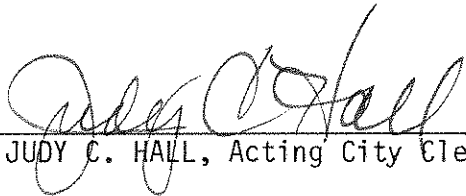
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Sections 14-3-9 and 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), property located on the southeast corner of Briggsmore Avenue and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-237

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING DISCING SERVICES FOR UP TO THREE
YEARS

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

SECTION 1. The plans and specifications for furnishing discing services for up to three years 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 20, 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 23rd day of April, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-238

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR CONSTRUCTION OF FLOYD NEIGHBORHOOD PARK

WHEREAS, Resolution No. 91-164 , adopted by the Council of the City of Modesto on March 19 , 1991 , approved the plans and specifications for the construction of Floyd Neighborhood Park

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Floyd Neighborhood Park

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

WHEREAS, the Director of Public Works & Transporta^{tion} has recommended that the bid of George Reed, Inc. in the amount of \$408,022.69

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 \$408,022.69 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 April , 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-239

A RESOLUTION APPROVING AN AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION FISCAL YEARS 1988-89 THROUGH 1990-91 COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991

WHEREAS, on June 26, 1990, the Council adopted Resolution No. 90-604, approving amendments to the Memorandum of Understanding Entitled "Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association Fiscal Years 1988-89 through 1990-91", commencing on July 1, 1988, and ending on June 30, 1991; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the amended Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-240

A RESOLUTION APPROVING AN AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION FISCAL YEARS 1989-90, THROUGH 1991-92, COMMENCING ON JULY 4, 1989, AND ENDING ON JUNE 30, 1992


WHEREAS, on June 26, 1990, the Council adopted Resolution No. 90-605, approving amendment to the Memorandum of Understanding Entitled "Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association Fiscal Years 1989-90, through 1991-92," commencing on July 4, 1989, and ending on June 30, 1992; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the amended Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-241

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT REAPPLICATION FOR FIFTH-YEAR FUNDING IN THE AMOUNT OF \$97,683 TO THE STATE OF CALIFORNIA, OFFICE OF CRIMINAL JUSTICE PLANNING, FOR THE MODESTO GANG VIOLENCE SUPPRESSION PROGRAM.

WHEREAS, the City of Modesto desires to undertake a certain project designated the Modesto Gang Violence Suppression Program to be funded in part from funds made available through the California Gang Violence Suppression Program administered by the Office of Criminal Justice Planning (hereafter referred to as OCJP),

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

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

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

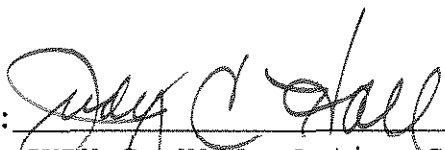
BE IT FURTHER RESOLVED that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-242

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,089 FROM CONTINGENCY RESERVE TO REIMBURSE OVERHOLTZER CONSTRUCTION FOR DESIGN COSTS INCURRED IN COMPLYING WITH CONDITION 13 TO SHAKER ESTATES SUBDIVISION

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

FROM: Contingency Reserve \$10,089
 (010 800 8000 8003)

TO: Other Special Charges \$10,089
 (010 160 1601 0429)

Funds are needed in this account so that Overholtzer Construction, developer of Shaker Estates Subdivision, may be reimbursed for design costs incurred by the developer in complying with condition 13. In December 1990, the Council approved this reimbursement as part of the resolution of a dispute over condition 13.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 19⁹¹, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-243

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

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

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

WHEREAS, the City of Modesto's claim has been prepared in accordance
with established priorities and provides for the use of \$4,228,389 from the
Local Transportation Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that submission of the City of Modesto's Annual Transportation Claim by the
City Manager to the Stanislaus Area Association of Governments (SAAG) in the
amount of \$4,228,389 for the fiscal year 1991-92 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-244

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEOPOLD T. PRESCOTT FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 545 MAZE BOULEVARD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Leopold T. Prescott for sewer service to property outside City limits at 545 Maze Boulevard, located on the south side of Maze Boulevard between Spencer and N. Martin Luther King Drive

be, and it is hereby approved.

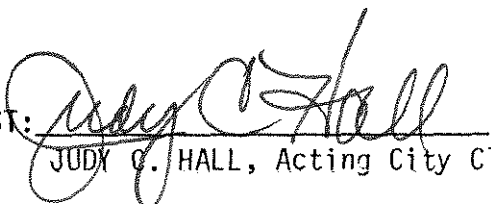
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April , 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-245

RESOLUTION OF SUPPORT FOR THE MODESTO CHAMBER OF
COMMERCE'S DESIGNATION OF THE WEEK OF MAY 13, 1991, AS
"MODESTO MEANS BUSINESS" WEEK.

WHEREAS, the Modesto Chamber of Commerce has inaugurated a "MODESTO
MEANS BUSINESS" campaign designating the week of May 13, 1991, as "Modesto
Means Business Week", and

WHEREAS, the focus of this campaign is to encourage the support of
local professionals, vendors and businesses in our community, and

WHEREAS, the Modesto Chamber of Commerce has requested the support
of the City of Modesto in this effort, and

WHEREAS, there are many local businesses qualified and capable in
their professional fields to fill the needs of this community, and

WHEREAS, businesses within Modesto possess an understanding of local
concerns and a sensitivity to the unique needs of our community, and

WHEREAS, dollars spent locally have a multiplier impact on our
economy, and

WHEREAS, the Modesto area continues to suffer one of the higher
unemployment rates in the nation, and

WHEREAS, local merchants need the support of their community, and

WHEREAS, Modesto firms should be encouraged to participate in the
bidding process to provide goods and services to our local community, and

WHEREAS, the City Manager has directed all City departments to
review plans, specifications and vendor selection procedures to ensure that
local firms are given a full and fair opportunity to participate in City of
Modesto contracts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the efforts of the Modesto Chamber of Commerce in designating the week of May 13, 1991, as "Modesto Means Business Week".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-246

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR MCHENRY MANSION RESTORATION, PHASE III

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

SECTION 1. The plans and specifications for the McHenry Mansion Restoration, Phase III 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 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 May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-247

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE PRINTING OF THE MONTHLY UTILITY BILL INSERT
AND THE QUARTERLY EMPLOYEES' NEWSLETTER ON RECYCLED PAPER, FOR
UP TO THREE YEARS

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

SECTION 1. The plans and specifications for the printing of the monthly utility bill insert and the quarterly employees' newsletter on recycled paper, 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 3, 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 May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-248

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE POLYMER MIX AND FEED UNITS

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

SECTION 1. The plans and specifications for furnishing one polymer
mix and feed units
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 27, 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 May, 1991,
by Councilmember Irizarry, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-249

A RESOLUTION ACCEPTING THE KANSAS AVENUE AND LONE PALM AVENUE WATERLINE
EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Kansas Avenue and Lone Palm Avenue waterline extension

has been completed by Joe Martin Pipeline, Inc.

in accordance with the contract agreement dated January 15, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Kansas Avenue and Lone Palm
waterline extension

be accepted from said contractor, Joe Martin Pipeline, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$39,951.50 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 May,
1991, by Councilmember Irizarry, who moved its adoption, which
motion being duly seconded by Councilmember Bird, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-250

A RESOLUTION ACCEPTING THE CANAL CROSSING AT M.I.D. LATERAL NO. 4 AT
CARPENTER ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the canal crossing at M.I.D. Lateral No. 4 at Carpenter Road

has been completed by H. Max Lee, Inc.

in accordance with the contract agreement dated October 2, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the canal crossing at M.I.D.
Lateral No. 4 at Carpenter Road

be accepted from said contractor, H. Max Lee, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$82,940.84 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 May ,
1991, by Councilmember Irizarry , who moved its adoption, which
motion being duly seconded by Councilmember Bird , was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-251

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON 1991-92 PROPOSED BUDGET AND 1991-92 THROUGH 1994-95 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 11, 1991, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the 1991-92 proposed budget and 1991-92 through 1994-95 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-252

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 STANDIFORD
AVENUE BETWEEN DALE ROAD AND WEST OF PRESCOTT ROAD.

WHEREAS, the City Council certifies that at its meeting of May 7,
1991, 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 widening of Standiford
Avenue Between Dale Road and west of Prescott Road,

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 Standiford Avenue Between Dale Road and
west of Prescott Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-253

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO ACQUIRE REAL PROPERTY FOR IMPROVEMENT DISTRICT NO. 29

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 28, 1991, 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 a Hearing of Necessity to acquire real property for Improvement District No. 29 - project located at Standiford-Sisk-Dale intersection and Sisk Road between Brenner Way and Conant Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-254

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND
SUPERSEDING RESOLUTION NO. 91-139.

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, the Council has previously established sewer service
charges, and

WHEREAS, this resolution supersedes Resolution No. 91-139, and

WHEREAS, City staff has recommended adjustment in the various sewer
service charges, and

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

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

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 for the period commencing on and after April 1, 1991.

- (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 for the period commencing on and after April 1, 1991:

- (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 \$1.40

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 for the period commencing on and after April 1, 1991:

- (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. EFFECTIVE DATE. This resolution shall become effective and apply on and after June 1, 1991.

SECTION 9. SUPERSEDES PRIOR RESOLUTIONS. This resolution supersedes Modesto City Council Resolution No. 91-139.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-255

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND E & J GALLO WINERY FOR THE LEASE OF HANGAR NO. 6 AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and E & J Gallo Winery for the lease of Hangar No. 6 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 May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-256

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT OF WORK AND COST OF CONSTRUCTION OF RESIDENTIAL ALLEY RESURFACING IN THE CITY OF MODESTO (BLOCKS 6728, 6016, 6012)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 21, 1991, at 7:30 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the report by the Superintendent of Streets listing the names of property owners and individual costs of construction of alleys in Blocks 6728, 6016, 6012, in the City of Modesto (list attached).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

SITE ADDRESS	PROPERTY OWNER	OWNER'S COST
<u>Block 6728, Monte Verde Avenue-Monticello Avenue-Bowen-Avenue Mt. Vernon Drive</u>		
2206 Monticello Avenue	Shaw, Winthrop, et ux	\$ 922.44
2210 Monticello Avenue	Heyman, Edward S., et ux	\$ 922.44
2214 Monticello Avenue	Wright, William L., et ux	\$ 909.07
2218 Monticello Avenue	Barker, Kyle G., et ux	\$ 909.07
2302 Monticello Avenue	Mc Dermott, Lester E., et ux	\$ 909.07
2306 Monticello Avenue	Quillici, Mose G., et ux	\$ 909.07
2310 Monticello Avenue	Young, William J., et ux	\$ 909.07
2314 Monticello Avenue	Gray, James L., et ux	\$ 909.07
2318 Monticello Avenue	Silva, John D.	\$ 885.94
1201 Bowen Avenue	Amaral, Steven J., et ux	\$1,012.14
2201 Monte Verde Avenue	Erickson, Ruby G. TR	\$ 944.10
2205 Monte Verde Avenue	Bryant, Charles L., et ux	\$ 922.44
2209 Monte Verde Avenue	Olmheim, John A., et ux	\$ 922.44
2213 Monte Verde Avenue	Elliott, David L., et ux	\$ 909.07
2217 Monte Verde Avenue	Jarrett, Billy W., et ux	\$ 909.07
2301 Monte Verde Avenue	Riddle, Jane	\$ 909.07
2305 Monte Verde Avenue	Bingham, Z. L.	\$ 909.07
2309 Monte Verde Avenue	Ambrose, Dorothy F., et al	\$ 909.07
2313 Monte Verde Avenue	Rodrigues, Estella	\$ 909.07
2317 Monte Verde Avenue	Blackmore, Forrest S., et ux	\$ 953.99

Block 6016, Roseburg Avenue-Ashwood Drive-Greenwood Drive-Del Rey Avenue

1239 W. Roseburg Avenue	Ennen, Curtis A.	\$1,013.93
1206 Del Rey Avenue	Teas, Ruby I.	\$1,013.93
1210 Del Rey Avenue	Tucker, Amy	\$1,013.93
1214 Del Rey Avenue	Caylor, James H., et ux	\$ 880.52
1218 Del Rey Avenue	Madden, Susan I.	\$ 813.01
1222 Del Rey Avenue	Gagliardi, Carl A., et ux	\$ 533.65
1226 Del Rey Avenue	Reilly, Phillip J.	\$ 565.53
1320 Ashwood Drive	Andritsis, Helen, et al	\$ 845.30
1201 Greenwood Drive	Graham, Kenneth W., et ux	\$1,013.93
1205 Greenwood Drive	Hagen, Kathy G.	\$1,013.93
1209 Greenwood Drive	Winke, Dorothy	\$1,013.93
1213 Greenwood Drive	Miller, Clyde W., et ux	\$1,063.56
1217 Greenwood Drive	Greener, Earl D., et ux	\$1,189.50
1221 Greenwood Drive	Millerville, Paul L., et ux	\$1,188.30

Block 6012, College Avenue-Como Park Way-Oberlin Circle-W. Roseburg

1109 Oberlin Circle	Wright, George W., et ux	\$1,997.92
1112 Oberlin Circle	Crites, Darrel W., et ux	\$1,527.76
1116 Oberlin Circle	Reynolds, Roger W., et ux	\$1,051.20
1120 Oberlin Circle	Coover, Clarke C., et ux	\$ 931.93
1124 Oberlin Circle	Johnson, James L., et ux	\$ 965.90
1117 West Roseburg Avenue	Simmons, James E., et ux	\$1,795.43
1127 West Roseburg Avenue	Wiley, Alfred, et ux	\$1,539.52
1133 West Roseburg Avenue	Lyon, Robert W., et ux	\$1,292.88
1221 College Avenue	Verville, Russel J., et ux	\$ 814.36
1225 College Avenue	Zwahlen, Kenneth D., et ux	\$1,096.53
1231 College Avenue	McCourtie, Michael J., et ux	\$1,096.53
1237 College Avenue	Boland, Violet G.	\$1,096.53

MODESTO CITY COUNCIL
RESOLUTION NO. 91-257

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND VERNON HUSTON WELLS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2101 COX AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Vernon Huston Wells, for sewer service to property outside City limits at 2101 Cox Avenue, located on the north side of Cox Avenue between Rosemore Avenue and Maddox 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 May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-258

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EDNA JUNE PEABODY FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2011 COX AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Edna June Peabody for sewer service to property outside City limits at 2011 Cox Avenue, located on the north side of Cox Avenue between Maddox Avenue and Prichard 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 May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-259

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves contribute numerous hours each year to the City of Modesto assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-seven (47) officers in the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without any pay whatsoever, and

WHEREAS, the Modesto Police Reserves work constantly with the Modesto Police Department, performing whatever duties may be requested in the way of enforcing laws, searching for missing persons, apprehending escaped convicts, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1990 alone, the Police Reserves served a total of Nineteen Thousand One Hundred Forty (19,140) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves be commended for their untiring work in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that duly authenticated copies of this resolution be presented to each of those officers who devoted so many of their

personal hours to the Police Reserves during 1990, in recognition of performance of outstanding service to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-260

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1990-91 TO ACCOUNT FOR THE
JANET SIMIDIAN MEMORIAL.

WHEREAS, Harold Simidian has donated \$2,242.00 to the City of
Modesto to be used specifically for a memorial at Graceada Park in the name of
Janet Simidian,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following changes be made to the Fiscal Year 1990-91 budget to
appropriate revenue and expenditures:

Revenue

010-510-8107.06	Donations	\$2,242
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Expenditures

010-310-3112-5339	Simidian Memorial	\$2,242
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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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-261

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 the following source(s) 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-262

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR PUBLIC RESOURCES ACCOUNT PROJECT SONOMA NEIGHBORHOOD PARK GAME COURTS.

WHEREAS, the Legislature and Governor of the State of California have approved a grant for the project shown above, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the grant project, setting up necessary procedures, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the state, and

WHEREAS, said application(s) contain assurances that the applicant must comply with, and

WHEREAS, the applicant will enter into an agreement with the State of California for subject project(s),

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

1. Approves the filing of an application for Public Resources Account assistance for the above project(s), and
2. Certifies that said agency understands the assurances and certification in the application form, and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that said agency has reviewed and understands the General Provision contained in the State/local agreement shown in the Procedural Guide, and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-263

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO CONDUCT A FEDERAL AVIATION ADMINISTRATION REGULATION (FAR) PART 150 NOISE COMPATIBILITY STUDY AND AN AIRPORT APPROACH PROTECTION STUDY AT THE MODESTO CITY-COUNTY/HARRY SHAM FIELD AIRPORT/PLANNING AREA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT.

WHEREAS, the Modesto City-County Airport is in the process of completing an update to the Airport Master Plan to include an Airport Approach Protection Study to assure more compatible land uses for off-airport property and continued protection of the City investment in the airport facilities, and

WHEREAS, on October 16, 1990, the City Council reviewed and approved the submittal of an application for Federal funds for a project at or associated with the Modesto City-County Airport, specifically, conducting a FAR Part 150 Noise Compatibility Study, and

WHEREAS, acceptance of the Grant Offer of Federal funds in the amount of \$81,180 to complete the noise study will obligate the City of Modesto to accomplish the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grant Offer of Federal funds in the amount of \$81,180 to complete the FAR Part 150 Noise Compatibility Study and Airport Approach Protection Study is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the Grant Agreement 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

J-Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 91-264

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET TO APPROPRIATE A NEW AIRPORT CAPITAL IMPROVEMENT PROJECT.

WHEREAS, a grant offer for federal fund in the amount of \$81,180 to complete an FAR Part 150 and Airport Approach Protection study has been accepted, and

WHEREAS, the federal revenue was estimated in the 1990-91 Annual Budget in account 632-510-9510-3613 FAA Capital Grants. However, the project was not known at that time and therefore was not appropriated. The revenue estimate was appropriated to the Airport contingency reserve, and

WHEREAS, there is a required ten percent match of \$9,020. This match will be fully provided for out of the Airport's Special Aviation Fund (623). This is possible because there is now a percentage of the gallonage revenue being allocated to this fund for capital improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91.

SPECIAL AVIATION FUND (632)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
632-480-G621-6000	FAR Part 150/Approach Protection	\$90,200
632-800-8000-8003	Contingency Reserve	(90,200)

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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

30

MODESTO CITY COUNCIL
RESOLUTION NO. 91-265

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO COMPLETE AN AIRPORT MASTER PLAN ENVIRONMENTAL IMPACT REPORT (EIR) AND COMMERCIAL AIR SERVICE INITIAL STUDY AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD AIRPORT/PLANNING AREA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT.

WHEREAS, the Modesto City-County Airport is in the process of completing an update to the Airport Master Plan and is attempting to improve the commuter air service, and

WHEREAS, on October 16, 1990, the City Council reviewed and approved the submittal of a Project Application for Federal funds for a project at or associated with the Modesto City-County Airport, specifically, Commercial Air Service Initial Study and Airport Master Plan Environmental Impact Report, and

WHEREAS, acceptance of the Grant Offer of Federal funds in the amount of \$62,370 to complete the Airport Master Plan Environmental Impact Report (EIR) and Commercial Air Service Initial Study will obligate the City of Modesto to accomplish the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grant Offer of Federal funds in the amount of \$62,370 to complete the Airport Master Plan Environmental Impact Report (EIR) and Commercial Air Service Initial Study is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the Grant Agreement 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-266

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET TO APPROPRIATE A NEW AIRPORT CAPITAL IMPROVEMENT PROJECT.

WHEREAS, a grant offer for federal fund in the amount of \$62,370 to complete an Airport Master Plan EIR and Commercial Air Service Initial Study has been accepted, and

WHEREAS, the federal revenue was estimated in the 1990-91 Annual Budget in account 632-510-9510-3613 FAA Capital Grants. However, the project was not known at that time and therefore was not appropriated. The revenue estimate was appropriated to the Airport contingency reserve, and

WHEREAS, there is a required ten percent match of \$6,930. This match will be fully provided for out of the Airport's Special Aviation Fund (623). This is possible because there is now a percentage of the gallonage revenue being allocated to this fund for capital improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91.

SPECIAL AVIATION FUND (632)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
632-480-G620-6000	Airport Master Plan/Commercial Air Study	\$69,300
632-800-8000-8003	Contingency Reserve	(69,300)

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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-267

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND McCLINTOCK, BECKER & ASSOCIATES FOR PROFESSIONAL SERVICES TO COMPLETE AN AIRPORT MASTER PLAN E.I.R. AND AN FAR PART 150 NOISE COMPATIBILITY STUDY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and McClintock, Becker & Associates for professional services to complete an Airport Master Plan E.I.R. and an FAR Part 150 Noise Compatibility 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-268

A RESOLUTION AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (LOT 1 AT 701 AND 703 BRIGHTON AVENUE IN BLOCK 1033).

WHEREAS, the City of Modesto owns Lot 1 at 701 and 703 Brighton Avenue in Block 1033 of Downey Manor in the City of Modesto, and

WHEREAS, said property was acquired for the proposed Brighton Avenue realignment project, and

WHEREAS, said realignment project has been abandoned, therefore, said property has become surplus property to the City's needs, and

WHEREAS, said property is located within the Modesto Redevelopment Project area, and the Redevelopment Agency is obligated to replace housing lost as a result of the Redevelopment project and to assure that the replacement housing units are maintained at low and moderate income levels, therefore, a duplex has been built on the above described property to fulfill the obligation of the Redevelopment Agency in relation to the Agency's downtown project, and

WHEREAS, in order for the Redevelopment Agency to carry out the Modesto Redevelopment Project, title to said property should vest in the Redevelopment Agency of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the conveyance of title of Lot 1 at 701 and 703 Brighton Avenue in Block 1033 of Downey Manor in the City of Modesto to the Redevelopment Agency of the City of Modesto, in order for the Redevelopment Agency to sell the lot and duplex to the Housing Authority of Stanislaus County.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute a grant deed conveying the above described property from the City of Modesto to the Redevelopment Agency 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-269

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, STANISLAUS COUNTY AND NATIONAL INVESTMENT PROPERTIES, ALLOWING FOR PAYMENT OF TRAFFIC MITIGATION FEES ON A PROPORTIONATE BASIS FOR WOOD COLONY PLAZA, P-D(330)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto, Stanislaus County and National Investment Properties, allowing for payment of \$472,995.05 in traffic mitigation fees on a proportionate basis for Wood Colony Plaza, P-D(330)

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-270

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN APPLICATIONS TO THE FEDERAL COMMUNICATIONS COMMISSION FOR LICENSES TO OPERATE THREE FIXED MICROWAVE RADIO STATIONS IN CONNECTION WITH THE PROPOSED WATER/SEWER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

WHEREAS, in March of 1990, staff contracted with Westin Engineers to produce a Water Production and Sewer Collection SCADA System Feasibility Report, and their recommendation is to proceed with a basic SCADA system that is expandable; and

WHEREAS, submitting these applications for licenses is the first step in obtaining microwave radio stations to provide telemetry (communications) necessary to monitor and control the City's water well pumps and wastewater collection lift station.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the applications to the Federal Communications Commission for licenses to operate three fixed microwave radio stations in connection with the proposed water/sewer supervisory control and data acquisition (SCADA) system be, and they are hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-271

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

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

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-272

A RESOLUTION ACCEPTING IMPROVEMENTS IN BRIGGS GARDENS SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, P & R Enterprises, subdividers of Briggs Gardens Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$127,500.00 and \$ 63,750.00 respectively to guarantee improvements in Briggs Gardens Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated April 29, 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 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 Briggs Gardens Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Fund for faithful performance in the amount of \$ 127,500.00 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 \$ 63,750.00 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 May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-273

A RESOLUTION APPROVING THE REQUEST OF THE MODESTO CHAMBER OF COMMERCE GRAFFITI USA COMMITTEE TO HANG TWO "GRAFFITI USA" BANNERS IN DOWNTOWN MODESTO FROM MAY 25 THROUGH JUNE 9, 1991.

WHEREAS, the Modesto Chamber of Commerce Graffiti USA Committee has requested approval to hang two banners in downtown Modesto, specifically across J Street near the McHenry Avenue fivepoints intersection and on I Street near Ninth on the "Water Wealth Contentment Health" Arch, from May 25 through June 9, 1991, and

WHEREAS, the Graffiti USA Committee believes that banners in these two downtown locations will create an appropriate atmosphere for the upcoming Graffiti USA festival and will significantly enhance the public's awareness of the event, and

WHEREAS, City staff recommends that the Council declare the banners "informational signs authorized by the City Council" and therefore exempt from sign ordinance by Section 10-2.2101 (x) (2),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of the Modesto Chamber of Commerce Graffiti USA Committee to hang two "Graffiti USA" banners in downtown Modesto at the locations set forth above from May 25 through June 9, 1991, is hereby approved.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby declares that the banners are "informational signs authorized by the City Council" and as such are exempt from sign ordinance by Section 10-2.2101 (x) (2).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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. 91-274

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 1, 1991, AT 824 KIERNAN AVENUE, AND JUNE 3, 1991, AT 501 NORTH JEFFERSON.

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

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on June 1, and June 3, 1991, 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 1, 1991, at a large facility located at 824 Kiernan Avenue, and on Monday, June 3, 1991, at 501 North Jefferson, City Corporation Yard, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-275

A RESOLUTION ACCEPTING THE RESIGNATION OF ARTHUR A. MARTIN FROM THE PLANNING COMMISSION, BOARD OF ZONING ADJUSTMENT, ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE, AND THE CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, Arthur A. Martin was appointed a member of the Planning Commission on March 13, 1990, the Board of Zoning Adjustment on January 15, 1991, the Economic Development Loan Pool Subcommittee on September 22, 1987, and the Citizens' Housing and Community Development Committee on November 17, 1987; and

WHEREAS, Arthur A. Martin has tendered his resignation from these committees due to his appointment to the City Council, effective May 7, 1991.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Arthur A. Martin from the Planning Commission, Board of Zoning Adjustment, Economic Development Loan Pool Subcommittee, and the Citizens' Housing and Community Development Committee be, and hereby is accepted.

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 Arthur A. Martin 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-276

A RESOLUTION ACCEPTING THE RESIGNATION OF PHILLIP G. MARTIN RESIGNING FROM THE CULTURE COMMISSION, EFFECTIVE MAY 7, 1991

WHEREAS, Phillip G. Martin was appointed a member of the Culture Commission on March 10, 1987; and

WHEREAS, Phillip G. Martin has tendered his resignation from this committee, effective May 7, 1991; and

WHEREAS, Phillip G. Martin 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 Phillip G. Martin from the Culture Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-277

A RESOLUTION APPOINTING MEMBERS OF 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 persons ^{are} hereby appointed to the Affirmative Action Commission:

James David Lynch
Darth Miller
Edward Gonzales
Johnna Bryant

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 7th day of May, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-278

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION (HELEN WHITE)

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

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

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

Helen White

Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 7th day of May, 19 91, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-279

A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(JESS DACUYCUI)

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:

Jess Dacuycui

Term to expire 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-280

A RESOLUTION APPOINTING MEMBER OF THE LANDMARK PRESERVATION COMMISSION
(DIRK HOEK)

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 Landmark Preservation Commission for the respective term as indicated:

Dirk Hoek

Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 May, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-281

A RESOLUTION APPOINTING MEMBER OF THE LOCAL CABLE PROGRAMMING COMMITTEE
(SHARON LEICHAM)

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

SECTION 1. The following person is hereby appointed to the Local Cable
Programming Committee for the respective term as indicated:

Sharon Leicham

Term to expire: 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Local Cable
Programming 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 May , 1991 ,
by Councilmember Patterson, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry , was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrie Coyle*
NORRIE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-282

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION (FRED CRUZ)

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

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

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

Fred Cruz

Term to expire: 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 7th day of May, 19 91, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-283

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING
(STEVE BURKE)

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:

Steve Burke

Term expires: 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the 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 7th day of May , 1991 ,
by Councilmember Patterson who moved its adoption, which motion being
duly seconded by Councilmember Irizarry , was upon roll call carried and
the resolution adopted by the following vote:

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

ATTEST: *Norrme Coyle*
NORRME COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-284

A RESOLUTION APPOINTING MEMBERS OF THE POLICY COMMITTEE OF THE MID SURFACE WATER PROJECT

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

SECTION 1. The following persons / hereby appointed to the Policy Committee of the MID Surface Water Project:

- Regular Member - Councilmember Muratore
- Regular Member - Councilmember Patterson
- Alternate - Councilmember Dobbs

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Policy 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 7th day of May, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrie Coyle
NORRIE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-285

A RESOLUTION APPOINTING MEMBERS OF THE TECHNICAL COMMITTEE OF THE MID SURFACE WATER PROJECT

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

SECTION 1. The following persons ^{are} hereby appointed to the Technical Committee of the MID Surface Water Project :

- Regular Member - Deputy Director Operations Holton
- Alternate - Senior Civil Engineer Water Gilton

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 7th day of May , 1991 , by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrme Coyle
NORRME COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-286

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, SEVENTEENTH YEAR APPLICATION, JULY 1, 1991 TO JUNE 30, 1992, 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 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND BUDGET FOR PROGRAM YEAR 1991-92.

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 1991-92 will be \$1,259,000, with an additional FY 1990-91 grant of \$11,000, 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 1991-92 Community Development Objectives and Budget, and

WHEREAS, a notice of a public meeting to be held on February 7, 1991, was published in The Modesto Bee, the official newspaper of the City of Modesto, to notify citizens interested in the Community Development Block Grant Application and the Statement of Community Development Objectives and Budget for Program Year 1991-92, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on February 14, 1991, and

WHEREAS, requests for funding were presented by organizations to the Citizen Advisory Committee on April 4, 1991, and

WHEREAS, a report was presented to the Council on all requests for funding, and all City proposed programs on April 16, 1991, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed the Final Statement of Objectives and Budget on April 26, 1991 and recommended to the Council their approval, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1991-92 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 contained therein, with the U. S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the Council does hereby approve the Final Statement of Community Development Objectives and Budget for Program Year 1991-92.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-287
(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-five million seven hundred fifty thousand dollars (\$25,750,000) for the purpose of providing financing for (a) expansion of the emergency department, radiology department, clinical laboratory and endoscopy department, (b) addition/remodeling of kitchen/cafeteria areas, (c) build-out of two floors of the recent hospital addition, including new inpatient nursing units and associated support functions, (d) major equipment additions to the facility's radiology, cardiology and nuclear medicine departments, and (e) capitalized interest for the three-year construction period, all relating to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California; 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; 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), 1991 Series A and 1991 Series B" (the "Bonds"), in an aggregate principal amount not to exceed twenty-five million seven hundred fifty thousand dollars (\$25,750,000), for the purpose of providing financing for (a) expansion of the emergency department, radiology department, clinical laboratory and endoscopy department, (b) addition/remodeling of kitchen/cafeteria areas, (c) build-out of two floors of the recent hospital addition, including new inpatient nursing units and associated support functions, (d) major equipment additions to the facility's radiology,

cardiology and nuclear medicine departments, and (e) capitalized interest for the three-year construction period, all relating to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, 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 the consent of the Corporation, may determine.

Section 3. The proposed form of loan agreement relating to the Series A Bonds (the "Series A Loan Agreement") between the City and the Corporation, 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 Series A 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 loan agreement relating to the Series B Bonds (the "Series B Loan Agreement") between the City and the Corporation, 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 Series B 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 5. The proposed form of indenture of trust relating to the Series A Bonds (the "Series A Indenture") between the City and U.S. Trust Company of California, N.A., as trustee, 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 said Trustee a Series A 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 Series A Bonds shall be as provided in said Indenture as finally executed.

Section 6. The proposed form of indenture of trust relating to the Series B Bonds (the "Series B Indenture") between the City and U.S. Trust Company of California, N.A., as trustee, 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 said Trustee a Series B 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 Series B Bonds shall be as provided in said Indenture as finally executed.

Section 7. 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, 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 (or separate bond purchase

contract for each series, collectively, the "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 8. 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 9. 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 10. 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 11. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Bonds.

Section 12. The Bonds in the aggregate principal amount of not to exceed twenty-five million seven hundred fifty thousand dollars (\$25,750,000) 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 13. 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 14. 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 Series A Indenture, the Series B Indenture, the Series A Loan Agreement, the Series B Loan Agreement, the Bond Purchase Contract, the Official Statement and the Bonds in accordance with this Resolution.

Section 15. 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-288

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR ANNUAL READY-MIX CONCRETE REQUIREMENTS FOR UP
TO THREE YEARS

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

SECTION 1. The plans and specifications for the purchase of annual ready-mix concrete requirements for up to three years 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 3, 1991, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-289

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE 1991 COLD IN-PLACE RECYCLING

WHEREAS, Resolution No. 91-201 , adopted by the Council of the City of Modesto on April 9 , 1991 , approved the plans and specifications for the 1991 cold in-place recycling

and authorized the calling for bids; and

WHEREAS, the bids received for the 1991 cold in-place recycling were opened at 11:00 a.m. on May 2, 1991 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportatation has recommended that the bid of George Reed, Inc. in the amount of \$155,595.50 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 \$155,595.50 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 14th day of May , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Moraine Coyle
MORRINE COYLE, CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-290

A RESOLUTION ESTABLISHING LIMITATIONS ON THE USE OF WATER FROM MODESTO'S MUNICIPAL WATER SYSTEM, AND ADOPTING A DROUGHT CONTINGENCY PLAN.

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

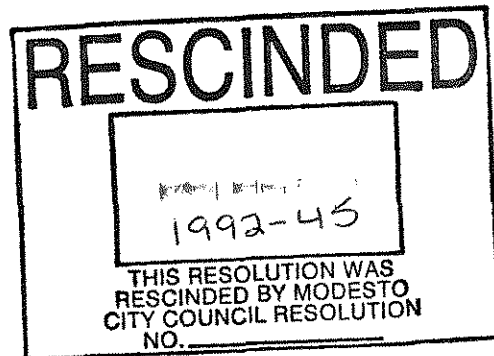
WHEREAS, it is timely for the City of Modesto to take those steps necessary to help insure an adequate local supply of water, and

WHEREAS, the State of California has directed all local water purveyors to prepare drought contingency plans, 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 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 Drought Contingency Plan as attached in Exhibit A.
2. This Plan will be implemented by the City Council from time to time by ordinance and regulation.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

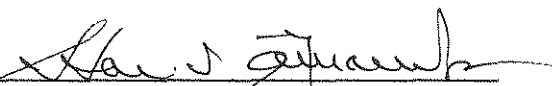
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

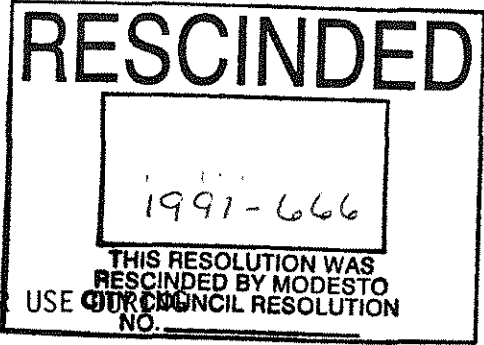
By 
STAN T. YAMAMOTO, City Attorney

City of Modesto - Drought Contingency Plan

Exhibit "A"

Drought Stage I - Minor Shortage Potential	Drought Stage II - Moderate Shortage Potential	Drought Stage III - Critical Shortage Potential
<p>Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff.</p>	<p style="text-align: center;">Phasing Criteria</p> <p>Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff.</p> <p>Production from wells is decreasing.</p> <p>There is a possibility that customer demands and system pressure requirements cannot be met at all times.</p>	<p>Groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff.</p> <p>Production from wells is decreasing.</p> <p>Customer demands and system pressure requirements cannot be met.</p>
<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.* 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 may be extended to 9 a.m.-7 p.m. at Council discretion.</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. 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> <p>\$ 50 Administrative fee assessed upon 2nd violation.</p> <p>\$200 Admin. fee assessed upon 3rd violation (includes meter installation).</p> <p>\$250 Administrative fee assessed for each subsequent violation.</p>	<p style="text-align: center;">Penalties* for Excessive Use</p> <p>\$150 Administrative fee assessed upon 2nd violation.</p> <p>\$250 Admin. fee assessed upon 3rd violation (includes meter installation).</p> <p>\$300 Administrative fee assessed for each subsequent violation.</p> <p>*Penalties assessed for violations occurring within 12 months of first violation.</p>	<p style="text-align: center;">Penalties* for Excessive Use</p> <p>\$200 Administrative fee assessed upon 2nd violation.</p> <p>\$300 Admin. fee assessed upon 3rd violation (includes meter installation).</p> <p>\$400 Administrative fee assessed for each subsequent violation.</p>

Clark



MODESTO CITY COUNCIL
RESOLUTION NO. 91-291

A RESOLUTION ESTABLISHING GUIDELINES FOR WATER USE
THE STAGE ONE DROUGHT CONDITION.

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

WHEREAS, the City finds that groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff, 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 Drought Condition.

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

BE IT FURTHER RESOLVED THAT in accordance with the Drought Contingency Plan, the following rules and regulations are established for use

during a Stage One Drought 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. 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-292

AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. FOR THE CONSTRUCTION OF A HANGAR AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto Executive Air Charter, Inc. for the construction of a hangar 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 14th day of May , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Yok

MODESTO CITY COUNCIL
RESOLUTION NO. 91-293

A RESOLUTION REVISING THE LOCATION AND NUMBER OF MID-BLOCK CROSSWALKS ACROSS SCENIC DRIVE BETWEEN BODEM STREET AND COFFEE ROAD IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 80-79.

WHEREAS, it is deemed desirable to establish mid-block crosswalks at certain locations in the City of Modesto to facilitate street crossing by pedestrians, and

WHEREAS, Section 21106(a) of the Vehicle Code of the State of California provides that local authorities, by ordinance or resolution, may establish crosswalks between intersections, and

WHEREAS, Council Resolution 80-79 adopted on January 22, 1980, established three mid-block crosswalks on Scenic Drive, and

WHEREAS, by letter dated December 11, 1990, the Director of Mental Health for Stanislaus County requested that the City consider means to implement additional safety measures to mitigate the traffic situation on Scenic Drive, and

WHEREAS, in response to said request from Stanislaus County's Director of Mental Health and in relation to updated State Traffic Manual guidelines for marked crosswalks, City staff has recommended that the three marked mid-block crosswalks currently existing across Scenic Drive between Bodem Street and Coffee Road in the City of Modesto be reduced to a single marked mid-block crosswalk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to enhance pedestrian safety, the Council hereby authorizes the reduction of the three marked mid-block crosswalks currently existing across Scenic Drive between Bodem Street and Coffee Road in the City of Modesto to a single

marked mid-block crosswalk, as shown on the drawing which is attached hereto, marked Exhibit "A" and incorporated herein by reference, and as set forth in the memorandum to the City Manager dated April 29, 1991, from the Acting Public Works and Transportation Director, a copy of which memorandum is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the Public Works and Transportation Director of the City of Modesto is hereby directed to take appropriate action to assure that said three marked mid-block crosswalks currently existing across Scenic Drive between Bodem Street and Coffee Road are reduced to a single marked mid-block crosswalk as set forth in the memorandum to the City Manager dated April 29, 1991, from the Acting Public Works and Transportation Director, a copy of which memorandum is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the Public Works and Transportation Director of the City of Modesto is further directed to establish, designate and maintain a mid-block crosswalk and to designate a single marked mid-block crosswalk by appropriate devices, marks or lines upon the surface of the roadway in a single location across Scenic Drive between Bodem Street and Coffee Road, as shown on the drawing which is attached hereto, marked Exhibit "A" and incorporated herein by reference, and as set forth in the memorandum to the City Manager dated April 29, 1991, from the Acting Public Works and Transportation Director, a copy of which memorandum is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that Resolution No. 80-79 adopted January 22, 1980, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

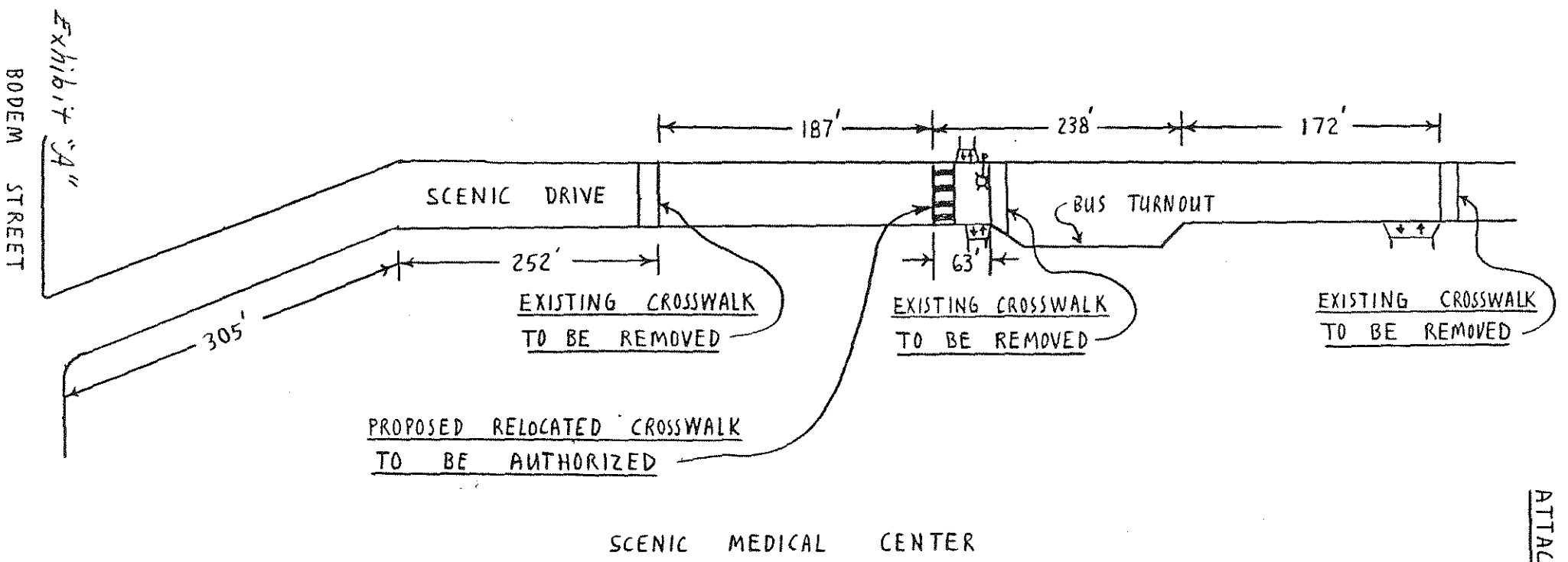
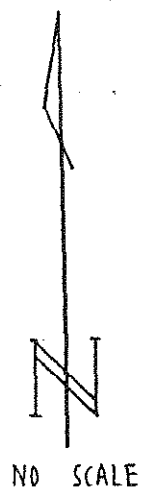
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CEMETERIES



ATTACHMENT B

MODESTO CITY COUNCIL
RESOLUTION NO. 91-294

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT ROBERT PAUL VAN WINKLE, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of the claimant Robert Paul Van Winkle, against the City of Modesto was received on May 6, 1991, in the office of the City Clerk.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of claimant, Robert Paul Van Winkle, against the City of Modesto, received on May 6, 1991, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-295

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WINTHROP SHAW - 2206 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$922.44.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18
of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-296

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EDWARD S. HEYMAN, 2210 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$922.44.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18
of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-297

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILLIAM L. WRIGHT, 2214 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18
of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-298

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KYLE G. BARKER, 2218 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$ 909.07.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18
of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-299

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LESTER E. McDERMOTT, 2302 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18
of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-300

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MOSE G. QUILICI, 2306 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18
of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-301

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILLIAM J. YOUNG, 2310 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8 of Block 6728 of Bel Air Subdivision
No. 1 as per map filed 2-24-56 in Volume 18
of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-302

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES L. GRAY, 2314 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6728 of Bel Air Subdivision No. 1 as per map filed 2/24/56 in Volume 18 of Maps, Page 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-303

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN D. SILVA, 2318 MONTICELLO AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$885.94.

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Volume 18 of Maps, Page 48,
Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-304

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (STEVEN J. AMARAL, 1201 BOWEN AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,012.14

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, 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. 91-305

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RUBY G. ERICKSON, 2201 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$944.10

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 23 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2-24-56 in Vol. 18 of Maps,
Pg. 48, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-306

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CHARLES L. BRYANT, 2205 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$922.44

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 22 of Block 6728 of Bel Air Subdivision No. 1
as per map filed 2-24-56 in Vol. 18 of Maps,
Pg. 48, Stanislaus County Records.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-307

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN A. OLMHEIM, 2209 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$922.44

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 21 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-308

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DAVID L. ELLIOTT, 2213 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-309

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BILLY W. JARRETT, 2217 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 19 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-310

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JANE RIDDLE, 2301 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 18 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-311

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (Z.L. BINGHAM, 2305 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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

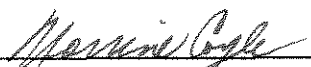
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-312

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DOROTHY F. AMBROSE, 2309 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-313

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ESTELLA RODRIGUES , 2313 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$909.07

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-314

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (FORREST S. BLACKMORE - 2317 MONTE VERDE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$ 953.99

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Bl. 6728 of Bel Air Subdivision No. 1
as per map filed 2/24/56 in Vol. 18 of Maps, Pg. 48,
Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-315

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CURTIS A. ENNEN , 1239 W. ROSEBURG AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,013.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-316

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RUBY I. TEAS, 1206 DEL REY AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,013.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-317

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (AMY TUCKER, 1210 DEL REY AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,013.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-318

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES CAYLOR H, 1214 DEL REY AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$880.52

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-319

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (SUSAN I. MADDEN, 1218 DEL REY AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$813.01

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-320

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CARL A. GAGLIARI, 1222 DEL REY AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$533.65

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-321

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (PHILLIP J. REILLY, 1226 DEL REY AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$565.53

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.91-322

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HELEN ANDRITSIS, 1320 ASHWOOD DRIVE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$845.30

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-323

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KENNETH W. GRAHAM, 1201 GREENWOOD DRIVE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,013.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-324

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KATHY G. HAGEN, 1205 GREENWOOD DRIVE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,013.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-325

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DOROTHY WINKE, 1209 GREENWOOD DRIVE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,013.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-326

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CLYDE W. MILLER, 1213 GREENWOOD DRIVE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,063.56

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-327

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EARL D. GREENER, 1217 GREENWOOD DRIVE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,189.50

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-328

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (PAUL L. MILLERVILLE, 1221 GREENWOOD DRIVE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,188.30

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

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


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-329

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GEORGE W. WRIGHT, 1109 OBERLIN CIRCLE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,997.92

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6030 of College View Tract
as per map filed 12-06-51, in Volume 17 of
Maps, Page 59, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-330

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DARREL W. CRITES, 1112 OBERLIN CIRCLE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,527.76

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Southeast Corner of Lot 3 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 29, Stanislaus County Records; Thence Northeasterly 107.26'; North 108.01'; West 66.07'; Southwest 61.53'; South 101.76'

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-331

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROGER W. REYNOLDS, 1116 OBERLIN CIRCLE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,051.20

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-332

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CLARKE C. COOVER, 1120 OBERLIN CIRCLE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$931.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-333

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES L. JOHNSON, 1124 OBERLIN CIRCLE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$965.90

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-334

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES E. SIMMONS, 1117 WEST ROSEBURG AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,795.43

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' South and 198.94' East of the Southwest Corner of Lot 1 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence South 130.02; East 137.26'; North 171.01'; West 16.19'; North 7'; Southwest 128.50'

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYIE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-335

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ALFRED WILEY, 1127 WEST ROSEBURG AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,539.52

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' South and 90.03 l.f.' East of the Southwest Corner of Lot 1 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence South 130.03'; East 108.91'; North 130.02'; West 108.91'

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-336

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROBERT W. LYON, 1133 WEST ROSEBURG AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,292.88

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' South of the Southwest Corner;
Thence South 115.14'; Southeast 23.03'; East
75.56'; North 130.03'; West 90.03' of
Lot 1 of Block 6012 of College View Tract
as per map filed 12-06-51, in Volume 17 of
Maps, Page 59, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-337

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RUSSEL J. VERVILLE, 1221 COLLEGE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$814.36

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' East and 75' South of the Southeast Corner of Lot 12 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence South 53.40'; East 16.19'; South 21.6'; East 98.81'; North 75'; West 115'; to Point of Beginning

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-338

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KENNETH D. ZWAHLEN, 1225 COLLEGE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,096.53

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' East of the Southeast Corner;
Thence South 75'; East 115'; North 75'; West
115'; to Point of Beginning of Lot 12, of
Block 6012 of College View Tract as per map
filed 12-06-51, in Volume 17 of Maps, Page
59, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-339

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MICHAEL J. McCOURTIE, 1231 COLLEGE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,096.53

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' East of the Southeast Corner of Lot 12, of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence North 75'; East 115'; South 75'; West 115'; to Point of Beginning

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-340

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (VIOLET G. BOLAND, 1237 COLLEGE AVENUE)

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

WHEREAS, the Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,096.53

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' East and 75' North of the Southeast Corner; Thence North 75'; East 115'; South 75'; West 115' to Point of Beginning of Lot 12 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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:	Coouncilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-341

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT COFFEE ROAD AND
ORANGEBURG AVENUE

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 Coffee Road and Orangeburg 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 11, 1991, 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-342

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR TRAFFIC SIGNAL CONSTRUCTION AND STREET IMPROVE-
MENTS AT CLAUS ROAD AND SCENIC DRIVE, AND SISK ROAD AND RUMBLE
ROAD

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

SECTION 1. The plans and specifications for traffic signal construction and street improvements at Claus Road and Scenic Drive, and Sisk Road and Rumble Road copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 11, 1991, 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-343

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR A PROJECT ENTITLED, "STANDIFORD AVENUE IMPROVE-
MENTS, PRESCOTT TO DALE"

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

SECTION 1. The plans and specifications for a project entitled,
"Standiford Avenue Improvements, Prescott to Dale"
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 13, 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 21st day of May, 1991,
by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Irizarry, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

9

MODESTO CITY COUNCIL
RESOLUTION NO. 91-344

A RESOLUTION ACCEPTING THE BID OF GELCO INSITUFORM WEST FOR EIGHT INCH
SANITARY SEWER REHABILITATION AT LALOMA AT DRY CREEK

WHEREAS, Resolution No. 91-218 , adopted by the Council of the City of
Modesto on April 16 , 1991 , approved the plans and specifications for
the eight inch sanitary sewer rehabilitation at LaLoma at Dry Creek

and authorized the calling for bids; and

WHEREAS, the bids received for the eight inch sanitary sewer rehabilita-
tion at LaLoma at Dry Creek

were opened at 11:00 a.m. on May 9, 19 91, 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 Gelco Insituform West in the amount of \$26,000

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Gelco Insituform West in the amount of \$26,000
be accepted and the execution of a contract for the completion of the project
by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 21st day of May , 1991, by
Councilmember Muratore , who moved its adoption, which motion being
duly seconded by Councilmember Irizarry , was upon roll call
carried and the resolution adopted by the following vote:

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

ATTEST: 

NORRINE COYLE, City Clerk

10

MODESTO CITY COUNCIL
RESOLUTION NO. 91-345

A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. FOR PUMP STATION NO. 20 EMERGENCY GENERATOR

WHEREAS, Resolution No. 91-217 , adopted by the Council of the City of Modesto on April 16 , 1991 , approved the plans and specifications for Pump Station No. 20 emergency generator

and authorized the calling for bids; and

WHEREAS, the bids received for Pump Station No. 20 emergency generator were opened at 11:02 a.m. on May 9, 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 Conco West, Inc. in the amount of \$41,825 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West, Inc. in the amount of \$41,825 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 May , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 

NORRINE COYLE, City Clerk

11

MODESTO CITY COUNCIL
RESOLUTION NO. 91-346

A RESOLUTION ACCEPTING THE BID OF SIGNAL CONTROL COMPANY FOR FURNISHING TWENTY TRAFFIC SIGNAL CONTROLLERS

WHEREAS, Resolution No. 91-221 , adopted by the Council of the City of Modesto on April 16 , 1991 , approved the plans and specifications for the purchase of twenty traffic signal controllers

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of twenty traffic signal controllers

were opened at 11:00 a.m. on May 13, 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 Signal Control Company in the amount of \$107,600.60.

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Signal Control Company in the amount of \$107,600.60 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 21st day of May , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-347

A RESOLUTION ACCEPTING THE BID OF DUKE EQUIPMENT FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No.91-202 , adopted by the Council of the City of Modesto on April 9 , 1991 , approved the plans and specifications for the purchase of golf course turf maintenance equipment

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing golf course turf maintenance equipment

were opened at 11:00 a.m. on May 6, 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 Duke Equipment in the amount of \$58,781

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Duke Equipment in the amount of \$58,781 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 May , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-348

A RESOLUTION ACCEPTING THE BID OF H.V. CARTER COMPANY FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 91-202 , adopted by the Council of the City of Modesto on April 9, 1991 , approved the plans and specifications for the purchase of golf course turf maintenance equipment

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing of golf course tur maintenance equipment were opened at 11:00 a.m. on May 6, 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 H.V. Carter Company in the amount of \$78,946 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H.V. Carter Company in the amount of \$78,946 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 May , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-349

A RESOLUTION ACCEPTING THE BID OF RAMACHER MFG. COMPANY FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 91-202 , adopted by the Council of the City of Modesto on April 9 , 1991 , approved the plans and specifications for the purchase of golf course turf maintenance equipment

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing of golf course turf maintenance equipment

were opened at 11:00 a.m. on May 6, 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 Ramacher Mfg. Company in the amount of \$15,434

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ramacher Mfg. Company in the amount of \$15,434 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 May , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-350

A RESOLUTION ESTABLISHING DISCOUNTS FOR SENIOR CITIZENS
AND DISABLED PERSONS FOR WATER AND SEWER SERVICE CHARGES,
AND RESCINDING RESOLUTION NO. 91-228.

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

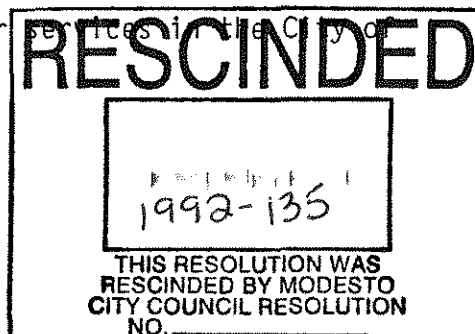
WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of
the Modesto Municipal Code, provide that a schedule of fees and charges to be
charged to consumers for water services are to be established and set by the
Council from time to time by resolution, and

WHEREAS, by Resolution No. 91-228 adopted on April 16, 1991, the
Council established discounts for senior citizens and disabled persons for
water and sewer service charges, however, pursuant to the Clean Water Grant
Bulletin No. 32, granting reduced user charges to special interest or economic
groups, including senior citizens, is prohibited; therefore, it has become
necessary to revise the discounts to limit said discounts to water rates only,
and

WHEREAS, on May 21, 1991, the Council considered limiting said
discounts for senior citizens and disabled persons to water rates only,

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

SECTION 1. WATER SERVICE CHARGES FOR RESIDENTIAL SERVICE. The
following schedule of fees and charges for water services in the City of
Modesto shall be as follows:



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	\$ 825.00
	1-1/2" service	850.00
	2" service	925.00
	4"-6" service	2,300.00
	8" service	2,500.00
	10" or larger service	COST
	Connection to existing main	1,850.00
11-1.04	Additional Charge for each water service installation involving pavement removal and/or replacements.	\$ 220.00
	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.	15.50
	Water detector check valve, 4 in.	400.00
	Water detector check valve, 6 in.	500.00
	Water detector check valve, 8 in.	850.00
	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.	15.50
	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	\$1,900.00
	Fire hydrant line to main per lineal foot	3.50
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	220.00
	Fire main test	87.00
11-1.06(e)	Meter installation cost	
	Each 1" meter	265.00
	Each 1" meter with traffic lid	325.00
	Each 1-1/2" meter	375.00
	Each 1-1/2" meter with traffic lid	490.00
	Each 2" meter	545.00
	Each 2" meter with traffic lid	600.00
	Each 4" meter	2,700.00
	Each 6" meter	3,830.00
	Each 8" meter	7,100.00
	Each 10" or larger meter	COST
11-1.09	Fire hydrant charge for construction water used.	COST OF WATER

11-1.14(e)	Water bill delinquent charge. (LATE CHARGE)	3.50
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)	Cut Waterline	300.00

*(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.)

SECTION 2. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons 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.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective and apply on and after June 1, 1991.

SECTION 4. REPEALS. Resolution No. 91-228 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-351

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CROWNRIDGE FOR INSTALLATION OF STREET IMPROVEMENTS ADJACENT TO ITS DEVELOPMENT AT CLAUS ROAD AND SCENIC DRIVE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Crownridge for installation of street improvements adjacent to its development at Claus Road and Scenic 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 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-353

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, the Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-352

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-354

A RESOLUTION REQUESTING THAT THE FEDERAL AVIATION
ADMINISTRATION (FAA) REFRAIN FROM CURTAILING THE OPERATION
HOURS OF THE MODESTO CITY-COUNTY AIRPORT TOWER.

WHEREAS, the Acting Manager of the Modesto City-County Airport Tower
has notified the Airport Advisory Committee that the FAA will reduce the
Airport Tower from a 16-hour to a 12 1/2-hour daily operation beginning June,
1991, and

WHEREAS, the hours of curtailment are caused by the FAA budgeting
less overtime to cover any unexpected controller absences, and

WHEREAS, on October 27, 1990, the 101st Congress approved
H.R. 5835 - Omnibus Budget Reconciliation Act of 1991, which included Section
9106, an appropriation of \$4.088 billion for the FAA's fiscal year 1991
operation and maintenance program, a \$254.0 million increase over the fiscal
year 1990's level, and included Section 9107 that allows for 75% of FAA's
total budget to be funded from the aviation trust fund, and

WHEREAS, commercial passenger aircraft flights will be arriving and
departing during times when the Airport Tower is non-operational, reducing the
overall safety of passenger flights.

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council is
opposed to the Federal Aviation Administration's plan to curtail the Airport
Tower's hours of operation and request their United States Senators and U.S.
House District Representative to ask the FAA not to implement the operation
hours reduction plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-355

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT LEIGH LOONEY, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of the claimant, Leigh Looney, against the City of Modesto was received on May 1, 1991, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of claimant, Leigh Looney, against the City of Modesto, received on May 1, 1991, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-356

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT (JEFF GROVER) AS A REPRESENTATIVE FROM THE PLANNING COMMISSION

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

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

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

Jeff Grover

Term to expire: 1/1/92

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 as the Planning Commission rep. 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 May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

Clerk
S

MODESTO CITY COUNCIL
RESOLUTION NO. 91-357

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR THE IMPROVEMENT OF THE INTERSECTION OF STANDIFORD, DALE AND SISK AND IMPROVEMENT OF SISK ROAD AND STRENGTHENING OF THE WATER MAIN SYSTEM. (SEARS ROEBUCK AND CO., ET AL.)

WHEREAS, on May 7, 1991, the Council of the City of Modesto by Resolution No. 91-253 set a hearing to consider a resolution of necessity to acquire certain real property, described on Exhibit "A", attached hereto, and

WHEREAS, on May 28, 1991, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of the improvement of the intersection of Standiford Avenue, Dale and Sisk Roads, the improvement of Sisk Road and strengthening the water main system, all for purposes of Improvement District No. 29.

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.
2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.
3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

5. The real property which is hereinafter described in the attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney, or such attorneys as may be designated by him, be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession as is necessary to acquire, for the purposes and uses foresaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that this City Council has on January 22, 1991 previously considered the environmental effects of this project and by Resolution No. 91-55 directed that a Notice of Determination reflecting a Negative Declaration relative to the environmental impact of this project be filed with the Stanislaus County Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 *Edward S. Erbes*
Department of Public Works & Transportation

Real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 8 of the McKINNEY COLONY, as per map filed November 21, 1903 in Volume 1 of Maps, Page 57, Stanislaus County Records, described as follows:

Beginning at the most Easterly corner of the "Remainder" as shown on the map filed September 20, 1974 in Book 19 of Parcel Maps, Page 94, Stanislaus County Records, said point being on a curve from which point a radial line bears South $36^{\circ} 54' 44''$ West; thence Northwesterly along said curve, said curve being the Southwesterly line of Sisk Road, concave to the Southwest, having a Radius of 1050.00 feet, a Central Angle of $6^{\circ} 11' 50''$ and an Arc Length of 113.57 feet, to its point of intersection with a non-tangent curve, from which point a radial line bears South $30^{\circ} 42' 54''$ West; thence Southeasterly, from a radial bearing of South $33^{\circ} 05' 02''$ West, along said non-tangent curve concave to the Southwest, having a Radius of 747.00 feet, a Central Angle of $8^{\circ} 33' 00''$ and an Arc Length of 111.47 feet, to a point on a Southeastern line of said "Remainder", from which point a radial line bears South $41^{\circ} 38' 02''$ West; thence along said Southeastern line, North $52^{\circ} 42' 56''$ East, 7.28 feet, to the point of beginning.

Containing 353 square feet, more or less.

Clock

MODESTO CITY COUNCIL
RESOLUTION NO. 91-358

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR THE IMPROVEMENT OF THE INTERSECTION OF STANDIFORD, DALE AND SISK AND IMPROVEMENT OF SISK ROAD AND STRENGTHENING OF THE WATER MAIN SYSTEM. (MODESTO IRRIGATION DISTRICT)

WHEREAS, on May 7, 1991, the Council of the City of Modesto by Resolution No. 91-253 set a hearing to consider a resolution of necessity to acquire certain real property, described on Exhibit "A", attached hereto, and

WHEREAS, on May 28, 1991, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of the improvement of the intersection of Standiford Avenue, Dale and Sisk Roads, the improvement of Sisk Road and strengthening the water main system, all for purposes of Improvement District No. 29.

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

5. The real property which is hereinafter described in the attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney, or such attorneys as may be designated by him, be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession as is necessary to acquire, for the purposes and uses foresaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that this City Council has on January 22, 1991 previously considered the environmental effects of this project and by Resolution No. 91-55 directed that a Notice of Determination reflecting a Negative Declaration relative to the environmental impact of this project be filed with the Stanislaus County Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 Edward S. Esko
Department of Public Works &
Transportation

Real property in the City of Modesto, County of Stanislaus,
State of California:

All that portion of the Southeast quarter of Section 11, Township 3 South,
Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 8 of the
MCKINNEY COLONY, as per map filed November 21, 1903, in Volume 1 of Maps, Page
57, Stanislaus County Records, described as follows:

PARCEL 13602-2A

Beginning at the most Easterly corner of the "Existing Modesto Irrigation
District Parcel" as shown on the map filed September 20, 1974 in Book 19 of
Parcel Maps, Page 94, Stanislaus County Records, said point being on the
Northwesterly line of Beckwith Road; thence along said Northwesterly line of
Beckwith Road, South 26 degrees 28' 01" West, 17.03 feet, to the most
Southerly point of the property conveyed to the City of Modesto for Sisk Road
by Grant Deed recorded June 24, 1988, as Instrument 041651, Stanislaus County
Records, and the true point of beginning of this description; thence
continuing along the Northwesterly line of Beckwith Road; South 26 degrees 28'
01" West, 3.22 feet, to a point on a non-tangent curve from which point a
radial line bears South 47 degrees 43' 26" West; thence Northwesterly along
said non-tangent curve concave to the Southwest, having a Radius of 742.00
feet, a Central Angle of 6 degrees 00' 45" and an Arc Length of 77.86 feet, to
its intersection with the Northwesterly line of said Modesto Irrigation
District Parcel, from which point a radial line bears South 41 degrees 42' 41"
West; thence along said Northwesterly line of the Modesto Irrigation District
Parcel, North 52 degrees 42' 56" East, 3.05 feet, to a point on a non-tangent
curve from which point a radial line bears South 41 degrees 45' 22" West;
thence Southeasterly along said non-tangent curve concave to the Southwest,
having a Radius of 745.00 feet, a Central Angle of 5 degrees 52' 40" and an
Arc Length of 76.43 feet, said line being a Southwestern line of Sisk Road, to
the point of beginning, from which point a radial line bears South 47 degrees
38' 02" West, containing 232 square feet, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-359

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR THE IMPROVEMENT OF THE INTERSECTION OF STANDIFORD, DALE AND SISK AND IMPROVEMENT OF SISK ROAD AND STRENGTHENING OF THE WATER MAIN SYSTEM. (TEACHER'S INSURANCE & ANNUITY ASSOCIATION OF AMERICA)

WHEREAS, on May 7, 1991, the Council of the City of Modesto by Resolution No. 91-253 set a hearing to consider a resolution of necessity to acquire certain real property, described on Exhibit "A", attached hereto, and

WHEREAS, on May 28, 1991, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of the improvement of the intersection of Standiford Avenue, Dale and Sisk Roads, the improvement of Sisk Road and strengthening the water main system, all for purposes of Improvement District No. 29.

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.
2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

5. The real property which is hereinafter described in the attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney, or such attorneys as may be designated by him, be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession as is necessary to acquire, for the purposes and uses foresaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that this City Council has on January 22, 1991 previously considered the environmental effects of this project and by Resolution No. 91-55 directed that a Notice of Determination reflecting a Negative Declaration relative to the environmental impact of this project be filed with the Stanislaus County Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 Edward S. Esho
Department of Public Works &
Transportation

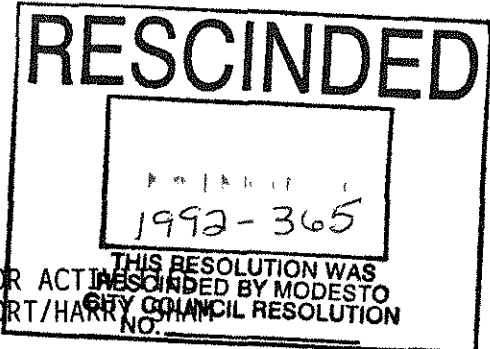
Real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed July 27, 1977, in Book 25 of Parcel Maps, Page 69, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Parcel "A"; thence along the most Southerly line of Parcel "A", South $88^{\circ} 45' 33''$ West, 569.84 feet, to a point on the Northeastern line of 72.00 foot Sisk Road, said line being a non-tangent curve from which point a radial line bears South $23^{\circ} 17' 28''$ West, and the true point of beginning of this description; thence Northwesterly along said non-tangent curve concave to the Southwest, having a Radius of 1122.00 feet, a Central Angle of $7^{\circ} 56' 15''$ and an Arc Length of 155.44 feet, to its intersection with a non-tangent curve from which point a radial line bears South $15^{\circ} 21' 13''$ West; thence, from a radial bearing of South $05^{\circ} 12' 21''$ West, along said last mentioned non-tangent curve concave to the Southwest, having a Radius of 683.00 feet, a Central Angle of $17^{\circ} 31' 03''$ and an Arc Length of 208.82 feet, to said Southerly line of Parcel "A", from which point a radial line bears South $22^{\circ} 43' 24''$ West; thence along said Southerly line of Parcel "A", South $88^{\circ} 45' 53''$ West, 55.31 feet, to the point of beginning.

Containing 2,335 square feet, more or less.

6



MODESTO CITY COUNCIL
RESOLUTION NO. 91-360

A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND SUPERSEDING RESOLUTION NO. 89-599.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish 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 \$85.00 per unit per month
- End Units \$100.00 per unit per month
- Hangar No. B \$105.00 per unit per month
- End Units \$127.00 per unit per month
- Hangar No. C \$109.00 per unit per month
- End Units \$132.00 per unit per month
- Hangar No. D \$98.00 per unit per month
- End Units \$115.00 per unit per month
- Hangar No. E \$144.00 per unit per month
- End Units \$168.00 per unit per month
- Hangar No. F \$144.00 per unit per month
- End Units \$168.00 per unit per month
- Hangar No. G \$144.00 per unit per month

Hangar No. H \$144.00 per unit per month

Hangar No. J \$144.00 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 \$1,699.00 per month (\$.105 per square foot per month) includes office space at \$.275 per square foot per month

Hangar No. 2 \$ 874.00 per month (\$.105 per square foot per month) includes office space at \$.275 per square foot per month

Hangar No. 3 \$ 461.00 per month (\$.115 per square foot per month) includes office space at \$.275 per square foot per month

Hangar No. 4 \$ 574.00 per month (\$.115 per square foot per month) includes office space at \$.275 per square foot per month

Hangar No. 5 \$ 779.00 per month (\$.115 per square foot per month) includes office space at \$.275 per square foot per month

Hangar No. 6 \$ 457.00 per month (\$.115 per square foot per month) includes office space at \$.275 per square foot 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) \$33.00 per month.

- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$67.00 per month.
- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.22 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) Office Building No. 1 \$592.00 per month
- (b) Office Building No. 2,
Suite A \$285.00 per month

- (c) Office Building No. 2,
Suite B \$175.00 per month
- (d) Hangar Office Space \$.275 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 and multi-engine aircraft, \$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 maximum 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.

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 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 RATES, FEES AND CHARGES. Commencing July 1, 1991, the rates, 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 rates, 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 rates, 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 July 1, 1991.

SECTION 12. SUPERSEDE. This resolution supersedes Resolution No. 89-599 adopted by the City Council on May 24, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-360A

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 FOR HIRING TWO TEMPORARY EMPLOYEES TO CANVASS FOR UNLICENSED DOGS

WHEREAS, at their meeting of May 28, 1991, the City Council of the City of Modesto introduced Ord. 2766-C.S. adopting the animal service fee structure established by the Stanislaus County Board of Supervisors, and approving the hiring of two temporary employees to canvass neighborhoods for unlicensed dogs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that an appropriation transfer in the amount of \$20,000 to hire two temporary employees to canvass neighborhoods for unlicensed dogs be, and hereby is approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-361

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE RECONSTRUCTION OF COFFEE ROAD, FLOYD AVENUE
TO RUMBLE ROAD

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

SECTION 1. The plans and specifications for the reconstruction of
Coffee Road, Floyd Avenue to Rumble Road
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on June 27, 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 28th day of May, 1991,
by Councilmember Patterson, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-362

A RESOLUTION ACCEPTING THE MASTER PLAN FOR THE AQUEDUCT NEIGHBORHOOD PARK, CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION RELATING TO SAID PROJECT.

WHEREAS, Aqueduct Neighborhood Park is a 5.04 acre park site located in the northwest quadrant of Modesto at the intersection of Cheyenne Way and Carver Road, adjacent to Agnes Baptist Elementary School, and

WHEREAS, the Master Plan for Aqueduct Neighborhood Park 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 May 28, 1991, 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 the Aqueduct Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Master Plan for Aqueduct Neighborhood Park as 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 development of the Aqueduct Neighborhood Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

2/10/10
180

MODESTO CITY COUNCIL
RESOLUTION NO. 91-363

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE 10-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 11151 IN THE CITY OF MODESTO.

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block 11151 in the City of Modesto, described in Exhibit "A" attached hereto, which is a portion of the 10-foot public utility easement in Block 11151 in the City of Modesto, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4 (Sections 8330 et seq.) of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is a portion of the 10-foot public utility easement in Block 11151 in the City of Modesto, is no longer necessary. This portion of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the vacation.

3. That from and after the date this resolution is recorded, the portion of the 10-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 10-foot public utility easement located in Block 11151 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 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. Christian
Public Works and Transportation
Department - Engineering Division

LD 89-H

Parcels 11151-1, 11151-2, 11151-3
11151-4 and 11151-5

- VACATE AND ABANDON A PORTION OF THE 10-FOOT PUBLIC UTILITY EASEMENT
IN BLOCK 11151 OF THE NEW ENGLAND SQUARE SUBDIVISION

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of the Southeast quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Block 11151 of the NEW ENGLAND SQUARE Subdivision as per map filed December 23, 1987 in Book 32 of Maps, Page 49, Stanislaus County Records, described as follows:

PARCEL 11151-1

Commencing at the Southeastern corner of Lot 1 in said Block 11151; thence along the Southern line of said Lot 1, South 89 degrees 33' 37" West, 5.00 feet, to the true point of beginning of this description; thence continuing along said Southern line of Lot 1, South 89 degrees 33' 37" West, 5.00 feet, to a point on a non-tangent curve from which point a radial line bears South 89 degrees 46' 28" West; thence Northerly along said non-tangent curve concave to the West, having a Radius of 4940.00 feet, a Central Angle of 00 degrees 11' 28" and an Arc Length of 16.48 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of Lot 1; thence along said parallel line, North 00 degrees 25' West, 27.14 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 89 degrees 07' 35" and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of Lot 1; thence along said last mentioned parallel line, South 89 degrees 32' 35" East, 5.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 89 degrees 07' 35" and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from said Eastern line of Lot 1; thence along said last mentioned parallel line, South 00 degrees 25' East, 27.06 feet; thence Southerly along a tangent curve concave to the West, having a Radius of 4945.00 feet, a Central Angle of 00 degrees 11' 27" and an Arc Length of 16.47 feet, to a point on the Southern line of Lot 1 from which point a radial line bears South 89 degrees 46' 27" West and the point of beginning.

PARCEL 11151-2

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lots 2, 3, 4, 5, 6, 7, 8 and 9 in said Block 11151 of the New England Square Subdivision.

PARCEL 11151-3

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lots 11, 12, and 13 in said Block 11151 of the New England Square Subdivision.

LD89-H

Parcels 11151-1, 11151-2, 11151-3
11151-4 and 11151-5

Page 2 of 2 Pages

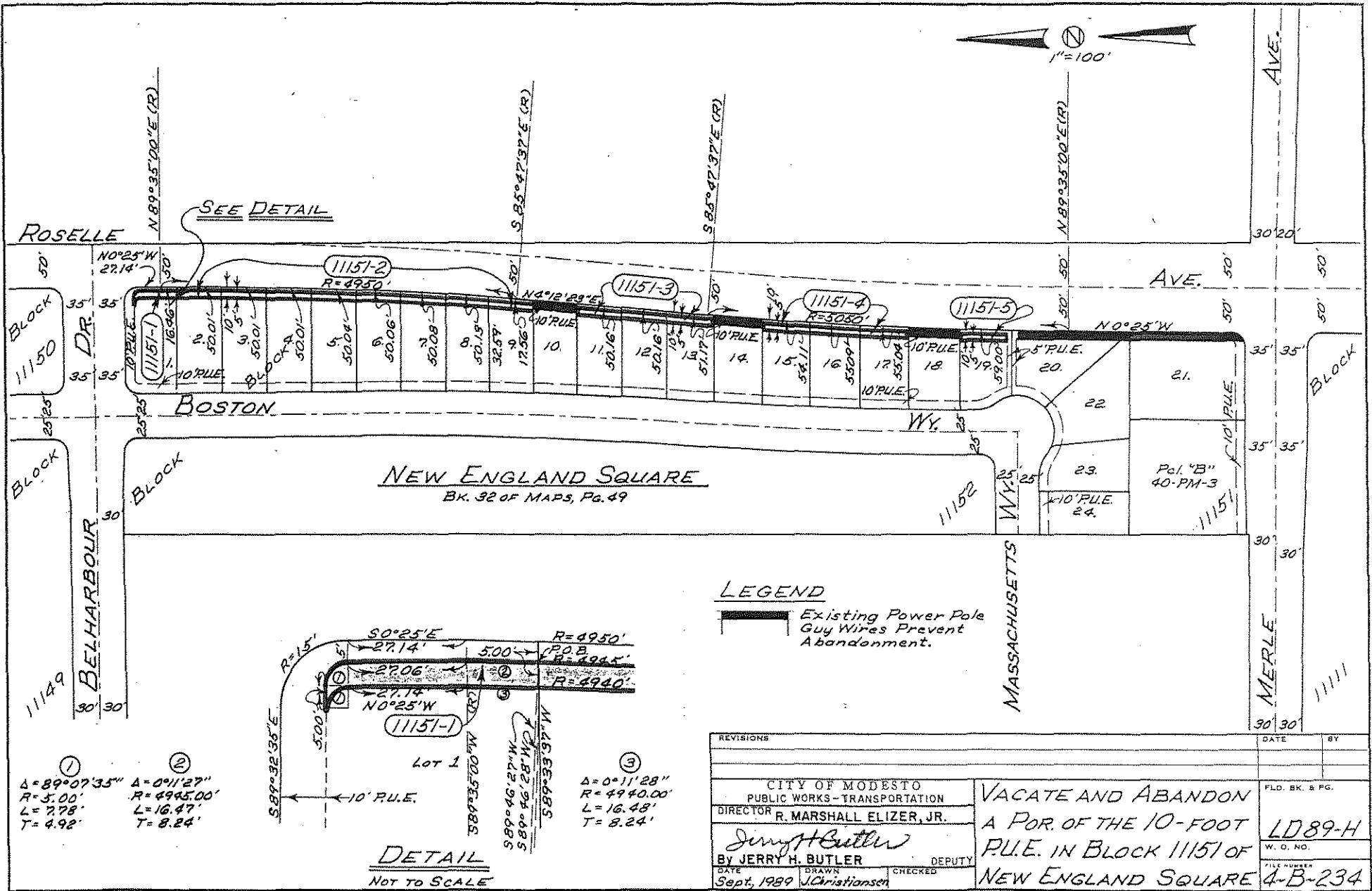
PARCEL 11151-4

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lots 15, 16, and 17 in said Block 11151 of the New England Square Subdivision.

PARCEL 11151-5

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lot 19 in said Block 11151 of the New England Square Subdivision.

Excepting therefrom the Southerly 5.00 feet, measured at right angles, of said Lot 19.



PRINTED ON DIEGO NO. 1000H CLEARPRINT

Exhibit A

RESOLUTION NO. 91-364**A RESOLUTION DETERMINING UNPAID ASSESSMENTS, AUTHORIZING
ISSUANCE OF BONDS AND PROVIDING FOR EXECUTION OF FISCAL
AGENT AGREEMENT WITH RESPECT THERETO****CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)**

WHEREAS, on February 26, 1991, this Council passed and adopted Resolution of Intention No. 91-112 (the "Resolution of Intention") relating to the acquisition and/or construction of public improvements under and pursuant to the provisions of the Municipal Improvement Act of 1913. By said Resolution of Intention, this Council provided that serial and/or term bonds would be issued thereunder pursuant to the provisions of the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California and reference to said Resolution of Intention is hereby expressly made for further particulars;

WHEREAS, notice of the recordation of the assessment and of the place where and the time within which the individual assessments could be paid, in whole or in part, has been duly given in the time and form provided by law, the time so provided for such payment has expired, and a list of the assessments remaining unpaid has been filed with the Finance Director of the City; and

WHEREAS, the Council duly considered said list and determined that the same was an accurate statement thereof.

NOW, THEREFORE, IT IS ORDERED, as follows:

Section 1. Unpaid Assessments. The assessments now remaining unpaid are as shown on said list of unpaid assessments and on Exhibit "A" attached hereto and by this reference made a part hereof; the aggregate amount thereof is \$982,853; and for a particular description of the lots or parcels of land bearing the respective assessment numbers set forth in said list, reference is hereby made to the assessment and to the diagram, and any amendments thereto, recorded in the office of the Superintendent of Streets of the City after confirmation thereof by the Council.

Section 2. Issuance of Bonds. The bonds shall be issued in the aggregate principal amount or amounts as hereinafter provided upon the security of said unpaid assessments and the proceedings heretofore taken with respect to said Resolution of Intention. The bonds shall be issued, from time to time, in such series, being one or more, at such rate or rates of interest, in such form or forms, at such maturities and upon such provisions, covenants and conditions, all of which shall be as specified by the City pursuant to the terms of one or more Fiscal Agent Agreements to be executed by the City in furtherance of the issuance of the bonds hereby

authorized. In the event that more than one series of bonds is authorized, the City, at its election, may authorize such series by one or more Fiscal Agent Agreements and shall hereby preserve the right to issue bonds upon the security of any assessments unpaid for which bonds are not issued pursuant to such Fiscal Agent Agreement or Agreements; provided, however, no such bonds shall be authorized in excess of the total aggregate amount of said unpaid assessments hereinabove specified.

Section 3. Designation of Agent. The fiscal agent shall be as designated in the Fiscal Agent Agreement to act as the Fiscal Agent to perform the actions and duties required under the Fiscal Agent Agreement for the authentication, transfer, registration, and payment of the bonds. The Finance Director of the City is hereby authorized and directed to enter into agreements with the Fiscal Agent in furtherance of the actions and duties of the Fiscal Agent under this Resolution and the Fiscal Agent Agreement for such authentication, transfer, registration and payment of the bonds.

Section 4. Approval and Authorization of Fiscal Agent Agreement. The Fiscal Agent Agreement, in the form this day presented to this Council, which Agreement provides, in substance, for the provisions of the issuance and payment and covenants relating to the bonds or the series thereof, is hereby approved. The Finance Director of the City is hereby authorized and directed to execute the Fiscal Agent Agreement on behalf of the City, with such changes thereto as may be approved by the Bond Counsel to the City with respect to the proceedings for said assessments for the purposes of the issuance of the bonds, the approval of such changes to be conclusively evidenced by the execution of the Fiscal Agent Agreement by the Finance Director. The Fiscal Agent Agreement may provide for the issuance of one or more series of bonds in and for said assessment district.

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:



NORRINE COYLE, City Clerk

[SEAL]

APPROVED AS TO FORM:

By:



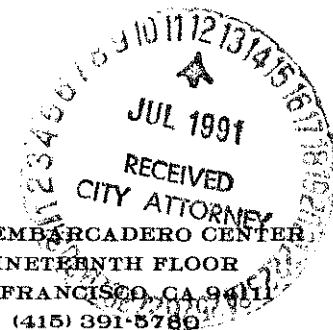
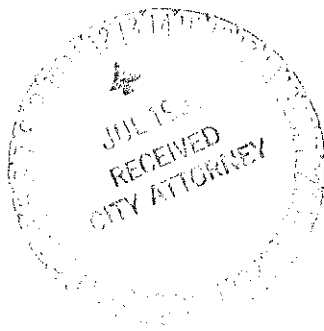
STAN T. YAMAMOTO, City Attorney

JONES HALL HILL & WHITE,

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW

CHARLES F. ADAMS
STEPHEN R. CASALEGGIO
THOMAS A. DOWNEY
ANDREW C. HALL, JR.
KENNETH I. JONES
WILLIAM H. MADISON
R. WADE NORRIS*
DAVID J. OSTER
BRIAN D. QUINT
PAUL J. THIMMIG
SHARON STANTON WHITE

* ADMITTED TO GEORGIA BAR ONLY



FOUR EMBARCADERO CENTER
NINETEENTH FLOOR
SAN FRANCISCO, CA 94111
(415) 391-5780

FACSIMILE
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(415) 391-5785
(415) 956-6308

July 11, 1991

ROBERT J. HILL (1922-1988)

Stan T. Yamamoto, Esq.
City Attorney
CITY OF MODESTO
801 11th Street
P.O. Box 642
Modesto, CA 95353

Re: City of Modesto, Local Improvement District No. 29,
(Standiford-Sisk-Dale-Prescott)

Dear Stan:

Enclosed please find a final form of Resolution No. 91-364, *A Resolution Determining Unpaid Assessments, Authorizing Issuance of Bonds and Providing For Execution of Fiscal Agent Agreement With Respect Thereto*, on which the blanks have been filled in. I understand that some of those persons to whom I am sending a copy of this letter may have erroneously been provided with a superceded version of Resolution 91-364; however, this is to confirm that the enclosed was in fact the Resolution adopted by the City Council on May 28, 1991 as Resolution No. 91-364 and that it will be included in the bond transcript as such.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Oster".

David J. Oster

DJO:brf
Enclosure

cc: (w/ enclosure)
Pete Kolf
Al Kaufman
Ken Ough
Joni Frederick

RESOLUTION NO. 91-364

**A RESOLUTION AUTHORIZING ISSUANCE OF BONDS FOR THE
CITY OF MODESTO
LOCAL IMPROVEMENT DISTRICT NO. 29
(STANDIFORD-SISK-DALE-PRESCOTT)**

Adopted May 28, 1991

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Exhibit A FORM OF BOND

RESOLUTION NO. _____

CITY COUNCIL, CITY OF MODESTO, STATE OF CALIFORNIA

**A RESOLUTION AUTHORIZING ISSUANCE OF BONDS
FOR THE LOCAL IMPROVEMENT DISTRICT NO. 29
(STANDIFORD-SISK-DALE-PRESCOTT)**

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

WHEREAS, on February 26, 1991, this Council passed and adopted Resolution of Intention No. 91-112 (the "Resolution of Intention") relating to the acquisition and/or construction of public improvements under and pursuant to the provisions of the Municipal Improvement Act of 1913 Division 12 of the Streets and Highways Code of California for the Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott). By the Resolution of Intention, the Council provided that serial or term bonds, or both, would be issued thereunder pursuant to the provisions of the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California and reference to the Resolution of Intention is hereby expressly made for further particulars; and

WHEREAS, notice of recordation of the assessment and the opportunity to pay all or a portion of the first phase thereof having been waived in writing by the owners of all of the lands assessed in proceedings and there being on file with the Finance Director of the City a list of all assessments which remain unpaid;

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

ARTICLE I

DEFINITIONS; GENERAL

Section 1.01. DEFINITIONS. Unless the context otherwise requires, the terms defined in this Section shall, for all purposes of this Resolution and of any Supplemental Resolution and of the Bonds and of any certificate, opinion, request or other document herein mentioned, have the meanings herein specified.

"Act" means the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California.

"Agent" means State Street Bank and Trust Company of California, N.A., appointed hereby to perform the duties of authentication, registration, transfer and payment of the Bonds and the Agent's assigns or any other corporation or association which may at any time be substituted in its place.

"Assessment" means the special assessments levied against all taxable real property within the boundaries of the Assessment District pursuant to the Bond Law which are subject to assessment pursuant to the Resolution of Intention, for the purpose of paying principal of and/or interest on the Bonds.

"Assessment District" means that portion of the City designated "Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott)" established in proceedings under the Resolution of Intention.

"Authorized Investments" means any securities (other than those identified in paragraphs (a) and (d) of Section 53601 of the Government Code of the State) in which the City may legally invest funds subject to its control, pursuant to Article 1, commencing with Section 53600, of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code of the State, as now or hereafter amended.

"Available Surplus Funds" means any surplus moneys held by the City at the end of each Fiscal Year in excess of the amounts required to pay lawful municipal obligations incurred in that Fiscal Year.

"Bid Documents" means the Notice Inviting Bids, the form of Bid, and the Official Statement all with respect to the sale of the Bonds to the Original Purchaser.

"Bond Date" means the date upon which the Bonds are issued as provided in the Bid Documents.

"Bond Denomination" means the amount of \$5,000 or any integral multiple thereof, which is the minimum amount in which the Bonds may be issued, except that one Bond may contain any odd amount.

"Bond Law" means the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California.

"Bond Registration Books" means the books maintained by the Agent pursuant to Section 2.12 for the registration and transfer of ownership of the Bonds.

"Bond Year" means the twelve-month period beginning on the anniversary of the Closing Date in each year and ending on the day prior to the anniversary date of the Closing Date in the

following year except that (i) the first Bond Year shall begin on the Closing Date, and (ii) the last Bond Year may end on a prior redemption date.

"Bonds" or "Bonds of this Issue" means Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991, issued and at any time Outstanding.

"Certificate of the City" means a written certificate, statement, request, order or requisition signed by the Treasurer or by any other officer of the City duly authorized by the Council for that purpose.

"City" means the City of Modesto, a municipal corporation and general law city of the State of California duly organized and validly existing under and by virtue of the Constitution and the laws of the State of California.

"City Manager" means the City Manager of the City.

"Clerk" means the City Clerk of the City.

"Closing Date" means the date upon which there is an exchange of any of the Bonds for the proceeds representing the purchase price of such Bonds by the Original Purchaser thereof.

"Costs of Issuance" means all expenses incurred in connection with the authorization, issuance, sale and delivery of the Bonds, including but not limited to compensation, fees and expenses of the City and the Agent and their respective counsel, compensation to any financial consultants and underwriters (other than those taken as discount on the Closing Date), legal fees and expenses, filing and recording costs, costs of preparation and reproduction of documents, costs of compliance with Tax Regulations relating to rebate to the United States under Section 5.07 and costs of printing, mailing and publication of notices with respect to the City and the Project.

"Cost of Issuance Account" means the account of that name established and held by the Treasurer pursuant of Section 4.05 hereof.

"Council" means the City Council of the City.

"Debt Service" means the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

"Excess Investment Earnings" means and includes the following amounts with respect to the Bonds:

(a) the excess of

(i) the aggregate amount earned from the Closing Date on all Nonpurpose Investments in which Gross Proceeds are invested (other than amounts attributable to an excess described in this paragraph (a)), over

(ii) the amount which would have been earned if the Yield on such Nonpurpose Investments (other than amounts attributable to an excess described in this paragraph (a)) had been equal to the Yield on the Bonds, plus

(b) any income attributable to the excess described in the preceding paragraph (a).

"Federal Securities" means any of the following which at the time of investment are legal investments under the laws of the State for the moneys proposed to be invested therein:

(a) direct general obligations of the United States of America (including obligations issued or held in book entry form on the books of the Department of the Treasury of the United States of America); and

(b) obligations of any department, agency or instrumentality of the United States of America the timely payment of principal of and interest on which are unconditionally and fully guaranteed by the United States of America.

"Fiscal Year" means the period commencing on July 1 of each year and terminating on the next succeeding June 30.

"Gross Proceeds" means and includes, with respect to any Bonds, all of the following amounts:

(a) original proceeds, namely, the net amounts remaining from the sale of the Bonds after payment of all Costs of Issuance, including accrued interest but excluding underwriter's and original issue discount, and excluding any such proceeds which become transferred proceeds (determined in accordance with applicable Tax Regulations) of obligations issued to refund the Bonds in whole or in part;

(b) investment proceeds, namely, amounts received at any time from the investment of any proceeds described in the preceding clause (a), or from the investment of amounts described in this clause (b), in Nonpurpose Investments, increased by the amount of any profits and decreased (if necessary, below zero) by the amount of any losses on such investments, excluding such amounts which become transferred proceeds (determined in accordance with applicable Tax Regulations) of obligations issued to refund the Bonds in whole or in part;

(c) sinking fund proceeds, namely, amounts, other than amounts described in the preceding clauses (a) and (b), which are held in the Redemption Fund and any other Fund or Account which is reasonably expected to be used to pay Debt Service;

(d) Investment Property pledged as security for payment of Debt Service by the City;

(e) any amounts, other than amounts described elsewhere in this definition, used to pay Debt Service; and

(f) amounts received as a result of the investment of amounts described in this definition.

"Improvement Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.02 hereof.

"Interest Payment Date" means each date upon which interest on the Bonds is payable, beginning March 2, 1992, and semiannually on each September 2 and March 2 thereafter until maturity.

"Investment Property" means any security (as said term is defined in section 165(g)(2)(A) or (B) of the Tax Code), obligation, annuity or investment-type property, excluding, however,

obligations (other than specified private activity bonds defined in section 57(e)(5) and (6) of the Tax Code) the interest on which is exempt from income tax under section 103 of the Tax Code.

"Nonpurpose Investment" means any Investment Property which is acquired with the Gross Proceeds and is not acquired in order to carry out the governmental purpose of the Bonds.

"Original Purchaser" means the first purchaser of the Bonds from the City.

"Outstanding", when used as of any particular time with reference to Bonds, means all Bonds therefore executed, issued and delivered by the City under this Resolution except:

(a) Bonds theretofore cancelled by the Agent or surrendered to the Agent for cancellation;

(b) Bonds paid or deemed to have been paid within the meaning of Section 2.14; and

(c) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City pursuant to this Resolution or any Supplemental Resolution.

"Owner" or "Registered Owner", when used with respect to any Outstanding Bond, means the person in whose name the ownership of such Bond shall be registered on the Bond Registration Books.

"Principal Office" means the main or principal office of the Agent in San Francisco, California handling its corporate trust business.

"Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding use by a governmental unit and use by any person as a member of the general public.

"Proceeds" when used with reference to the Bonds, means the face amount of the Bonds, plus accrued interest and premium, if any, less original issue discount, if any.

"Project" means the acquisitions and improvements described in the Resolution of Intention and of changes and modification approved thereto by the Council.

"Purchase Price", for the purpose of computation of the Yield of the Bonds, has the same meaning as the term "issue price" in sections 1273(b) and 1274 of the Tax Code, and, in general, means the initial offering price to the public (not including bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers) at which price a substantial amount of the Bonds are sold or, if the Bonds are privately placed, the price paid by the Original Purchaser of the Bonds or the acquisition cost of such original purchaser. The term "Purchase Price", for the purpose of computation of the Yield of Nonpurpose Investments, means the fair market value of the Nonpurpose Investments on the date of use of Gross Proceeds for acquisition thereof, or if later, on the date that Investment Property constituting a Nonpurpose Investment becomes a Nonpurpose Investment of the Bonds.

"Rebate Fund" means the fund by that name established, held and administered by the Treasurer pursuant to Section 5.07 hereof.

"Record Date" means, with respect to the Bonds, the fifteenth (15th) day immediately preceding an Interest Payment Date.

"Redemption Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.04 hereof.

"Redemption Price" means, with respect to any Bond, the principal amount thereof, plus the applicable premium, if any, payable upon redemption thereof pursuant to the Resolution.

"Redemption Premium" means 3% of the principal amount of the Bonds.

"Reserve Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.03 hereof.

"Reserve Requirement" means the least of ten percent (10%) of the initial offering price of the Bonds to the public or 125% of average annual debt service or the maximum annual debt service on the Bonds. For purposes of Reserve Requirement, "initial offering price to the public" means the principal amount of the Bonds plus any accrued interest and any original issue premium and less any original issue discounts.

"Resolution" or "Resolution of Issuance" means this Resolution, as originally adopted or as it may from time to time be supplemented, modified or amended by any Supplemental Resolution pursuant to the provisions hereof.

"Resolution of Intention" means Resolution No. 91-112, entitled "A Resolution of Intention to Make Acquisitions and Improvements," adopted by the Council on February 26, 1991, as modified or amended and in effect on the Closing Date.

"State" means the State of California.

"Supplemental Resolution" means any resolution, agreement, resolution or other instrument hereafter duly adopted or executed by the City in accordance with the provisions of this Resolution.

"Tax Code" means the Internal Revenue Code of 1986, as amended. Any reference to a provision of the Tax Code shall include the applicable Tax Regulations with respect to such provision.

"Tax Regulations" means temporary and permanent regulations promulgated under the Tax Code.

"Treasurer" means, for all purposes hereof, including the execution of the Bonds pursuant to Section 2.09 hereof, the Finance Director or designee thereof of the City.

"Yield" means that yield which, when used in computing the present worth of all payments of principal and interest (or other payments in the case of Nonpurpose Investments which require payments in a form not characterized as principal and interest) on a Nonpurpose Investment or on the Bonds produces an amount equal to the Purchase Price of such Nonpurpose Investment or the Bonds, as the case may be, all computed as prescribed in the applicable Tax Regulations.

Section 1.02. RULES OF CONSTRUCTION. All references in this Resolution to "Articles", "Sections", and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Resolution; and the words "herein", "hereof", "hereunder" and other words of similar import refer to this Resolution as a whole and not to any particular Article, Section or subdivision hereof.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include corporations and associations, including public bodies, as well as natural persons.

Section 1.03. EQUAL SECURITY. In consideration of the acceptance of the Bonds by the Owners thereof, this Resolution shall be deemed to be and shall constitute a contract between the City and the Owners from time to time of the Bonds; and the covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal and proportionate benefit, security and protection of all Owners of the Bonds without preference, priority or distinction as to security or otherwise of any of the Bonds over any of the others by reason of the number or date thereof or the time of sale, execution or delivery thereof, or otherwise for any cause whatsoever, except as expressly provided therein or herein.

ARTICLE II

ISSUANCE OF BONDS

Section 2.01. BONDS AUTHORIZED. All acts, conditions and things required by law to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and the Council is now authorized pursuant to each and every requirement of law to issue the Bonds in the manner and form as in this Resolution provided.

Section 2.02. UNPAID ASSESSMENTS. The assessments now remaining unpaid are as shown on said list of unpaid assessments on file with the Treasurer which is incorporated herein by this reference made a part hereof. The aggregate amount thereof is not to exceed \$ 982,853. For a particular description of the lots or parcels of land bearing the respective assessment numbers set forth in said list, reference is hereby made to the assessment and to the diagram, and any amendments thereto recorded in the office of the Superintendent of Streets of the City after confirmation thereof by the Council.

Section 2.03. ISSUANCE OF BONDS. The Bonds, in the aggregate principal amount of not to exceed \$ 982,853, shall be issued as hereinafter provided upon the security of said unpaid assessments in accordance with, under and pursuant to the provisions of said Resolution of Intention and the proceedings thereunder duly had and taken. The Bonds shall be known as "Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991". Jurisdiction is hereby expressly retained to issue bonds, from time to time, as determined by the Council, upon the security of any remaining balance of unpaid assessments upon which any bonds remain unissued.

Section 2.04. MATURITIES OF BONDS. The Bonds shall be issued in only fully registered form, without coupons, in the Bond Denomination or any integral multiple thereof, so long as no Bond shall have more than one maturity date. The Bonds shall be dated and mature on September 2 in each of the years and in the amounts set forth in the Bid Documents. The Bonds shall be numbered or otherwise identified as determined by the Agent.

Section 2.05. INTEREST ON BONDS. The Bonds shall bear interest at the rate or rates set forth in the Bid Documents.

Interest on the Bonds shall be payable on each Interest Payment Date to the person whose name appears on the Bond Registration Books as the Owner thereof as of the Record Date immediately preceding each such Interest Payment Date, such interest to be paid by check or draft of the Agent mailed to the Owner, at the address of such Owner as it appears on the Bond Registration Books. Principal of and premium (if any) on any Bond shall be paid upon presentation and surrender thereof at the Principal Office of the Agent. Both the principal of and interest and premium (if any) on the Bonds shall be payable in lawful money of the United States of America.

The Bonds shall bear interest from the Interest Payment Date next preceding the date of authentication of the Bonds (except for any Bond which is authenticated on an Interest Payment Date, in which event such Bond shall bear interest from such date of authentication, and except for any Bond which is authenticated prior to the first Interest Payment Date, in which event such Bond shall bear interest from the Bond Date); provided, however, that if, as of the date of authentication of any Bond, interest thereon is in default, such Bond shall bear interest from the date to which interest has previously been paid or made available for payment in full.

Section 2.06. DESIGNATION OF AGENT. State Street Bank and Trust Company of California, N.A., is hereby designated as the Agent to perform the actions and duties required under this Resolution for the authentication, transfer, registration, and payment of the Bonds. The Treasurer is hereby authorized and directed to enter into agreements with the Agent in furtherance of the actions and duties of the Agent under this Resolution.

Section 2.07. FORM OF BONDS. The Bonds, the form of Agent's certificate of authentication, and the form of assignment to appear thereon, shall be substantially in the respective form set forth in Exhibit "A" attached hereto and by this reference incorporated herein, with necessary or appropriate variations, omissions and insertions, as permitted or required by this Resolution.

Section 2.08. PREPARATION AND DELIVERY OF BONDS. Upon the award of sale of the Bonds pursuant to the Bid Documents, the Treasurer is hereby directed to cause the Bonds to be prepared in accordance with this Resolution and to cause their delivery upon their completion and execution to the Agent who shall authenticate and deliver the Bonds to the Original Purchaser, upon receipt of the purchase price therefor, and upon receipt of the request of the City.

Section 2.09. EXECUTION OF BONDS. The Bonds shall be signed in the name and on behalf of the City with the manual or facsimile signatures of the Treasurer and attested by the manual or facsimile signature of the Clerk. The Bonds shall then be delivered to the Agent for authentication by it. In case any officer who shall have signed any of the Bonds shall cease to be such officer before the Bonds so signed shall have been authenticated or delivered by the Agent or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and, upon such authentication, delivery and issue, shall be as binding upon the City as though the individual who signed the same had continued to be such officer of the City. Also, any Bond may be signed on behalf of the City by any individual who on the actual date of the execution of such Bond shall be the proper officer although on the nominal date of such Bond such individual shall not have been such officer.

Only such of the Bonds as shall bear thereon a certificate of authentication in substantially the form set forth in Exhibit "A", manually executed by the Agent, shall be valid or obligatory for any purpose or entitled to the benefits of this Resolution, and such certificate of the Agent shall be conclusive evidence that the Bonds so authenticated have been duly authenticated and delivered hereunder and are entitled to the benefits of this Resolution. The Agent's certificate of authentication on any Bonds shall be deemed to be executed by it if signed by an authorized officer or signatory of the Agent, but it shall not be necessary that the same officer or signatory sign the certificate of authentication on all of the Bonds issued hereunder.

Section 2.10. TRANSFER AND EXCHANGE OF BONDS. Any Bond may, in accordance with its terms, be transferred upon the Bond Registration Books by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Agent, duly executed. Whenever any Bond shall be surrendered for transfer, the Agent shall thereupon authenticate and deliver to the transferee a new Bond or Bonds of like tenor, maturity and aggregate principal amount. Bonds may be exchanged at the Principal Office of the Agent, for Bonds of the same tenor and maturity and of other authorized denominations. No Bonds the notice of redemption of which has been given pursuant to Section 2.14 shall be subject to transfer or exchange pursuant to this Section. Neither the City nor the Agent shall be required to make such exchange or registration or transfer of Bonds during the fifteen (15) days immediately preceding any Interest Payment Date.

Section 2.11. TEMPORARY BONDS. The Bonds may be issued initially in temporary form exchangeable for definitive Bonds when ready for delivery. The temporary Bonds may be printed, lithographed or typewritten, shall be of such denominations as may be determined by the Council and may contain such reference to any of the provisions of this Resolution as may be appropriate. Every temporary Bond shall be executed by the officers designated and in the manner provided in Section 2.09 hereof and be registered and authenticated by the Agent upon the same conditions and in substantially the same manner as the definitive Bonds. If the Council issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds may be surrendered, for cancellation, in exchange therefor at the Principal Office of the Agent, and the Agent shall authenticate and deliver in exchange for such temporary Bonds an equal aggregate principal amount of definitive Bonds of authorized denominations. Until so exchanged, the temporary Bonds shall be entitled to the same benefits under this Resolution as definitive Bonds authenticated and delivered hereunder.

Section 2.12. BOND REGISTRATION BOOKS. The Agent will keep or cause to be kept at its Principal Office sufficient Bond Registration Books for the registration and transfer of the Bonds, which shall at all times during regular business hours be open to inspection by the City; and, upon presentation for such purpose, the Agent shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred, on said books, Bonds as hereinbefore provided.

Section 2.13. BONDS MUTILATED, LOST, DESTROYED OR STOLEN. If any Bond shall become mutilated, the Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Agent of the Bond so mutilated. Every mutilated Bond so surrendered to the Agent shall be cancelled by it and delivered to, or upon the order of, the City. If any Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the City and the Agent and, if such evidence be satisfactory to them and indemnity satisfactory to them shall be given, the Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Agent may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Agent). The City may require payment of a reasonable fee for each new Bond issued under this Section and of the expenses which may be incurred by the City and the Agent. Any Bond issued under the provisions of this Section in lieu of any Bond alleged to be lost, destroyed or stolen shall constitute an original contractual obligation on the part of the City whether or not the Bond alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Bonds secured by this Resolution.

Section 2.14. REDEMPTION PRIOR TO MATURITY. Each Bond, or any portion thereof in the amount of the Bond Denomination or any integral multiple thereof, outstanding may be redeemed and paid in advance of maturity upon any Interest Payment Date in any year by giving 30-day's notice by registered or certified mail or personal service to the Registered Owner as required by applicable provisions of the Bond Law and by paying the principal amount thereof together with the Redemption Premium plus interest to the date of advanced maturity, unless sooner surrendered, in which event said interest will be paid to the date of payment, all in the manner and as provided in the Bond Law.

The Treasurer shall cause to be called for redemption and retire Bonds upon prepayment of assessments in amounts sufficient therefor, or whenever sufficient surplus funds are available therefor in the Redemption Fund.

The provisions of Part 11.1 of the Bond Law are applicable to the advance payment of assessments and to the calling of the Bonds.

Section 2.15. REFUNDING OF BONDS. The Bonds may be refunded by the City pursuant to Divisions 11 or 11.5 of the Streets and Highways Code of California upon the conditions as set forth in appropriate proceedings therefor, all as determined by the Council.

ARTICLE III

SALE AND DELIVERY OF BONDS

Section 3.01. SALE OF BONDS. The Bonds shall be sold to the successful bidder for the Bonds as Original Purchaser.

Section 3.02. FURTHER AUTHORITY. The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

The Finance Director and the Clerk are authorized to complete and to approve changes in any provisions of this Resolution in order to accomplish the delivery of any of the Bonds on schedule; such changes may be accomplished by attachment of a certificate executed by both such officers to this Resolution on file in the office of the Clerk.

ARTICLE IV

APPLICATION OF PROCEEDS OF BONDS; ESTABLISHMENT OF FUNDS

Section 4.01. APPLICATION OF PROCEEDS OF SALE OF BONDS. Upon receipt of the proceeds of sale of the Bonds on the Closing Date, the proceeds thereof shall be forthwith set aside, paid over and deposited by the Treasurer, as set forth in the Bid Documents and Certificate of the City and this Article IV.

Section 4.02. IMPROVEMENT FUND. There is hereby created a separate fund to be known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Improvement Fund" (the "Improvement Fund"), which shall be held in trust by the Treasurer. The Treasurer shall disburse moneys in the Improvement Fund for the purpose of paying or reimbursing the costs of acquiring and constructing the Project, including but not limited to all costs incidental to or connected with such acquisition and construction: Disbursements from the Improvement Fund shall be subject to the provisions of Sections 5.09 and 5.10 hereof. Any surplus remaining after payment of all said costs and expenses shall be used as set forth in the proceedings pursuant to the Resolution of Intention and applicable provisions of the Act and the Improvement Fund shall be closed.

Section 4.03. RESERVE FUND. There is hereby created a special fund known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Reserve Fund" (the "Reserve Fund"). The amount of the Reserve Fund shall not exceed the Reserve Requirement. The moneys in the Reserve Fund shall constitute a trust fund for the benefit of the Registered Owners of the Bonds and shall be administered by the Treasurer of the City in accordance with and pursuant to the provisions of Part 16 of the Bond Law; provided that proceeds from redemption or sale of the properties with respect to which payment of delinquent assessments and interest thereon was paid from the Reserve Fund, shall be credited to the Reserve Fund; and provided further that for the purposes of maintaining the Reserve Requirement and providing for any required reduction of the amount of money in the Reserve Fund during the term of the Bonds pursuant to section 8887 of the Act, and applicable provisions of the Tax Code, all proceeds from investment of moneys in the Reserve Fund in excess of the Reserve Requirement shall be credited upon the assessments, except as otherwise provided in Section 5.07 hereof.

Section 4.04. REDEMPTION FUND. There is hereby created a special fund known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Redemption Fund" (the "Redemption Fund"). The Treasurer shall place in the Redemption Fund any amounts of accrued interest upon the Bonds from the Bond Date to the Closing Date and premium (if any) received upon the sale of the Bonds, together with any capitalized interest funded as a part of the purchase price of the Bonds and all sums received from the collection of unpaid assessments provided in Section 5.01 hereof, and of the interest and penalties thereon.

Section 4.05. COST OF ISSUANCE ACCOUNT. There is hereby created within the Improvement Fund, a special account to be known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Cost of Issuance Account" (the "Cost of Issuance Account"), which the City hereby covenants and agrees to cause to be maintained and which shall be held in trust by the Treasurer. The moneys in the Cost of Issuance Account shall be used in the manner provided by law solely for the purpose of the payment of Costs of Issuance, on or after the Closing Date. Any funds remaining in the Cost of Issuance Fund on the date that is six months after the Closing Date, shall be transferred to the Improvement Fund.

Section 4.06. INVESTMENT OF FUNDS. Moneys in the Improvement Fund, Redemption Fund, and the Reserve Fund shall, whenever practicable, be invested in Authorized Investments, maturing on a date prior to which such moneys are expected to be required. Any income therefrom or interest thereon shall accrue to and be deposited in the fund from which said moneys were invested, subject to the provisions of Section 5.07 hereof.

ARTICLE V

COVENANTS OF THE CITY; TAX COVENANTS

Section 5.01. COLLECTION OF UNPAID ASSESSMENTS. The unpaid assessments as set forth on the list thereof on file with the Treasurer together with the interest thereto, shall be payable in annual series corresponding in number to the number of serial maturities of the Bonds issued. An annual proportion of each unpaid assessment shall be payable in each year preceding the date of maturity of each of the several series of Bonds issued, sufficient to pay the Bonds when due and such proportion of each unpaid assessment coming due in any year, together with the annual interest thereon, shall be payable in the same manner and at the same time and in the same installments as the general taxes on real property are payable, and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interests after delinquency as do the general taxes on real property. All sums received from the collection of said unpaid assessments and of the interest and penalties thereon shall be placed in the Redemption Fund.

Section 5.02. FORECLOSURE. The City hereby covenants with and for the benefit of the Owners of the Bonds that it will order, and cause to be commenced within 150 days following the date of delinquency, and thereafter diligently prosecuted, an action in the superior court to foreclose the lien of any assessment or installment thereof not paid when due, pursuant to and as provided in sections 8830 through 8835, inclusive, of the Bond Law.

Section 5.03. NO ADVANCES FROM AVAILABLE SURPLUS FUNDS. The City shall not be obligated to advance available surplus funds of the City to cure any deficiency which may occur in the Redemption Fund; provided, however, that said determination shall not prevent the City, in its sole discretion, from so-advancing funds.

Section 5.04. PUNCTUAL PAYMENT; COMPLIANCE WITH DOCUMENTS. The City shall punctually pay or cause to be paid the interest and principal to become due with respect to all of the Bonds in strict conformity with the terms of the Bonds and of this Resolution, and will faithfully observe and perform all of the conditions, covenants and requirements of this Resolution and all Supplemental Resolutions.

Section 5.05. NO PRIORITY FOR ADDITIONAL OBLIGATIONS. The City covenants that no additional bonds or other obligations shall be issued or incurred having any priority over the Bonds in payment of principal or interest out of the Assessments. Nothing in this Resolution shall prohibit or impair the authority of the City to issue bonds or other obligations secured by and payable from Assessments which are on a parity with the Bonds, upon such terms and in such principal amounts as the City may determine.

Section 5.06. NO ARBITRAGE. The City shall not take, nor permit nor suffer to be taken, any action with respect to the proceeds of any of the Bonds which would cause any of the Bonds to be "arbitrage bonds" within the meaning of the Tax Code.

Section 5.07. REBATE OF EXCESS INVESTMENT EARNINGS TO UNITED STATES.

(A) Compliance with Rebate Requirements. The City shall assure compliance with applicable requirements contained in the Tax Code and Tax Regulations for rebate of excess investment earnings, if any, to the federal government.

(B) Maintenance of Records. The City shall keep or cause to be kept, and retain or cause to be retained for a period of six (6) years following the retirement of the Bonds, records of the determinations made pursuant to this Section 5.07.

(C) Engagement of Professional Services. In order to provide for the administration of this Section 5.07, the City may provide for the employment of independent attorneys, accountants and consultants compensated on such reasonable basis as the City may deem appropriate.

(D) Modification of this Section. Any of the provisions of this Section 5.07 may be amended, modified or deleted in any manner whatsoever by resolution of the Council, provided that such resolution is accompanied by an opinion of bond counsel stating that such amendment, modification or deletion will not cause interest on the Bonds to be includable in gross income of the Owners for federal income tax purposes.

Section 5.08. INFORMATION REPORT. The Treasurer is hereby directed to assure the filing of an information report for the Bonds in compliance with section 149(e) of the Tax Code.

Section 5.09. PRIVATE BUSINESS USE LIMITATION. Not more than ten percent (10%) of the Proceeds of the Bonds shall be used in a manner which would cause the Bonds to become "private activity bonds" under and within the meaning of section 141(a) of the Tax Code.

Section 5.10. PRIVATE LOAN LIMITATION. Not more than five percent (5%) of the Proceeds of the Bonds shall be used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Obligations or assessments) to persons other than state or local government units.

Section 5.11. FEDERAL GUARANTEE PROHIBITION. The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Bonds to be "federally guaranteed" within the meaning of section 149(b) of the Tax Code.

Section 5.12. FURTHER ASSURANCES. The City will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Resolution, and for the better assuring and confirming unto the Owners of the Bonds the rights and benefits provided in this Resolution.

Section 5.13. AMENDMENT. Without the consent of the Owners of the Bonds, the City hereafter may amend this Resolution to add, modify or delete provisions if the same is necessary or desirable to assure compliance with section 148(f) of the Tax Code relating to rebate of Excess Investment Earnings or as otherwise required, to assure the exemption from federal income taxation of interest on the Bonds.

ARTICLE VI

MISCELLANEOUS

Section 6.01. FUNDS AND ACCOUNTS. Any fund or account required by this Resolution to be established by the Treasurer and held and maintained by the Treasurer or the Agent may be established and maintained in the accounting records of the Treasurer or the Agent either as a fund or an account, and may, for the purposes of such records, any audits thereof and any reports or statements with respect thereto, be treated either as a fund or an account; but all such records with respect to all such funds and accounts shall at all times be maintained in accordance with sound accounting practices and with due regard for the protection of the security of the Bonds and the rights of every Owner thereof.

Section 6.02. PARTIAL INVALIDITY. If any one or more of the covenants or agreements, or portions thereof, provided in this Resolution to be performed on the part of the City, the Council or the Agent should be contrary to law, then such covenant or covenants, such agreement or agreements, or such portions thereof, shall be null and void and shall be deemed separable from the remaining covenants and agreements or portions thereof and shall in no way affect the validity of this Resolution or of the Bonds; but the Owner shall retain all the rights and benefits accorded to them under applicable provisions of law. The Council hereby declares that it would have adopted this Resolution and each and every other section, paragraph, subdivision, sentence, clause and phrase hereof, and would have authorized the issuance of the Bonds pursuant hereto, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases of this Resolution or the application thereof, to any person or circumstances may be held to be unconstitutional, unenforceable or invalid.

Section 6.03. DEFEASANCE. The Bonds shall no longer be deemed to be outstanding and unpaid if the City shall have made adequate provision for the payment, in accordance with the Bonds and this Resolution, of the principal, interest and premiums, if any, to become due thereon at maturity or upon call and redemption prior to maturity. Such provision shall be deemed to be adequate if the Council shall, on behalf of the Assessment District, have irrevocably set aside, in a special trust fund or account, cash or Federal Securities which when added to the interest earned or to be earned thereon shall be sufficient to make said payments as they become due and to redeem any Bonds Outstanding on the earliest possible redemption date.

Section 6.04. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolution of the Council, and any part of such resolution, inconsistent with this Resolution, is hereby repealed to the extent of such inconsistency.

Section 6.05. AUTHORITY OF TREASURER. All actions mandated by this Resolution to be performed by the Treasurer may be performed by the designee thereof or such other official of the City or independent contractor, consultant or trustee duly authorized by the City to perform such action or actions in furtherance of all or a specific portion of the requirements hereof.

Section 6.06. CERTIFIED COPIES. The Clerk shall furnish a certified copy of this resolution to the Treasurer, to the Agent and to the Auditor of the County of Stanislaus.

Section 6.07. EFFECTIVE DATE OF THE RESOLUTION. This Resolution shall become effective upon the date of its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
[FORM OF BOND]

United States of America
State of California
County of Stanislaus

Registered
Number A- _____

Registered
\$ _____

Limited Obligation Improvement Bond
City of Modesto
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)
Series 1991

Interest Rate	Maturity Date	Bond Date	CUSIP
		July 1, 1991	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

Under and by virtue of the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code of California (the "Act"), the City of Modesto (the "City"), County of Stanislaus, State of California, will, out of the redemption fund for the payment of the bonds issued upon the unpaid portion of assessments made for the acquisition, work and improvements more fully described in proceedings taken pursuant to Resolution of Intention No. 91-112 adopted by the City Council of the City on February 26, 1991, pay to the registered owner named above or registered assigns, on the maturity date stated above, the principal amount stated above, in lawful money of the United States of America and in like manner will pay interest from the interest payment date next preceding the date on which this bond is authenticated, unless this bond is authenticated and registered as of an interest payment date, in which event it shall bear interest from such interest payment date, or unless this bond is authenticated and registered prior to March 2, 1992, in which event it shall bear interest from its date until payment of the principal amount shall have been discharged, at the rate per annum stated above, payable semiannually on March 2 and September 2 in each year commencing on March 2, 1992. Both the principal hereof and redemption premium hereon are payable at the Corporate Trust Department of State Street Bank and Trust Company of California, N.A., as Authentication Agent, Transfer Agent, Registrar and Paying Agent (the "Agent"), in San Francisco, California, and the interest hereon is payable by check or draft mailed to the registered owner hereof at the owner's address as it appears on the records of the Agent, or at such address as may have been filed with the Agent, for that purpose, as of the 15th day immediately preceding each interest payment date.

This bond will continue to bear interest after maturity at the rate above stated; provided, it is presented at maturity and payment thereof is refused upon the sole ground that there are not

sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity, interest thereon will run until maturity.

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

IN WITNESS WHEREOF, said City of Modesto has caused this bond to be signed by manual or facsimile signature by the Treasurer of the City and by the manual or facsimile signature of its City Clerk, and has caused its corporate seal to be reproduced in facsimile hereon all as of the ___ day of _____, 1991.

CITY OF MODESTO

Treasurer

City Clerk

[SEAL]

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

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

_____, Agent

By _____
Authorized Officer

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

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

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

Neither the City nor the Agent shall be required to make such exchange or registration of transfer of bonds during the 15 days immediately preceding any interest payment date.

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

This bond or any portion of it in the amount of five thousand dollars (\$5,000), or any integral multiple thereof, may be redeemed and paid in advance of maturity upon the second day of March or September in any year by giving at least 30 days' notice by registered or certified mail or by personal service to the registered owner hereof at the registered owner's address as it appears on the registration books of the Agent and by paying principal and accrued interest together with a premium equal to 3 percentum of the principal.

This bond is a limited obligation improvement bond because, under the Resolution of Issuance, the City is not obligated to advance funds from the City treasury to cover any deficiency which may occur in the Redemption Fund for the Bonds; however, the City is not prevented, in its sole discretion, from so advancing funds.

I hereby certify that the following is a correct copy of the signed legal opinion of Jones Hall Hill & White, A Professional Law Corporation, San Francisco, California, addressed to the City of Modesto and on file in my office, dated the date of delivery of and payment for the bond therein described.

City Clerk
City of Modesto

OPINION: \$_____ Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991

We have acted as Bond Counsel in connection with the issuance by the City of Modesto (the "City") of \$_____ Limited Obligation Improvement Bonds, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991, dated July 1, 1991 (the "Bonds"), pursuant to Division 10 of the Streets and Highways Code of California (the "Act") and Resolution No. _____ (the "Resolution") of the City adopted _____, 1991. We have examined the law and such certified proceedings and other papers as we deem necessary to render this opinion.

As to questions of fact material to our opinion, we have relied upon representations of the City contained in the Resolution and in the certified proceedings and other certifications of public officials furnished to us, without undertaking to verify such facts by independent investigation.

Based upon our examination, we are of the opinion, under existing law, that:

1. The City is a municipal corporation and general law city of the State of California duly organized and validly existing under and by virtue of the Constitution and the laws of the State of California with power to adopt the Resolution, perform the agreements on its part contained therein, and issue the Bonds.
2. The Resolution has been duly adopted by the City and constitutes a valid and binding obligation of the City enforceable upon the City.
3. Pursuant to the Act, the Resolution creates a valid lien on the funds pledged by the Resolution for the security of the Bonds on a parity with other bonds (if any) issued or to be issued under the Resolution, subject to no prior lien granted under the Act.
4. The Bonds have been duly authorized, executed and delivered by the City and are valid and binding special obligations of the City, payable solely from the sources provided therefor in the Resolution.
5. The interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; it should be noted, however, that, for the purpose of computing the alternative minimum tax imposed on such corporations (as defined for federal income tax purposes), such interest is taken into account in determining certain income. The opinions set forth in the preceding sentence are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986 that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross

income for federal income tax purposes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. We express no opinion regarding other federal tax consequences arising with respect to the Bonds.

6. The interest on the Bonds is exempt from personal income taxation imposed by the State of California.

The rights of the owners of the Bonds and the enforceability of the Bonds and the Resolution may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and may also be subject to the exercise of judicial discretion in appropriate cases.

Respectfully submitted,

A Professional Law Corporation

[FORM OF ABBREVIATIONS]

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT ____ Custodian

TEN ENT -- as tenants by the entireties

(Cust) ____ (Minor)
under Uniform Gifts to Minors

JT TEN -- as joint tenants with
____ right of survivorship
____ and not as tenants in
____ common

Act _____
(State)

ADDITIONAL ABBREVIATIONS MAY ALSO BE USED
THOUGH NOT IN THE LIST ABOVE

[FORM OF ASSIGNMENT]

For value received, the undersigned do(es) hereby sell, assign and transfer unto

(Name, Address and Tax Identification or Social Security Number of Assignee)

the within Bond and do(es) hereby irrevocably constitute and appoint _____
_____, attorney, to transfer the same on the registration books of the
Trustee, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature on this assignment must correspond with the name(s) as written on the face of the within Bond in every particular without alteration or enlargement or any change whatsoever.

**CITY OF MODESTO
LOCAL IMPROVEMENT DISTRICT NO. 29
(Standiford-Sisk-Dale-Prescott)**

Distribution List

CITY

Mr. Pete Kolf ✓
Director of Finance
CITY OF MODESTO
1012 I Street
P.O. Box 642 (95353)
Modesto, CA 95354
(209) 577-5370

Mr. Daryl Willey
Acting Director of Engineering
Mr. Al Kaufman ✓
Special Projects Manager
Stan T. Yamamoto, Esq. ✓
City Attorney
CITY OF MODESTO
801 11th Street
P.O. Box 642 (95353)
Modesto, CA 95354
(209) 577-5215 (Willey)
(209) 577-5238 (Kaufman)
(209) 577-5338 (Yamamoto)

FINANCIAL ADVISOR

Mr. John C. Fitzgerald
Managing Director
Mr. Kenneth D. Ough ✓
Managing Director
Mr. Syrus En
Financial Analyst
SEIDLER-FITZGERALD PUBLIC
FINANCE
515 South Figueroa Street
Suite 600
Los Angeles, CA 90071
(213) 624-4232

FISCAL AGENT

Joni Frederick
STATE STREET BANK AND TRUST
COMPANY OF CALIFORNIA, N.A.
725 South Figueroa Street, Suite 975
Los Angeles, CA 90017
(213) 955-7961
(213) 688-7592 (Fax)

BOND COUNSEL

David J. Oster, Esq. ✓
JONES HALL HILL & WHITE
Four Embarcadero Center
19th Floor
San Francisco, CA ~~90071~~
(415) 391-5780 94111

RESOLUTION NO. 91-365**A RESOLUTION CALLING FOR BIDS FOR BONDS, APPROVING OFFICIAL STATEMENT AND RELATED DOCUMENTS, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO FOR LOCAL IMPROVEMENT DISTRICT NO. 29****CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)**

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

WHEREAS, pursuant to its Resolution of Intention No. 91-112 adopted on February 26, 1991, this Council proposes to issue and sell its Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29, Series 1991 (the "Bonds") in a principal amount of not to exceed \$ 982,853;

WHEREAS, in connection with such sale the City's Financial Advisor, Seidler-Fitzgerald Public Finance, has prepared and presented to this Council a form of Notice of Intention to Sell Improvements Bonds and Official Statement containing information material to the offering and sale of the Bonds;

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

1. The Finance Director or such other official of the City as may be designated by this Council (the "Authorized Official") is authorized and directed to publish the Notice of Intention to Sell Improvement Bonds in the Bond Buyer, to call for bids for the sale of the Bonds at a time and place to be determined by the Authorized Official, and to award the sale of the Bonds to the successful bidder on behalf of the City.

2. Upon award of sale of the Bonds on behalf of the City, the Bonds shall be printed, authenticated and delivered, all in accordance with the applicable terms of the bid and the Resolution Authorizing the Issuance of Bonds, and the Authorized Official and other responsible City officials are hereby authorized and directed to take such actions as are required thereunder to complete all actions required to evidence the delivery of the bonds and the receipt of the purchase price thereof from the successful bidder for the Bonds.

3. The Council hereby approves the Preliminary Official Statement describing the financing described herein, in substantially the form on file with the Authorized Official, together with any changes therein or additions thereto deemed advisable by the Authorized Official. The Council approves and authorizes the distribution of the Preliminary Official Statement to

prospective purchasers of the Bonds, and authorizes and directs the Authorized Official on behalf of the City to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Official Statement prior to its distribution to perspective purchasers of the Bonds. The final Official Statement, which shall include such changes and additions thereto deemed advisable by the Authorized Official 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.

4. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the assessment district and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City are hereby authorized and directed to do any and all things and take any and all actions and execute any and all certificates, agreements, contracts, 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 any certificate, agreement, contract, bid and other document described in the documents herein approved.

5. This resolution shall take effect upon its adoption.

* * * * *

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28 day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-366

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALAMEDA COUNTY TRANSPORTATION AUTHORITY TO ASSIGN THE CITY'S COMBINED ROAD PROGRAM FUNDS TO THAT AGENCY IN EXCHANGE FOR OTHER TRANSPORTATION FUNDS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Alameda County Transportation Authority to assign the City's combined road program funds to that agency in exchange for other transportation funds

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, 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. 91-367

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 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 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 1991-92.

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 18th day of June, 1991, 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 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

Clark 17

MODESTO CITY COUNCIL
RESOLUTION NO. 91-368

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 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 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 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 1991-92.

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. 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. 2.

5. On Tuesday, the 18th day of June, 1991, 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 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-369

A RESOLUTION GRANTING THE APPEAL OF ROBERT BRADEN ON BEHALF OF THE WILLIAM LYON COMPANY TO THE DECISION OF THE PLANNING COMMISSION DENYING A VESTING TENTATIVE MAP FOR CREEKWOOD MEADOWS SUBDIVISION, AND APPROVING SAID MAP.

WHEREAS, the vesting tentative map of the Creekwood Meadows Subdivision was filed in the office of the Secretary of the Planning Commission on April 4, 1991, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said tentative map have been sent to Modesto City Schools, Stanislaus County Department of Planning And Community Development, the local utility companies, the City Engineering Services, and Parking and Traffic Departments, and

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

WHEREAS, the vesting tentative map accompanied an application to rezone the subdivision area from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, for a 96 single-family lot subdivision, and

WHEREAS, a public hearing was held by the Planning Commission on May 6, 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 the Planning Commission, by Resolution No. 91-28, found and determined that the vesting tentative map of Creekwood Meadows Subdivision accepted for filing in the office of the Secretary of the Planning Commission on April 4, 1991, should be denied for the reasons set

forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for Creekwood Meadows Subdivision, which accompanied an application to rezone from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road, was filed with the Office of the City Clerk by Robert Braden on behalf of The William Lyon Company, by letter dated May 8, 1991, 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 City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on June 4, 1991, at 7:30 p.m., and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Robert Braden filed on behalf of The William Lyon Company to the decision of the Planning Commission denying approval of the vesting tentative map of Creekwood Meadows Subdivision, which accompanied an application to rezone from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, for a 96 single-family lot subdivision, should be granted for the following reasons and the decision of the Planning Commission should be overruled:

1. The proposed downzoning from R-3 to R-1 will allow a single-family subdivision which will be compatible with adjoining residential development.
2. This project is consistent with the Modesto General Plan in that the multi-family development on Lincoln Avenue satisfies the need for various densities of housing in the neighborhood, and the market conditions do not justify developing this property as multi-family.
3. Development under the proposed R-1 zoning conforms to the General Plan which calls for residential "back-up lots" to develop along major streets and expressways.

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

1. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That exceptions to Section 4-4.302(c)(3) of the Modesto Municipal Code to allow back-up lots adjacent to Creekwood Drive is granted for the following reason:
 - a. That the granting of 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 and purpose of the General Plan or the subdivision regulations.

BE IT FURTHER RESOLVED by the Council that the appeal of Robert Braden on behalf of The William Lyon Company to the decision of the Planning Commission denying approval of the vesting tentative map of Creekwood Meadows Subdivision, which accompanied an application to rezone property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, to allow a 96 single-family lot subdivision, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said vesting tentative map of Creekwood Meadows Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Creekwood Meadows Subdivision which was accepted for filing in the office of

the Secretary of the Planning Commission on April 4, 1991, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. 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 plans.
2. That the deceleration lane along Claus Road that runs through this site to serve the commercial site to the south be approved by the Public Works and Transportation Director.
3. That direct vehicular and pedestrian access between Claus Road including the deceleration lane and Creekwood Drive and the adjacent subdivision lots shall be denied by appropriate notes on the final map.
4. That a solid decorative masonry wall at least 8 feet in height shall be constructed adjacent to subdivision lots along the west line of Claus Road, including the deceleration lane, and along the south lines of lots 30 through 44, and a seven-foot high decorative masonry wall shall be constructed along the Creekwood Drive frontage to the west, subject to the clear vision requirements of Section 10-2.2314 of the Municipal Code.
5. That all street dedication be provided and subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to improvement plans. The deceleration lane shall not be dedicated.
6. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map. Electric facilities shall be relocated to accommodate the proposed development. Relocation of electric or irrigation facilities will be at the developer's expense.
7. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.
8. That a final map shall not be recorded until such time as appropriate R-1 Zoning to allow the proposed development is granted by the City Council and is in effect.
9. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and

all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

10. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.
11. That prior to recordation of a final map, the subdivider shall add this map to the Dry Creek Meadows "Special Assessment Benefit District for Landscaping" (SABDL). Said SABDL shall be for the purpose of financing the construction and on-going maintenance of landscaping along the proposed Creekwood Drive and Claus Road.
12. That prior to recordation of a final map, the subdivider shall contact the United States Postal Service for review and establishment of a mail delivery plan.
13. That the deceleration lane shall not be dedicated but shall be combined with the commercial property to the south prior or in conjunction to recordation of the map. A Public Utility Easement shall be reserved within the deceleration lane as approved by the Director of Public Works and Transportation.

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

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Bird, Martin

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. 91-370

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO R-1.

WHEREAS, on June 4, 1991, the City Council introduced Ordinance No. 2767-C.S. giving approval to a project relating to an amendment to Section 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus 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 Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road.

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

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Bird, Martin

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 91-371

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED
PLANNED DEVELOPMENT ZONE, P-PD(483). (RULE DEVELOPMENT)

WHEREAS, a verified application for an amendment to Sections 1-3-8
and 2-3-8 of the Zoning Map was filed by Rule Development on February 14,
1991, to prezone to Planned Development Zone, P-PD, the following described
property:

All that certain real property situate in portions of the Southwest
Quarter of Section 1, the Southeast Quarter of Section 2, Township 3
South, Range 8 East, Mount Diablo Base and Meridian, in the County
of Stanislaus, State of California described as follows:

BEGINNING at the southeast corner of the Northeast Quarter of said
Southeast Quarter of Section 2, being also the Northeast corner of
the Pelandale No. 1 Addition to the City of Modesto; thence South
89°57'00" West along the South line of the North Half of said
Southeast Quarter of Section 2, being also the centerline of
Pelandale Avenue and the North line of said Pelandale No. 1
Addition, a distance of 2,642.02 feet to the West line of said
Southeast quarter of Section 2; thence North 0°16'16" East along
said West line of the Southeast Quarter of Section 2, a distance of
1,240.60 feet to the South line of 100 foot wide Modesto Irrigation
District (MID) Lateral No. 6; thence South 89°54'19" East along said
South line of MID Lateral No. 6, a distance of 2,642.93 feet to the
West line of said Southwest Quarter of Section 1; thence North
89°45'30" East along said South line of MID Lateral No. 6, a
distance of 50.00 feet to the East line of Dale Road; thence South
0°18'54" West along said East line of Dale Road, a distance of
1,233.94 feet to the South line of the North Half of said Southwest
Quarter of Section 1; thence South 89°45'30" West along said South
line of the North Half of Southwest Quarter of Section 1, a distance
of 50.00 feet to the point of beginning.

Containing: 76.47 Acres

and

WHEREAS, said application was set for a public hearing before the
Planning Commission on March 18, 1991, in the City Council Chambers, City
Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on March 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. 91-20, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the General Plan amendment to include the project site into the Modesto Urban Area with residential designation has been approved.
2. That the prezone is in accordance with the community objectives as set forth in the General Plan which allows backup lots along major streets and commercial development at the intersection of major/major streets.
3. That the Mitigated Negative Declaration recommended by the Environmental Assessment Committee in its initial study of February 13, 1991 be certified.
4. That with regard to Condition No. 14, the Planning Commission finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establish the following:
 - a. That the purpose of the proposed fee is to mitigate the impact of traffic generated by the project.
 - b. That the use to which the fee will be put is to fund the project's share of a median on Dale Road extending 300 feet north of Pelandale Avenue consistent with Standard Specification.
 - c. That there is a reasonable relationship between the use of the fee and the type of development that is proposed because the development will generate traffic on Dale Road and the median will assist traffic flow on Dale Road.
 - d. That there is a reasonable relationship between the need for the public facilities to be funded and the type of development that is proposed because the median will be needed when the east "leg" of Pelandale Avenue is installed to cope with the traffic generated by this and nearby projects.
 - e. That there is a reasonable relationship between the amount of the fee and the cost of the proposed public facilities

to be funded because the project will pay for 50% of the cost of the median and the properties on the east side of Dale Road will pay the other 50%.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on June 4, 1991, at 7:30 p.m., and

WHEREAS, after a public hearing held on June 4, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Rule Development 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. 91-20 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2767-C.S. on the 4th day of June, 1991, rezoning the above-described property to Planned Development Zone, P-PD(483).

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-PD(483), is hereby approved subject to the following conditions:

1. All development shall conform to the plans titled "Fleur de Ville-Retail" as amended in red, stamped approved by the Planning Commission on March 18, 1991.
2. Prior to the issuance of a City building permit, a landscaping and irrigation plan for common area shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a City 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.
5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures by the City 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 City 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 City building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
8. Trash bins for the commercial site 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. Prior to issuance of a City 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.
10. All signs for the commercial property shall comply with the sign requirements of the C-3 Zone.
11. That the developer shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify

the developer of any claim, action, or proceeding and shall cooperate fully in the defense.

12. Prior to the issuance of a City building permit, the developer shall pay City Capital Facilities Fees. See mitigating measures for City CFF payment if permits are issued by the County prior to annexation.
13. All applicable conditions of County Board of Supervisors Resolutions No. 87-1234 and 88-376 not in conflict with this action shall remain in full force and effect.
14. Prior to issuance of a City building permit, the developer shall pay 50% of the cost of a future median along Dale Road a distance of 300 feet north of Pelandale Avenue consistent with Standard Specifications as approved by the Public Works and Transportation Director.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said rezoned Planned Development Zone, P-PD(483):

Phase I - Construction having already begun to be not later than March 18, 2011.

Phase II - Construction to begin on or before March 18, 1993 and completion to be not later than March 18, 1997.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance rezoning the above-described property to Planned Development Zone, P-PD(483), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 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: Dobbs, Irizarry, Martin, 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 [Signature]
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 91-373

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION "CITY REORGANIZATION QUESTIONNAIRE" FOR THE FLEUR DE VILLE REORGANIZATION, AND CERTIFYING REVIEW OF THE ENVIRONMENTAL ASSESSMENT AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PROPOSED REORGANIZATION.

WHEREAS, on June 4, 1991, the City Council considered the Local Agency Formation Commission "City Reorganization Questionnaire" for the Fleur de Ville Reorganization, a copy of which questionnaire is attached hereto, and

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City: Modesto
2. Name of Proposed Reorganization: Fleur de Ville
3. Can the City provide complete City Services to the reorganization area if the proposal is approved? Yes
4. If the proposal is approved, are there any conditions the City would like LAFCO to impose? No
5. Other comments the City would like to make.

On April 23, 1991, the City Council approved a General Plan Amendment to include Residential Designation at the northwest corner of Pelandale Avenue and Dale Road. On June 4, 1991, the City Council approved the prezone to P-D for residential and commercial development. The approved land uses are essentially identical to uses approved in 1988 by the County. On June 4, the Council also initiated a request to expand the Sphere of Influence to include the Fleur de Ville site into the Modesto Primary Area of Influence.

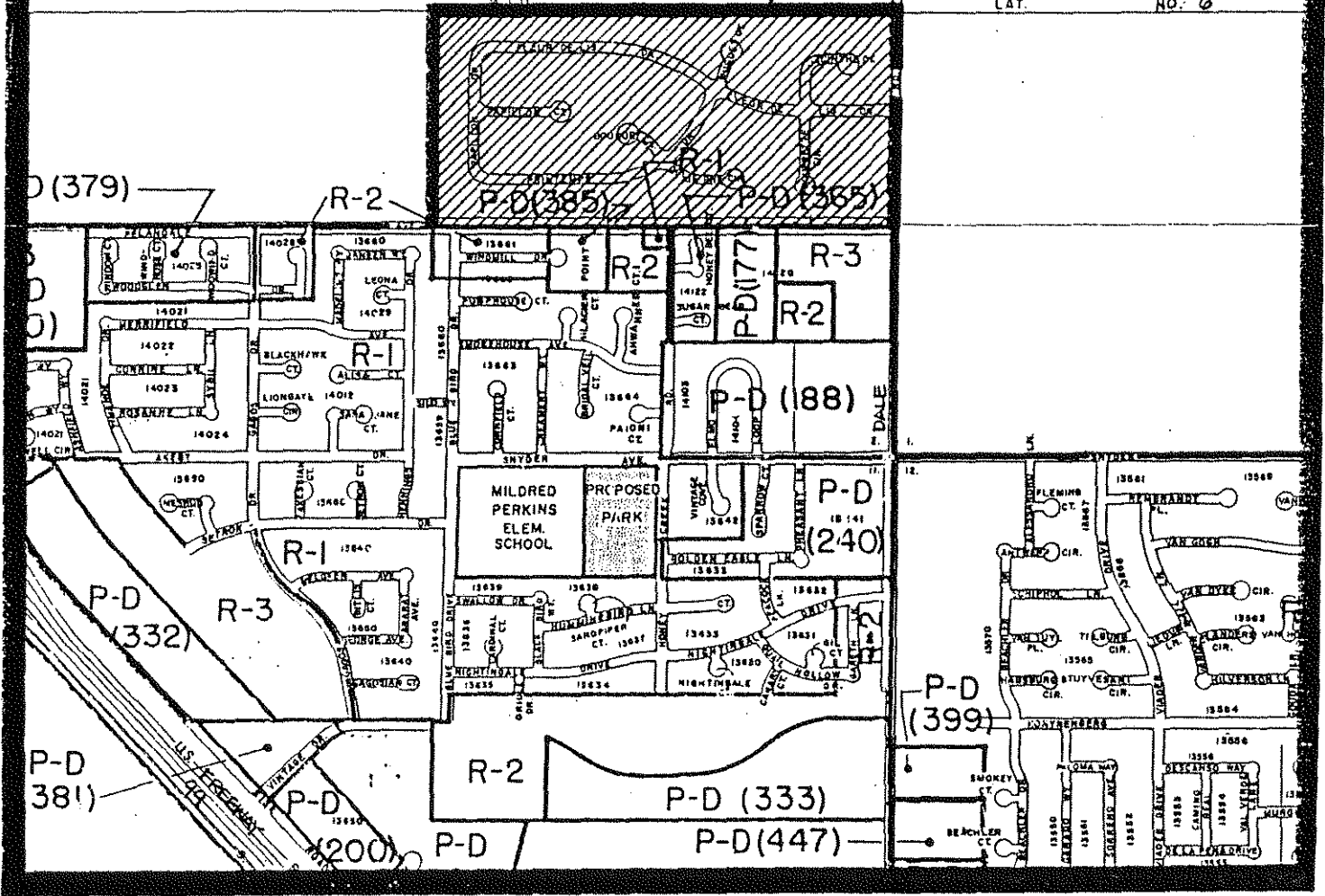
A letter was received from the Modesto City School District dated March 16, 1990, requesting denial of this project because the school impacts would not be fully mitigated. On March 5, 1991, the City Council adopted a policy supporting the full mitigation of school impacts. This project cleared environmental review on February 13, 1991, which is before the school mitigation policy was adopted and therefore would not apply.

The Salida Fire District expressed concern about annexations north of Pelandale Avenue and thereby encroaching into their fire district boundary. The Environmental Protection Agency (EPA) and the Modesto City Council approved sewer service from the City to this project with the provision that sewer service not be approved to any other area north of Pelandale Avenue. Consequently, future annexations and encroachments into the Salida Fire District would not be likely.

PL/sj

MAP A

PROPOSED
FLEUR DE VILLE
REORGANIZATION



Book

MODESTO CITY COUNCIL
RESOLUTION NO. 91-374

A RESOLUTION REQUESTING REVISION OF THE MODESTO SPHERE OF INFLUENCE BY THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INCLUDE THE FLEUR DE VILLE REORGANIZATION.

WHEREAS, in 1984 the Stanislaus County Local Agency Formation Commission ("LAFCO") adopted the Spheres of Influence for all the cities in Stanislaus County, and

WHEREAS, by Resolution No. 91-233 adopted by the Council of the City of Modesto on April 23, 1991, which became effective thirty (30) days thereafter, the Council adopted the Fleur de Ville General Plan amendment, said General Plan Amendment is as shown on the map attached hereto as Exhibit A, and

WHEREAS, the Council held a duly noticed public hearing on June 4, 1991, at 4:00 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was received and considered, after which the Council of the City of Modesto introduced Ordinance No. 2768-C.S., to amend Sections 2-3-8 and 1-3-8 of the Zoning Map of the City of Modesto to prezone to the City Prezoned Planned-Development Zone, P-PD(483), for single-family residential and commercial uses, property located at the northwest corner of Pelandale Avenue and Dale Road, and

WHEREAS, by Resolution No. 91-373 adopted by the Council on the 4th day of June, 1991, the Council approved a City Reorganization Questionnaire supporting the Fleur de Ville Reorganization (the "project") to the City of Modesto, said proposed Fleur de Ville Reorganization is as shown on the map attached hereto as Exhibit B, and

WHEREAS, the reorganization proposes to annex the project site, which is located at the northwest corner of Pelandale Avenue and Dale Road, to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and to simultaneously detach said territory from the Salida Fire Protection District, the developer received City Council approval for City sewer service in September of 1989, and

WHEREAS, the project site is presently outside the Sphere of Influence as adopted by the Stanislaus County Local Agency Formation Commission, and said project site needs to be designated as within the Primary Area of Influence, and

WHEREAS, the project has approval by the County of Stanislaus for urban development and said project is already under construction, and

WHEREAS, the Modesto City Limits borders to the south and the City Sphere of Influence designated "Urban Reserve" borders to the east, and

WHEREAS, the Council desires to request the expansion of the Sphere of Influence, as it is consistent with the City's General Plan and LAFCO's Sphere of Influence policies, which encourages orderly annexations and provision of urban services by cities, and

WHEREAS, pursuant to Section 56428 of the State annexation law, Cortese-Knox Local Government Reorganization Act of 1985, if any local agency or county desires an amendment or revision of an adopted sphere of influence or urban service area, the local agency, by resolution of its legislative body, may file a request for amendment or revision with the executive officer who shall present the request to the commission at its next regular meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests expansion of the Modesto Sphere of Influence to include the Fleur de Ville Reorganization to the City of Modesto, as said project site needs to be designated as within the Primary Area of Influence, said requested expansion of the Modesto Sphere of Influence which includes Fleur de Ville is as shown on the map attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the City Clerk of the City of Modesto shall transmit a certified copy of this resolution to the Stanislaus Local Agency Formation Commission.

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

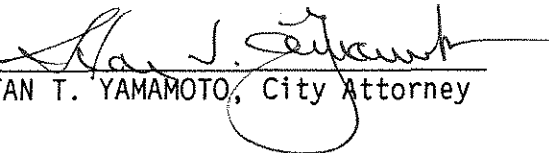
NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

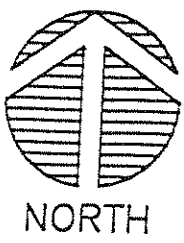
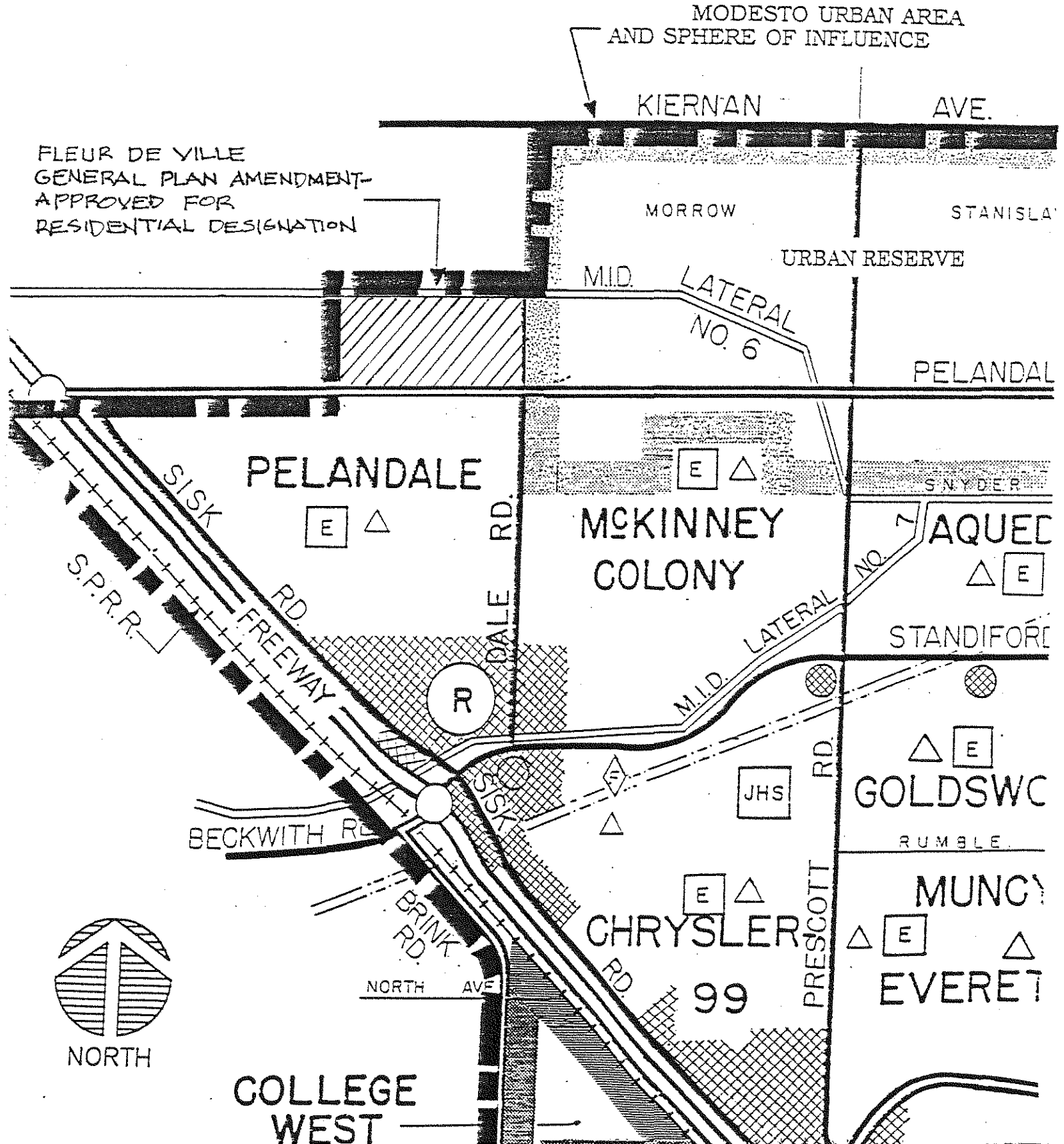
APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

FLEUR DE VILLE GENERAL PLAN AMENDMENT

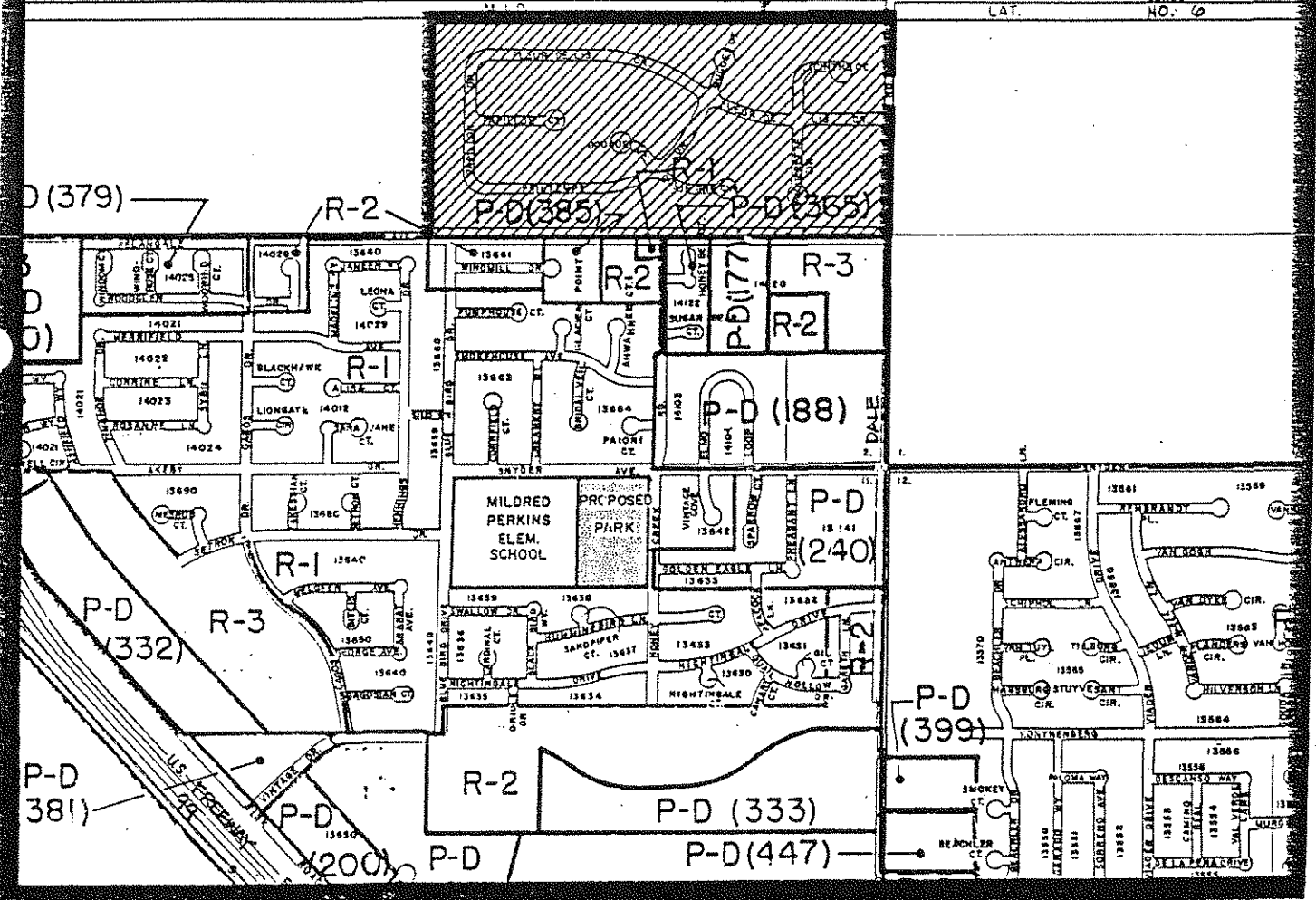
MODESTO URBAN AREA
AND SPHERE OF INFLUENCE

FLEUR DE VILLE
GENERAL PLAN AMENDMENT-
APPROVED FOR
RESIDENTIAL DESIGNATION



MAP A

PROPOSED
FLEUR DE VILLE
REORGANIZATION

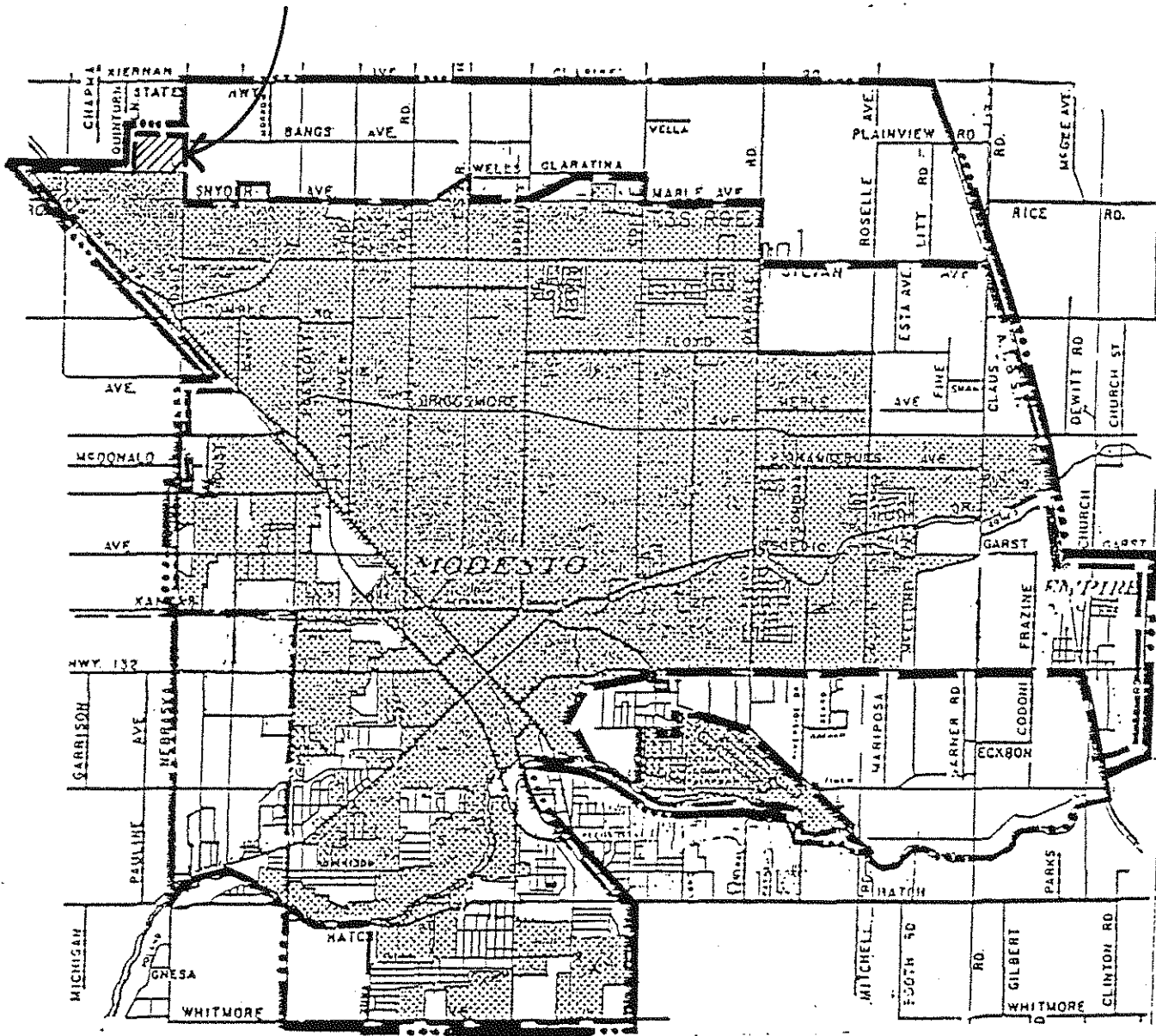


MAP B

CITY OF MODESTO

SPHERE OF INFLUENCE

PROPOSED EXPANSION
OF THE MODESTO
SPHERE OF INFLUENCE



—— PRIMARY AREA OF INFLUENCE

- - - - SPHERE OF INFLUENCE

STANISLAUS LAFCO STUDY

WPM PLANNING TEAM, INC.

NOVEMBER 1984

APRIL 16, 1986



MODESTO CITY COUNCIL
RESOLUTION NO. 91-375

A RESOLUTION ACCEPTING THE BID OF NIXON-EGLI EQUIPMENT COMPANY FOR FURNISHING ONE VACTOR TRUCK

WHEREAS, Resolution No. 91-220 , adopted by the Council of the City of Modesto on April 16 , 1991 , approved the plans and specifications for the purchase of one vactor truck

and authorized the calling for bids; and

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

were opened at 11:05 a.m. on May 13, 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-Egli Equipment Company in the amount of \$149,419 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-Egli Equipment Company in the amount of \$149,419 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 June , 1991, 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: Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

ATTEST: 

MORRINE COYLE

Clerk 9

MODESTO CITY COUNCIL
RESOLUTION NO. 91-376

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 TRANSPORTATION CENTER.

WHEREAS, the City Council certifies that at its meeting of June 4,
1991, 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 Transportation Center,

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 Transportation Center.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 4th day of June,
1991, 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: Dobbs, Irizarry, Martin, 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. 91-377

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE MODESTO CENTRE PLAZA ASSOCIATES LIMITED PARTNERSHIP REQUEST FOR CONSENT TO AN ADDITIONAL LOAN FOR THE RED LION HOTEL/OFFICE PROJECT.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the following documents in connection with the request of Modesto Centre Plaza Associates, L.P., a California limited partnership, for the consent of the City of Modesto to an additional loan to the partnership by U.S. Bancorp Mortgage Company of Portland, Oregon for the Red Lion Hotel/Office Project:

1. The First Modification of the Assignment of the Catering and Concessionaire Agreement, to be executed by the City of Modesto and Modesto Centre Plaza Associates, L.P., and
2. A Parking Structure Sublease Agreement Estoppel Certificate, to be executed by the City of Modesto and the Modesto Redevelopment Agency.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute any and all other documents necessary in relation to the Modesto Centre Plaza Associates, L.P.'s request for consent to an additional loan for the Red Lion Hotel/Office Project, including without limitation, that certain first Amendment to the Catering and Concessionaire Agreement of December 29, 1988, to be executed by the City of Modesto and Modesto Centre Plaza Associates, L.P.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it accepts the representation of Modesto Centre Plaza Associates, L.P. to provide to the City timely reports regarding performance of the project so that the

City can be advised early of any circumstances that might adversely impact the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Attorney is directed to provide to U.S. Bancorp Mortgage Company an opinion letter on behalf of the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, as a condition precedent to the document execution authorized hereby, Modesto Centre Plaza Associates, L.P. shall provide the following to the City Attorney:

1. An owner's policy of title insurance covering the Red Lion Hotel and its site guaranteeing that said Hotel and site are free and clear of all liens and encumbrances except those listed in Exhibit A attached hereto and by this reference made a part hereof.
2. Evidence of the lien-free status of title to the Parking Structure that is satisfactory to the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: 
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

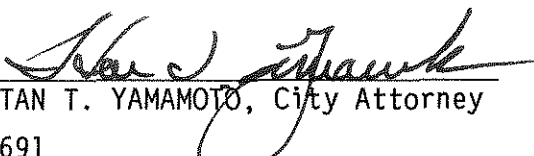
By 
STAN T. YAMAMOTO, City Attorney

EXHIBIT A

AUTHORIZED EXCEPTIONS FROM TITLE INSURANCE

1. General and special taxes of the County of Stanislaus and City of Modesto, including such Direct Special Assessments (if any) as may be included and collected therewith, for the fiscal year 1991-92, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5, Revenue and Taxation Code, Section 75 et seq.

Note: Supplemental Tax Assessment pending on Assessment No. 105-4807-06,07,08,09,10

3. Assessments of the Modesto Irrigation District within which the herein described property is situated. All assessments levied to date have been paid.
4. Memorandum of Lease between the Redevelopment Agency of the City of Modesto, a public body corporate and politic as lessor, and the City of Modesto, a charter city of municipal corporation as lessee, recorded November 21, 1985 as Instrument No. 27969 in Reel 80 of Official Records, Image 563.

(AFFECTS PARCEL NO. 2 WITH OTHER PROPERTY)

The interest of the Lessor in and to said lease has been assigned to Bank of America National Trust and Savings Association, a national banking association, as Trustee by Assignment recorded November 21, 1985 as Instrument No. 27970 in Reel 80 of Official Records, Image 570.

Memorandum of Amendment under said Lease recorded June 30, 1987 as Instrument No. 96037.

The interest of the Lessor in and to said lease has been assigned to First Interstate Bank of California, a State banking corporation by Assignment recorded June 30, 1987 as Instrument No. 96038 of Official Records.

Memorandum of Parking Garage Sublease dated December 29, 1988, between the City of Modesto, a public body, corporate and politic, as Sublessor and Community Center Hotel Associates, a California corporation, as Sublessee, recorded December 30, 1988 as Instrument No. 090211 of Official Records.

Special Assignment of Ground Lease, dated December 29, 1988 by and among the Redevelopment Agency of the City of Modesto, a public body, corporate and politic ("Assignor"), Modesto Centre Plaza Associates, L.P., a California limited partnership ("Tenant"), and U.S. Bancorp

Mortgage Company, an Oregon corporation ("Assignee"), recorded December 30, 1988 as Instrument No. 090216 of Official Records.

5. Property Management Agreement executed by and between the Redevelopment Agency of the City of Modesto and the Economic Development Administration, United States of America on the terms and conditions contained therein, recorded December 2, 1985 in Reel 82 of Official Records, Image 132.

(AFFECTS PARCEL NO. 2)

6. Memorandum of Lease between the Redevelopment Agency of the City of Modesto, a public body corporate and politic, as lessor, and Community Center Hotel Associates, a California Corporation as lessee, recorded July 10, 1986 in Reel 128 of Official Records, Page 0457.

(AFFECTS PARCEL NO. 1)

Assignment and Assumption of Disposition and Development Agreement, Hotel Lease, Parking Structure Lease and Reciprocal Easement Agreement, dated December 29, 1988, by and between Community Center Hotel Associates, a California corporation ("Assignor") and Modesto Centre Plaza Associates, L.P., a California limited partnership ("Assignee"), recorded December 30, 1988 as Instrument No. 090214 of Official Records.

Confirmation of lease term recorded September 18, 1990 as Instrument No. 079358.

7. Easement for electrical facilities together with incidental rights appurtenant thereto over and across a portion of the herein described property, as granted to the Modesto Irrigation District by instrument recorded October 7, 1988 as Instrument No. 69370 of Official Records.

(AFFECTS PARCEL NO. 1)

8. Reciprocal Easement Agreement, dated December 29, 1988, entered into between the Redevelopment Agency of the City of Modesto, Agency, and Community Center Hotel Associates, a California corporation, Hotel Developer, recorded December 30, 1988 as Instrument No. 090210 of Official Records.

9. Assignment of Rents and Leases dated December 29, 1988, by Modesto Centre Plaza Associates, L.P., a California limited partnership, ("Assignor") to U.S. Bancorp Mortgage Company, an Oregon corporation ("Assignee"), recorded December 30, 1988 as Instrument No. 090217 of Official Records.

10. Financing Statement, executed by Modesto Centre Plaza Associates, L.P., a California limited partnership and Redevelopment Agency of the City of Modesto to U.S. Bancorp Mortgage Company, dated December 29, 1988

and recorded December 30, 1988 as Instrument No. 090219 of Official Records.

11. Assignment of Disposition and Development Agreement dated December 29, 1988, by Modesto Centre Plaza Associates, L.P., a California limited partnership ("Assignor"), to and for the benefit of U.S. Bancorp Mortgage Company, and Oregon corporation ("Assignee"), recorded December 30, 1988 as Instrument No. 090218 of Official Records.
12. Memorandum of Preopening Agreement and Management Agreement, dated December 29, 1988, executed by Modesto Centre Plaza Associates, L.P. to Red Lion, a California limited partnership, recorded December 30, 1988 as Instrument No. 090220 of Official Records.

Short Form Assignment of Management Agreement and Preopening Agreement and Subordination Agreement, dated December 29, 1988, by and among Modesto Centre Plaza Associates, L.P., a California limited partnership ("Assignor"), Red Lion, a California limited partnership ("Manager") and U.S. Bancorp Mortgage Company, an Oregon corporation ("Assignee"), recorded December 30, 1988 as Instrument No. 090221 of Official Records.

13. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:

Deed of Trust to secure an indebtedness of \$25,800,000.00, together with any other amounts payable thereunder.

Dated: December 29, 1988

Trustor: Modesto Centre Plaza Associates, L.P., a California limited partnership

Fee Owner: Redevelopment Agency of the City of Modesto, a Public Body Corporate and Politic

Trustee: Stewart Title of Modesto

Beneficiary: U.S. Bancorp Mortgage Company, an Oregon corporation

Recorded: December 20, 1988 as Instrument No. 090215 of Official Records

Said Deed of Trust secures an additional advance of \$2,910,000.00 as disclosed by instrument recorded _____ as Instrument No. _____ in Volume _____ of Official Records, page _____.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-378

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO CENTRE PLAZA ASSOCIATES FOR CATERING AND CONCESSIONAIRE SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Modesto Centre Plaza Associates for catering and concessionaire services be, and it is hereby approved.


BE IT FURTHER RESOLVED that the execution of said amendment to the agreement by the designated 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 June, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Councilmember Bird

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-379

A RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO MR. DAN COSTA FOR HIS SERVICE TO THE CITY OF MODESTO AND THE MODESTO CENTRE PLAZA.

WHEREAS, for the first two years of the Modesto Centre Plaza's operation, Dan Costa of Mallards provided catering and concessionaire services for the Centre, and

WHEREAS, the excellent manner in which these services were provided was an integral part of the immediate success of the Centre Plaza, and

WHEREAS, Mr. Costa did an outstanding job carrying out the responsibilities of his agreement with the City, and Mr. Costa has consented to relinquishing his position of providing food service at the Modesto Centre Plaza,

NOW, THEREFORE, BE IT RESOLVED by the Council that the City of Modesto recognizes the valuable service provided by Mr. Costa to the Modesto Centre Plaza, and hereby expresses its gratitude and appreciation to Mr. Costa for the commendable manner in which he fulfilled the provisions of his agreement with the City in providing catering and concessionaire services 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 4th day of June, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, 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. 91-380

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TWO PROGRAM SUPPLEMENTS TO THE EXISTING LOCAL AGENCY - STATE AGREEMENT FOR FEDERAL AID PROJECTS

WHEREAS, the Program Supplements are needed to secure funds for two FAU projects, the Coffee Road Reconstruction Project and the Sisk/Rumble and Scenic/Claus Traffic Signal Project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that authorization for the City Manager to execute two Program Supplements to the existing Local Agency - State Agreement for Federal Aid Projects be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, 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: Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-381

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KAI ROBINSON FROM THE
CITIZENS' ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Kai Robinson was appointed a member of the Citizens' Advisory
Committee on Recycling on May 6, 1986; and

WHEREAS, Kai Robinson has tendered her resignation from the Citizens'
Advisory Committee on Recycling effective June 4, 1991; and

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

NOW, THEREFORE BE IT RESOLVED that the resignation of Kai Robinson 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 Kai Robinson 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 4th day of June, 1991, by Council-
member 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: Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-382

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE 1991 STREETS CAPE SEAL PROJECT

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

SECTION 1. The plans and specifications for the 1991 streets
cape seal project
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on July 2, 1991, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 11th day of June, 1991,
by Councilmember Patterson, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Irizarry

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-383

A RESOLUTION GRANTING THE APPEAL OF RANDY THOMAS TO A PLANNING COMMISSION DECISION RELATING TO AMENDMENT OF P-D(253) TO ALLOW A PARKING AREA ADDITION, AND APPROVING A REVISED PLOT PLAN.

WHEREAS, City Council Ordinance No. 1905-C.S., effective on February 1, 1980, granted a Planned Development Zone, P-D(253), to R. T. Hughes Co. to allow a convenience commercial center limited to C-1 Zone uses and off-street parking areas in accordance with Article 18 of the Modesto Municipal Code, property located at the northwest corner of Standiford Avenue and Prescott Road, and

WHEREAS, City Council Ordinance No. 2253-C.S., effective on June 7, 1984, granted an additional use in Planned Development Zone, P-D(253), to R. T. Hughes Co. to allow a restaurant, and

WHEREAS, City Council Resolution No. 79-1298, adopted on December 18, 1979, contained the conditions of approval for the development of said uses on the P-D(253) property, and

WHEREAS, a verified application was filed by Randy Thomas on February 14, 1991, to amend P-D(253) to allow a parking area addition for employee parking at the west end of the commercial development at the northwest corner of Prescott Road and Standiford Avenue, and

WHEREAS, said application was set for a public hearing before the Planning Commission on April 15, 1991, and

WHEREAS, after a public hearing was held on April 15, 1991, in the City Council Chambers, the Planning Commission was unable to reach a majority vote to approve or deny the request which effected a denial of the application, and

WHEREAS, an appeal of the Planning Commission's denial of the request for approval to amend P-D(253) to allow a parking area addition was filed with the Office of the City Clerk by Dennis E. Wilson of Mid-Valley Engineering, Inc., on behalf of Randy Thomas, by letter dated April 26, 1991, 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 11, 1991, at 4:00 p.m., for consideration, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that applicant had submitted a revised plot plan which was acceptable to staff and which was recommended by staff for approval, 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 amendment to P-D(253),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Dennis E. Wilson of Mid-Valley Engineering, Inc., filed on behalf of Randy Thomas, to a decision of the Planning Commission denying the request to amend P-D(253), is granted and the plot plan entitled "Site Plan - 2101 Standiford Ave.", as amended in red and stamped approved by the City Council on June 11, 1991, is approved to allow a parking lot area addition at the west end of the commercial development at the northwest corner of Prescott Road and Standiford Avenue.

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 requested amendment to P-D(253).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Martin

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. 91-387

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

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

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 2, 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-388

A RESOLUTION ACCEPTING THE BID OF PARKS PRINTING FOR PRINTING THE MONTHLY UTILITY BILL INSERT AND THE QUARTERLY EMPLOYEES' NEWSLETTER ON RECYCLED PAPER FOR UP TO THREE YEARS

WHEREAS, Resolution No. 91-247 , adopted by the Council of the City of Modesto on May 7 , 1991 , approved the plans and specifications for printing the monthly utility bill insert and the quarterly employees' newsletter on recycled paper for up to three years and authorized the calling for bids; and

WHEREAS, the bids received for printing the monthly utility bill insert and the quarterly employees' newsletter on recycled paper for up to three years were opened at 11:00 a.m. on June 3, 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 Parks Printing for a total price of \$24,757.92

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Parks Printing for a total price of \$24,757.92 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 June , 1991, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Marianne Coyle*
MARRIANNE COYLE

MODESTO CITY COUNCIL
RESOLUTION NO. 91-389

A RESOLUTION ACCEPTING THE BID OF SCOTO AND SON FARMING FOR FURNISHING DISCING SERVICES FOR 1991-92

WHEREAS, Resolution No. 91-237 , adopted by the Council of the City of Modesto on April 23 , 1991 , approved the plans and specifications for furnishing discing services for 1991-92

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing discing services for 1991-92 were opened at 11:00 a.m. on May 20, 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 Scoto and Son Farming in the amount of \$17,169 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scoto and Son Farming in the amount of \$17,169 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 June , 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:


MADDIE COVILLE

MODESTO CITY COUNCIL
RESOLUTION NO. 91-390

A RESOLUTION ACCEPTING THE 18" WATERLINE IN CROWS LANDING ROAD, ZEFF ROAD, TUOLUMNE BOULEVARD, B STREET AND 10TH STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard,
B Street and 10th Street
has been completed by W.M. Lyles Company
in accordance with the contract agreement dated July 10, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the 18" waterline in Crows Landing
Road, Zeff Road, Tuolumne Boulevard, B Street and 10th Street

be accepted from said contractor, W.M. Lyles Company ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$726,558.58 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 June ,
1991, by Councilmember Patterson, who moved its adoption, which
motion being duly seconded by Councilmember Martin , was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-391

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTER RESOURCE GROUP TO UPDATE AND IMPROVE THE INDUSTRIAL WASTE DIVISION'S COMPUTER PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Computer Resource Group to update and improve the Industrial Waste Division's computer 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 June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-392

A RESOLUTION APPROVING ^{AMENDED} AGREEMENT BETWEEN THE CITY OF MODESTO AND CHANI L. AND REBECCA A. VILLANUEVA FOR THE LEASE OF 1204 RIVER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Chani L. and Rebecca A. Villanueva for the lease of 1204 River 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-393

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CELLULAR PARTNERSHIP FOR THE PLACEMENT OF CELLULAR TELEPHONE ANTENNAS ON THE CITY-OWNED WATER TANK AT TENTH AND D STREETS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Modesto Cellular Partnership for the placement of cellular telephone antennas on the City-owned water tank at Tenth 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-394

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO OVERLAY CROWS LANDING ROAD FROM HIGHWAY 99 TO WHITMORE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to overlay Crows Landing Road from Highway 99 to Whitmore 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 91-395

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR FISCAL YEAR 1990-91 TO DECREASE ESTIMATED
REVENUE AND THE ASSOCIATED CIP PROJECT APPROPRIATION.

WHEREAS, Stanislaus County will be the lead agency on the Crows
Landing Road Project, which project involves placing an asphalt overlay on
Crows Landing Road from Highway 99 to Whitmore Avenue, and

WHEREAS, the City will be remitting its financial contribution to
the County and will not be performing the actual work, and

WHEREAS, said project was originally budgeted in the City's CIP
program at the full cost to the project, with the County's estimated
contribution at \$218,000 and the City's contribution at \$12,000, and

WHEREAS, it is now necessary to decrease the estimated County
revenue and to decrease the project to equal only the City's contribution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following adjustments shall be made to the Annual Budget of the City
of Modesto, Fiscal Year 1990-91:

SPECIAL GAS TAX FUND (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase</u>
Revenue 070-510-9510-3310	County Share of Project	\$(218,000)
Expenditures 070-430-P934-6000	Crows Landing Road Overlay	\$(218,000)

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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

Leak

MODESTO CITY COUNCIL
RESOLUTION NO. 91-396

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN FORESTRY GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION BOND ACT OF 1988 FOR THE MODESTO REFORESTATION PROJECT.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approved the filing of an application for the Urban Forestry Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project; and
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and

3. Certifies that funds under the jurisdiction of the City Council are available to begin the project.

4. Certifies that said applicant will expend grant funds prior to June 30, 1993.

5. Appoints the City Manager as the 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-397

A RESOLUTION APPROVING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR AN ADDITIONAL \$4,367.26 FOR THE MODESTO CITY-COUNTY AIRPORT TO CONSTRUCT T-HANGAR AREA APRON AND TAXIWAY, TERMINAL ACCESS ROAD, AND HELICOPTER LANDING PAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended grant agreement between the City of Modesto and the Federal Aviation Administration for an additional \$4,367.26 for the Modesto City-County Airport construction of a T-hangar area apron and taxiway, terminal access road, and helicopter landing pad 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-398

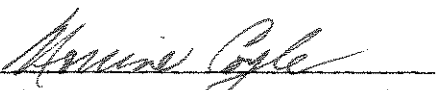
A RESOLUTION APPROVING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION TO INCLUDE IN THE PROJECT DESCRIPTION THE INSTALLATION OF TWELVE TAXIWAY GUIDANCE SIGNS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended grant agreement between the City of Modesto and the Federal Aviation Administration to include in the project description the installation of twelve taxiway guidance signs required by new Federal Aviation Administration regulations 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-399

A RESOLUTION ACCEPTING IMPROVEMENTS IN CALIFORNIA GLEN SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman and Broad, subdividers of California Glen Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 638,208.00 and \$319,104.00 respectively to guarantee improvements in California Glen Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated May 29, 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 California Glen Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 638,208.00 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 \$ 319,104.00 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-400

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$232,000 FROM THE CONTINGENCY RESERVE FOR ATTORNEY'S FEES DUE IN THE TINK, INC., VS. CITY OF MODESTO CASE

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

FROM: Contingency Reserve \$232,000
 (720 800 8000 8003)

TO: Professional Services \$232,000
 (720 480 5812 0235)

Charges are being made to this account that were not anticipated in the original budget. The Public Works & Transportation Department is requesting this transfer to cover attorney's fees related to the patent infringement case Tink, Inc., vs. the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 19 91, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-401

A RESOLUTION APPOINTING MEMBER OF THE STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY (JPA) TO REPLACE AGENCY MEMBER MAYOR RICHARD LANG (FRANK MURATORE)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Stanislaus Waste-to-Energy Financing Agency (JPA):

Councilmember Frank Muratore

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Stanislaus Waste-to-Energy Financing Agency (JPA) and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-402

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SANTA CLARA COUNTY FOR EXCHANGE OF FAU FUNDS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Santa Clara County for exchange of FAU funds

be, and it is hereby approved.

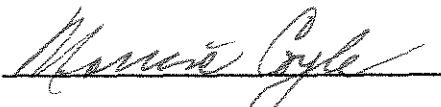
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 91-403

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 1991-92, and

WHEREAS, the Council has adopted Resolution No. 91-367 on May 28, 1991 which is the Resolution of Intention to levy and collect assessments

within the assessment district for fiscal year 1991-92 and to set a public hearing to be held on June 18, 1991, 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 by 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 1991-92.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Cl-2

MODESTO CITY COUNCIL
RESOLUTION NO. 91-404

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 1991-92, and

WHEREAS, the Council has adopted Resolution No. 91-368 on May 28, 1991 which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1991-92 and to set a public hearing to be held on June 18, 1991, 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 by 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 1991-92.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-405

A RESOLUTION RECOMMENDING THE AMENDMENT OF THE VILLAGE
ONE SPECIFIC PLAN'S AFFORDABLE HOUSING PROGRAM

WHEREAS, Government Code Section 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, the Modesto City Council's 1989 Urban Growth Management Policy, which committed the City to the Village One Specific Plan, supported the provision of affordable housing; and

WHEREAS, the Village One Specific Plan includes an Affordable Housing Chapter which sets forth goals, objectives and policies for the provision of affordable housing in the Village One Area; and

WHEREAS, the twenty-five percent affordability goal of the Village One Specific Plan was one of the factors that provided the basis for finding that the Village One Specific Plan was consistent with the Modesto General Plan, and the City's Regional Housing Needs as set forth in the 1984 Housing Element of the General Plan; and

WHEREAS, the Village One Final EIR, certified on September 11, 1990, concluded that the development of Village One will not have a significant impact on affordable housing; and

WHEREAS, on October 16, 1990, the Modesto City Council adopted the Village One Specific Plan, and at which time they expressed concern over the use of inclusionary zoning as the exclusive method for developer participation, and referred this issue to a citizen's committee for further study; and

WHEREAS, on December 11, 1990, the Modesto City Council appointed a 13-member Village One Affordable Housing Committee to study alternative means for developer participation in the Village One Affordable Housing Program, and to make a recommendation to the City Council within 90-days of its first meeting; and

WHEREAS, on April 4, 1991, the Village One Affordable Housing Committee recommended an Affordable Housing Program to the City Council based on the use of Density Bonuses and the creation of a Housing Trust Fund and Equity Sharing Program, which would be funded through a per-square-foot fee to encourage the development of smaller, more affordable housing units; and

WHEREAS, on April 16, 1991, the City Council approved the recommendations of the Village One Affordable Housing Committee and initiated the amendment of the Village One Specific Plan's Affordable Housing Program; and

WHEREAS, staff of the Planning and Community Development Department revised the Village One Affordable Housing Program to reflect the Village One Affordable Housing Committee's recommendations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 20, 1991, on the proposed amendment of the Village One Specific Plan's Affordable Housing Program, at which time evidence both oral and written was received and considered; and

WHEREAS, the Planning Commission unanimously recommended the adoption of the proposed amendment of the Village One Specific Plan's Affordable Housing Program to the City Council; and

WHEREAS, the attached Amendment to the Village One Specific Plan is within the scope of the Village One Environmental Impact Report, and has undergone adequate environmental review under the California Environmental Quality Act; and

WHEREAS, the Modesto City Council held a duly noticed public hearing, on June 18, 1991, at which time and place evidence both oral and written was received and considered; and

WHEREAS, the Modesto City Council has reviewed and considered the information contained in the attached amendment to the Village One Specific Plan's Affordable Housing Program;

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council finds the attached amendment of the Village One Affordable Housing Program to be consistent with the Village One Specific Plan and the City of Modesto's General Plan;

BE IT FURTHER RESOLVED that the Modesto City Council, adopts the attached amendment of the Village One Specific Plan's Affordable Housing Program, which will take effect on July 18, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

BY: Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

WSN/MB

Attachments: Village One Specific Plan Amendment
Planning Commission Minutes, Resolution and Staff Report—May 20, 1991

AFFORDABLE HOUSING

Introduction¹

Affordable housing is defined as housing units with prices or rents not exceeding thirty percent of income for households earning less than 120 percent of the regional median income for the ~~region~~ area (Modesto Metropolitan Statistical Area - Stanislaus County). There are three levels of housing within the affordable category. Very-low-income households are defined as those earning less than fifty percent of the area median; low-income households between fifty percent and eighty percent of the area regional median; and moderate-income households between eighty percent and 120 percent of the area regional median income.

As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce housing that much of the population can afford. This is partly because of decreasing amounts of federal involvement as well as changes in the tax code, which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly as a result of Bay Area households moving toward less expensive housing markets, even if they still make long commutes back to Bay Area jobs.

Village One is anticipated to meet Modesto's residential land use needs for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1984 Housing Element, namely encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. ~~In~~ By including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall City plan for housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.

¹ Concerned that not all the alternatives had been explored, the City Council referred the Village One Affordable Housing Program to a citizens committee comprised of community organizations interested in housing for a recommendation on October 16, 1990. On _____, 1991, the Village One Specific Plan's Affordable Housing Program was amended to reflect the recommendations of the Village One Affordable Housing Committee.

Goals, Objectives, and Policies

GOAL

Provide housing opportunities within Village One for people of all income levels consistent with the neighborhood and residential design objectives of the Plan.

OBJECTIVE 1

Maintain fifteen percent of Village One housing as long-term affordable housing units, and encourage that an additional ten percent of the units be provided initially at affordable prices.

The affordable housing goals have two components--maintaining fifteen percent of Village One housing as affordable by policy over the long term, for thirty years and encouraging an additional ten percent of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small, low or moderate-income households, and this should be encouraged to continue. The following policies shall guide the development of Village One affordable housing:

Policy 1

Include a mix of housing prototypes to provide increased opportunity for diverse income groups.

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center and multi-family housing to single-family housing on lots ranging from 2,750 square feet to half an acre in size. The senior housing, multi-family housing, and small-lot single-family homes will make it possible to produce and maintain affordable housing.

Policy 2

~~Maintain the fifteen percent designated affordable units as affordable for not less than thirty years.~~

~~It is important that most of the affordable units remain affordable beyond construction. State law requires that affordable units produced through provision of density bonuses remain affordable for thirty years, or to the~~

~~extent permitted by law. This is an appropriate standard to set for all units designated to remain affordable; however, because of the potential negative effect on below market residents at year thirty, the City should also consider either a permanent affordable designation or a five to ten year transition beyond the thirty years to bring units from affordable status to full market price or rent.~~

Policy 2

Maintain fifteen percent of Village One housing as long-term affordable for rental and ownership households.

Although it is less than the City's total regional housing needs, the provision of fifteen percent of Village One's housing as affordable over the long term is reasonable in light of the limited local, state and federal resources available to help make new housing affordable. This objective is also appropriate because Village One is only one area of the City of Modesto, and Village One is not expected to address all of the housing needs of the entire City. In addition, it is important that most of the affordable units remain affordable beyond the initial sale price or rent. Without specific mechanisms to insure long-term affordability, home price escalation and increasing rental rates will soon begin to undermine the program's long-term affordable housing objectives.

The minimum duration of affordability for affordable rental housing should be consistent with state law for density bonuses. State law requires that affordable units, produced through the provision of a density bonus, remain affordable for ten years (thirty years if there are additional incentives granted). The minimum duration of affordability for affordable ownership housing should be thirty years, consistent with traditional mortgage standards.

Policy 3

Determine the mix of affordable units for very-low, low, and moderate-income households on a Precise Plan area basis, generally consistent with needs established in the City Housing Element.

At the time of the Specific Plan's adoption, the 1983 Regional Housing Needs Report, produced by the Stanislaus Area Association of Governments, was used to determine the affordable housing needs for Village One. The 1983 Housing Needs Report produced by the Stanislaus Area Association of Governments This report indicated that Modesto's affordable housing needs were distributed at 39 percent very-low-income, 29 percent low-income, and 32 percent moderate-income. Until new data is available from the Census and a the City's Housing Element is updated in 1992, as required by State law,

the City ~~could~~ should use this ratio for overall guidance.² It is not realistic, however, to impose the same ratio on each housing type.

Because the subsidies required to make a low-density house on a large lot affordable to very-low-income households are so large, units for very-low-income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low-income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate-income households can be integrated with all housing types, and include sales as well as rental units (see Table 4.1).

Policy 4

Locate senior housing in close proximity to Village Center services in high-density and mixed-use developments.

An aging population suggests an increasing need for senior housing. The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve a density of fifty units per acre in three- to four- story elevator buildings, or located in including mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing in conjunction with density bonus provisions of State law.

OBJECTIVE 2

Ensure that the provision of affordable ~~units~~ housing in Village One does not diminish the design quality of the community nor stigmatize the occupants of the units.

Successful affordable housing programs can be implemented in ways that represent positive enhancement for any community. Housing prices have escalated to the point where few households can afford to purchase a house, and over half of the households in a community have incomes that make them eligible for affordable housing. The cost of rental housing has also

² The 1990-1997 Regional Housing Needs Report, produced by the Stanislaus Area Association of Governments, was adopted by the Modesto City Council on March 19, 1991. The report states that Modesto's affordable housing needs are to be distributed as follows: 24 percent very-low-income, 17 percent low-income, and 21 percent moderate-income. This information will be reflected in the 1992 Housing Element update, and could be used to update the Village One Affordable Housing Program when the program is reviewed.

~~increased significantly. This includes~~ Those affected include young working households such as store clerks, teachers, and police officers ~~policeemen~~; single parents; and senior citizens living on Social Security.

Dispersing the affordable housing ~~units~~ throughout the community and designing the housing to be ~~units~~ indistinguishable from market-rate housing, will have a positive effect on the residents of the affordable housing and eliminate the stigma associated with more traditional public housing. The following policies will be utilized to guarantee the quality of Village One housing:

Policy 1

Disperse affordable housing, as defined by State Title 25 criteria (very-low, low, and moderate-income), throughout the Village, making sure that it is indistinguishable from and integrated with market rate housing.

With the exception of senior housing and small one-hundred percent affordable developments, affordable housing shall be dispersed within the Village and fully integrated and indistinguishable from market-rate units in a given development. Also, with the above exceptions, no more than twenty percent of any development shall be rented to very-low-income households.

Policy 2

Ensure that affordable housing is built in a manner that does not diminish the quality of the community.

Affordable units will be built to the same construction standards, with the same parking requirements, same open space and other provisions, as market-rate housing. The intent is for the affordable units to look like the market-rate units around them. Therefore, the same standards will be adhered to for exterior finishes and details. However, if the builder wishes to alter interior details (such as reducing the number of bathrooms or leaving the top floor unfinished) in order to reduce costs and build a more affordable unit, he will be allowed to do so.

Implementation Program

~~The affordable housing program will be a shared effort combining both City-initiated incentives, and actions, and requirements for developers. Village One developers will be responsible for approximately half of the affordable housing objectives. The remaining portion will involve the City accessing~~

~~state and federal assistance and tax incentive programs, encouraging density bonus provisions, and taking other potential actions to assist developers in the provision of affordable housing. It will be important that the specific affordability requirements, to be met by each developer, be clearly set forth in the development agreement executed for each project.~~

The Village One Affordable Housing Program is a true public-private partnership, requiring the full participation of both the City and Village One developers. Each partner's responsibilities are geared to capitalize on their unique abilities and characteristics. Village One developers, using market-oriented methods and incentives, will be responsible for approximately two-thirds of the affordable housing objectives aimed specifically at low-income and moderate-income households. The City, using state and federal housing programs, will be responsible for the housing needs of very-low-income households that require substantial subsidies.

Institutional Actions

OBJECTIVE 3

Implement a variety of institutional actions by the City that will help achieve greater housing affordability. The following policies reflect the commitment required to achieve affordable housing in Village One:

Policy 1

Designate specific staff with the responsibility for ensuring development of affordable housing.

City staff must be aware of all available state and federal programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.

Policy 2

~~Take steps to establish~~ Establish ~~or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.~~

Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers.

Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.

Policy 3

Establish a Housing Trust Fund as a multiple-purpose vehicle for providing affordable housing.

The City will establish a Housing Trust Fund as a flexible vehicle to manage and channel its housing assistance programs, such as an Equity Sharing Program. The Equity Sharing Program, funded by Village One single-family developers will assist low and moderate-income households in purchasing single-family housing units in Village One.

Policy 3.4

Pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.

Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance programs such as Section 8 rent assistance. Federal incentive programs, such as mortgage revenue bonds, low-income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.

Current state housing assistance programs include Proposition 77 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low interest loans from financial institutions.

Policy 4

~~Use in-lieu fees collected from developers to assist with affordable housing production in Village One by such means as acquiring appropriate sites within Village One and providing subsidy assistance.~~

~~Although the program should encourage the direct production of affordable units by developers, the affordable housing program will generate in-lieu fees~~

~~that will be used to assist in the production of affordable housing in Village One. Examples could include the public purchase of a site for reduced price sale to a nonprofit developer, or city provision of a low interest loan in exchange for a commitment of greater affordability in the development.~~

~~Policy 5~~

~~Require a maximum density for multi family housing without a density bonus of 21 units per acre, and promote a 25 percent density bonus in exchange for greater affordability as specified in state law.~~

~~Government Code Sections 65915 and 65917 contain the State Density Bonus Law as of March 31, 1990, which stipulates that a jurisdiction will allow a density bonus of at least 25 percent over the otherwise maximum allowable residential density, plus an additional concession or incentive in exchange for making twenty percent of the development's units available for low income households or ten percent for very low income households.~~

Policy 5

Rely primarily on local housing initiatives and programs to meet Village One's affordable housing objectives while aggressively pursuing state and federal assistance.

Significant cutbacks in the funding of state and federal housing programs has resulted in increased competition for the remaining funds. This means that the only way to insure that the Village One Specific Plan's affordable housing objectives can be met is through locally initiated programs. Access to state and federal housing programs, such as Section 8 rental assistance and Proposition 84 funds are generally confined to nonprofit housing corporations, housing authorities, and other governmental entities. These types of organizations are typically the only ones able to cope with the long and difficult application process.

Policy 6

Utilize mixed-use development and reduced parking requirements in order to achieve affordability in senior housing developments.

Housing over Village Center retail or a community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.

Policy 7

Establish criteria for eligibility for affordable housing.

Demand for affordable housing units is always very high, and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.

City and Developer Requirements

OBJECTIVE 4

~~Establish specific requirements for developers to assist in the implementation of affordable housing.~~

Ensure that the affordable housing program in Village One be a shared effort between the City and developers. This combined participation can help meet the Village One Specific Plan's affordable housing goals. The following policies determine the responsibilities involved to assure that the Village One Specific Plan's affordability goals are met.

Policy 1

~~Establish specific developer requirements prior to approval of any Precise Plans.~~

~~Village One developers will be responsible for approximately half of the Plan's long-term affordable housing objectives. Developer requirements to meet this objective will be established by the City Council prior to the approval of any Precise Plans, and shall be based on the recommendations of a Village One Affordable Housing Committee. In making its recommendations to the City Council, the Village One Affordable Housing Committee shall review a wide variety of housing programs that will accomplish this objective, including but not limited to: inclusionary zoning, in-lieu fees, Mortgage Credit Certificates, housing trust, HUD's Joint Venture for Affordable Program Proposition 84 Funds, and other HUD, HCD, and CHFA. The Affordable Housing Program of Village One Specific Plan shall be amended to reflect the program or programs selected by the City Council to implement this objective.~~

Policy 1

The City will be responsible for meeting all the very-low-income housing needs for Village One, estimated at 433 units. The City shall aggressively pursue all local, state, and federal programs to provide affordable rental housing and subsidized housing.

The City will utilize available local, state, and federal housing and financing programs such as Mortgage Revenue Bonds, Section 8, Section 202, Low-Income Tax Credits.

Policy 2

The City will create an Equity Sharing Program administered as part of the Housing Trust Fund, as the vehicle to provide "gap" financing.

The Equity Sharing Program, funded by Village One developers of single-family housing, will assist low and moderate-income households with "gap" financing. The "gap" makes up the difference between housing price and income. In applying gap financing, the City will take an equity share in the home, and upon sale or refinancing of the home, the assisted homeowner will repay the loan, together with interest and a share of the appreciation. The proceeds will be deposited in a revolving account from which new loans to other qualified low-income and moderate-income households can be made. This process will insure that the program achieves its long-term objectives. (See Village One Affordable Housing Program Appendix).

Policy 3

Village One developers of single-family housing will be responsible for meeting the estimated needs of 101 low-income and 355 moderate-income households, by contributing to the Equity Sharing Program administered through a Housing Trust Fund or by providing affordable housing equal in scope and amount.

Developer participation in the Equity Sharing Program is the foundation of the Village One Affordable Housing Program and is expected to provide the bulk of affordable housing, including opportunities for home ownership, in Village One. To serve as an incentive to developers to build smaller, less expensive housing, the program establishes a performance standard based on affordability, using house size as an indicator. The program is based on an 800 square foot home, costing \$78,000, which is affordable to households in the upper end of the low-income category (assuming the current average price of

\$97.50 per square foot, including land, for new single-family housing currently offered in the greater Modesto area).

Developers who build units larger than 800 square feet will be required to contribute to the Housing Trust Fund on a per-square-foot basis for the floor area of each single-family home in excess of 800 square feet. These fees will be used to fund the Equity Sharing Program described in Policy 2 above. Developers who build a home of 800 square feet or less will not be assessed a fee because a house of this size is expected to be affordable without assistance.

Based on the cost of a modest starter home of 1,100 square feet, an estimated \$3.8 million will be needed to assist 101 low-income households and 355 moderate-income households. Because the Housing Trust Fund fee is based on the size of homes actually constructed in Village One, the funds raised should be in balance with what is needed. If larger, more expensive homes are built in Village One, the amount needed and raised will also increase. Similarly, if smaller, less-expensive homes are constructed the amount needed and raised will decrease.

Based on the 1,770 square foot average size of a new single-family home, currently being offered in the greater Modesto area, the 5,505 single-family homes that will be constructed in Village One should yield 5.3 million square feet of total floor area that is in excess of 800 square feet. A Housing Trust Fund fee of \$0.70 is obtained by dividing the amount needed, \$3.8 million, by the 5.3 million floor area, in excess of 800 square feet. Ten percent is added to cover the costs to administer the program (rounded off to \$0.80).

To keep pace with inflation, annual adjustments will be made to the square foot fee based on the Capital Facilities Fees land appraisals for land costs, and Engineering News Record Index for building costs. Also, a full review and assessment of the program's performance will be made five years from the start of implementation to ensure that the program is meeting its goals. (See Village One Affordable Housing Program Appendix).

As an alternative to the Housing Trust Fund fee, developers could provide affordable housing, if the affordable housing is equivalent in scope and amount to the housing assistance offered by the Equity Sharing Program.

Policy 4

The developer of multi-family units will be required to participate in a mandatory density bonus program. The density bonus program requires that 20 percent of the units be made available to low-income households.

Density Bonuses shall be required for all multi-family housing projects of five units or more in Village One. The Specific Plan classifies 70 acres for multi-family housing. At a density of 21 dwelling units per acre, this represents about 1,470 units of multiple-family housing. Requiring density bonuses in conjunction with the development of these sites will yield an estimated minimum of 221 units of affordable housing to low-income households (assuming that seventy-five percent of the maximum density is utilized).

Density bonuses, as defined by Government Code Section 65915 et. seq. and implemented by City ordinance, will allow a twenty-five percent density bonus in return for making twenty percent of the units available at rents that are affordable to low-income households for a period of ten years. This policy is necessary to insure that Village One low-income housing goals are achieved.

Policy 5

Except for senior housing planned for Village Center, assisted housing, whether private or government sponsored, should remain dispersed. Households receiving assistance shall be free to choose housing in Village One consistent with their needs and financial capability.

Taken together, the Village One Affordable Housing Program matches the type of housing assistance with the capabilities of each provider (Housing Trust Fund fee and density bonus for the developer, vs. state and federal housing programs for the City) in a way that maximizes individual choice. By emphasizing the assistance to low and moderate-income households rather than providing specific units, the Village One Affordable Housing Program helps insure that assisted housing will be dispersed and that affordable housing does not diminish the quality of Village One housing.

Policy 6

Village One developers in the Precise Plan shall address the provision of affordable housing in their Precise Plan that will govern the development of their property.

Precise Plans are required for development in Village One. Precise Plans, which establish the program for development of property in Village One, are required to address the provision of infrastructure and financing. The Precise Plan shall also address the provision of affordable housing.

VILLAGE ONE AFFORDABLE HOUSING PROGRAM APPENDIX

The following reflects the distribution of affordable units in Village One and illustrates the affordable housing program.

DISTRIBUTION OF AFFORDABLE UNITS

• Estimated Total Housing Units in Village One	7,400
• Affordable Housing Units (25% of total)	1,850
• 10% Market Affordable	740
• 15% Program Affordable	1,100

HOUSING TRUST FUND/EQUITY SHARING PROGRAM

Assumptions:

• Price per square foot	\$97.50
• Price affordable to low-income households	\$78,000
• Price affordable to moderate-income households	\$105,000
• Size of affordable unit	800 sq. ft.
• Size of "starter home"	1100 sq. ft.
• Price of "starter home"	\$107,250
• Average home size	1,770 sq. ft.
• Average home price	\$155,178

Subsidy needed to fund Equity Sharing Program:

• Low-income (101 households x \$29,250)	\$2,954,250
• Moderate-income (355 households x \$2,250)	\$798,750
• Total subsidy	\$3,753,000

Fee for homes over 800 square feet *

• (1770 - 800 sq. ft.) x 5505 units	5,339,850 sq. ft.
• Fee (\$3,753,000 / 5,339,850 sq. ft.)	\$0.70 per sq. ft.
• With administrative fee (10%)	\$0.80 per sq. ft.

DENSITY BONUS PROGRAM

Assumptions:

• Acres designated for multi-family	70 ac.
• Maximum permitted density	21 du/ac.
• Total multi-family units (@ 75% density)	1,103
• Number of low-income units (1,103 units x 20% set-aside requirement)	221

*(fee to be adjusted annually)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-406

A RESOLUTION FINDING THAT THE PROPOSAL TO AMEND THE VILLAGE ONE SPECIFIC PLAN'S AFFORDABLE HOUSING PROGRAM TO PROVIDE FOR DEVELOPER PARTICIPATION IN THE VILLAGE ONE AFFORDABLE HOUSING PROGRAM IS WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by Resolution No. 90-828A entitled "A Resolution of the Modesto City Council Adopting the Village One Specific Plan and Village One Financing Plan, and Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a Program Environmental Impact Report (EIR) which was certified by the Modesto City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to amend the Village One Specific Plan's Affordable Housing Program to provide for developer participation in the Village One Affordable Housing Program to encourage the development of smaller, more affordable housing units, is within the scope of the Village One Specific Plan reviewed by the above-described EIR, and the environmental effects of the proposed action are adequately covered by that EIR under the provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and

WHEREAS, the proposed action creates no new effects or mitigation measures beyond those reviewed and certified in the above-described EIR,

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the amendment to the Village One Specific Plan's Affordable Housing Program to provide for developer participation in the Village One Affordable Housing Program to encourage the development of smaller, more affordable housing units, is within the scope of the Specific Plan for Village One covered by the

Program Environmental Impact Report and that no additional environmental review is needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

RESCINDED

1992-222

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-407

A RESOLUTION FINDING THAT THE PROPOSAL TO AMEND
MODESTO MUNICIPAL CODE TO ADD THERETO A GENERAL
AGRICULTURAL ZONE, (A-10), AND SPECIFIC PLAN ZONE, (SP),
IS WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT
REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by
Resolution No. 90-828A entitled "A Resolution of the Modesto City Council
Adopting the Village One Specific Plan and Village One Financing Plan, and
Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a
Program Environmental Impact Report (EIR) which was certified by the Modesto
City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to amend Title X of the Modesto
Municipal Code to add thereto a General Agricultural Zone, (A-10), and
Specific Plan Zone, (SP), respectively, is within the scope of the Village One
Specific Plan reviewed by the above-described EIR, and the environmental
effects of the proposed action are adequately covered by that EIR under the
provisions of Reg. 15168 of the California Environmental Quality Act (CEQA),
and

WHEREAS, the proposed action creates no new effects or mitigation
measures beyond those reviewed and certified in the above-described EIR,


NOW, THEREFORE, BE IT RESOLVED that the Council finds that the
amendment to Title X of the Modesto Municipal Code to add thereto a General
Agricultural Zone, (A-10), and Specific Plan Zone, (SP), respectively, is
within the scope of the Specific Plan for Village One covered by the Program
Environmental Impact Report and that no additional environmental review is
needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-408

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED
PLANNED DEVELOPMENT ZONE, P-PD(484). (CITY INITIATED -
VILLAGE I)

WHEREAS, on October 16, 1990, the Modesto City Council adopted the
Village One Specific Plan to govern the development of land in the Village One
area, and

WHEREAS, the Village One Specific Plan recognizes the commercial
area at the southeast corner of Oakdale Road and Sylvan Avenue, and the
Galleria Shopping Center at Roselle Avenue and Briggsmore Avenue, as existing
commercial areas not subject to the provisions of the Specific Plan, and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines
provide that no further environmental review is required since the proposed
prezoning is for the purpose of implementing the Village One Specific Plan and
is within the scope of the previously approved Village One Environmental
Impact Report (EIR), and

WHEREAS, the City has initiated an amendment to Section 13-3-9 of
the Zoning Map to prezone to Planned Development Zone, P-PD, the following
described property:

All that certain property situate in the southwest quarter of the
southwest quarter of Section 13, Township 3 South, Range 9 East,
Mount Diablo Base and Meridian, County of Stanislaus, State of
California, described as follows:

Beginning at the Northwest corner of the Southwest quarter of the
Southwest quarter of said Section 13, also being on the centerline
of original 40 foot Merle Ave.; thence along said centerline North
89°20'00" East 256.42 feet; thence South 1°02'40" East 30 feet to
the corner of Parcel 2 as shown on that certain map filed in Volume
3 of Parcel Maps, at Page 17, Stanislaus County Records: thence
South 1°02'40" East 170.0 feet; thence North 89°20'00" East 100
feet; thence North 1°02'40" West 34.8 feet; thence North 89°20'00"

East 300.0 feet to the northeast corner of said Parcel 2; thence South 1°02'40" East 1,081.25 feet to the southeast corner of said Parcel 2; thence South 1°02'40" East 82.17 feet to the south line of said Section 13; thence South 89°43'20" West 655.84 feet to the southwest corner of said Section 13; thence North 1°04'24" West 82.17 feet; thence North 89°43'20" East 5.67 feet to the southwest corner of said Parcel 2; thence North 1°04'24" West 1,037.08 feet; thence South 88°55'36" West 5.67 feet; thence North 1°04'24" West 205.0 feet to the point of beginning.

and

WHEREAS, said City initiated proposal was set for a public hearing before the Planning Commission on May 20, 1991, and continued to June 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on June 3, 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. 91-33, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed rezoning of Village One is within the scope of the Village One EIR and does not require further environmental review under CEQA.
2. That the proposed rezoning is, pursuant to Section 10-2.2603 of the Municipal Code, consistent with the General Plan and Village One Specific Plan.
3. The traffic signal and road improvement fees specified in Condition Nos. 25 and 27 will be used for the purpose of improving traffic flow on Roselle and Briggsmore Avenues through construction of the public improvements specified therein. The proposed P-D has extensive shopping facilities which will generate increased traffic on Roselle and Briggsmore. The road improvements will extend the ability of the roads to carry the increased traffic and the traffic signals will facilitate flow of the increased traffic.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on June, 18, 1991, at 7:30 p.m., and

WHEREAS, after a public hearing held on June, 18, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the City initiated proposal 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. 91-33 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2775-C.S. on the 18th day of June, 1991, rezoning the above-described property to Planned Development Zone, P-PD(484).

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-PD(484), is hereby approved subject to the following conditions:

1. This use be conducted as described in the application as amended September 20, 1988 and supporting information (including the plot plan) as approved and in accordance with other laws and ordinances. That the developers of the Galleria Shopping Center have until December 20, 1992, to begin construction, and a year to complete construction.
2. That building permits must be obtained from the Building Inspection Division.
3. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Fire Chief and the Air Pollution Control District. This includes installing sprinklers and providing fire flow requirements as required by applicable code.

4. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy of each building.
5. That 873 paved and marked parking spaces be provided as shown on the submitted plan.
6. That a landscaping plan including street trees, indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the Parks and Recreation Director. Landscaping must be installed prior to occupancy, and shall meet City of Modesto landscaping standards.
7. All landscaped areas, street trees, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
8. An eight-foot-high fence of decorative masonry construction shall be constructed prior to occupancy along the easterly and northerly property lines where they abut adjacent parcels of land.
9. All outdoor lighting shall be shielded from adjacent properties as required by the Planning Director.
10. Grading and drainage plans for the entire site shall be approved by the Department of Public Works and Transportation Department prior to issuance of any building permits for the project and shall be implemented prior to occupancy.
11. A plan for any proposed signs indicating the location, height, area of the sign and message must be approved by the Planning Director before installation. Such signs shall be consistent with the City of Modesto sign standards.
12. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
13. Normal hours of operations shall be 7:00 a.m. to 11:00 p.m., daily. Loading activities, including truck parking, shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
14. 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 Planning Director.

15. There shall be no outside storage of materials or equipment.
16. Prior to issuance of any building permit, the developer shall dedicate public utility easements and a street tree easement as required by the utility companies and the Planning Director.
17. All new utilities shall be placed underground.
18. Provide acknowledgement from the appropriate water utility indicating their willingness to serve the area with water.
19. All street improvements shall be constructed to City of Modesto Standards.
20. That the Merle Avenue frontage of the project shall be improved to Village One connector street standards, including the dedication of right-of-way to provide a 45-foot width south of the centerline. The developer(s) shall install a 14-foot-wide landscaped median, as approved by the Public Works and Transportation Director and the Parks and Recreation Director.
21. That the Roselle Avenue frontage of the project shall be developed to major street standards, including the dedication of right-of-way to provide a 50-foot width east of the centerline, a 20-foot property line radius at the southeast corner of Merle Avenue and Roselle Avenue, and the construction of street improvements in accordance with City of Modesto Standard Specifications. The developer(s) shall install a four-foot-wide landscaped median, as approved by the Public Works and Transportation Director and the Parks and Recreation Director.
22. Adequate additional pavement on Roselle Avenue, north and south of Merle Avenue, to allow for the proper alignment of Roselle Avenue traffic shall be provided.
23. Improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Public Works and Transportation Director. All improvements shall be constructed in accordance with the approved plans.
24. Street dedication as required by the Director of Public Works shall be provided.
25. In addition to the above items and in order to mitigate the cumulative traffic impacts of this development, the applicant shall pay to the City of Modesto the sum of money that is equivalent to the cost of paving a 10 foot strip on Roselle Avenue, from Merle Avenue to Floyd Avenue, as previously mandated by Stanislaus County approval. The exact amount of

such mitigation is to be determined by the applicant's construction plans, specifications, and estimates for such work, to be reviewed and approved by the Director of Public Works, but shall not exceed \$148,500.00.

26. Irrigation lines shall be removed, relocated or protected as required by the M.I.D. Easements for any lines to remain shall be dedicated.
27. That the Galleria Shopping Center's share of the cost of signaling the Briggsmore/Roselle Avenue intersection, determined to be \$32,000, be paid prior to issuance of building permit. These signals have been installed and are operational.
28. That the project be connected to City of Modesto sewer system upon annexation, or prior to annexation should City of Modesto sewer service be made available.
29. That the contributions to the City of Modesto Capital Facilities Fees for impacts on citywide facilities as well as the appropriate County Public Facilities Fees be paid prior to issuance of building permit.
30. That a ten-foot-wide public utility easement shall be dedicated along the Merle Avenue frontage. A 10-foot-wide public utility easement shall be dedicated along Roselle Avenue, and the 20-foot-wide PUE plus a 10-foot-wide overhang easement along north property line of M.I.D. Lateral No. 3.
31. That a two-foot-wide planting easement shall be dedicated along the Roselle Avenue frontage of the project.
32. That on-site drainage shall be stored and disposed of in a manner to be approved by the Public Works and Transportation Director until such time as the Village One system is operative.
33. For any new off-site rockwells, the developer(s) shall pay fees for rockwell maintenance as established by the Municipal Code.
34. That water and sanitary sewer service to the various units in the development shall be as approved by the Public Works and Transportation Director.
35. That payment shall be made to the City for the planting of street trees along the Merle Avenue and Roselle Avenue frontages of the project in accordance with the provisions of Section 4-4.502(g) of the Modesto Municipal Code. The number of trees shall be as determined by the Public Works and Transportation Director.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said rezoned Planned Development Zone, P-PD(484):

The entire construction program be accomplished in one phase, construction to begin on or before December 20, 1992, and completion to be not later than December 20, 1993.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance rezoning the above-described property to Planned Development Zone, P-PD(484), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

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. Daniels
Department of Planning and
Community Development

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-409

A RESOLUTION FINDING THAT THE PROPOSAL TO AMEND VARIOUS SECTION MAPS OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE TO PLANNED DEVELOPMENT ZONE, P-PD(484), GENERAL COMMERCIAL ZONE, P-C2, AND SPECIFIC PLAN ZONE, P-SP, (CITY INITIATED) ARE WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by Resolution No. 90-828A entitled "A Resolution of the Modesto City Council Adopting the Village One Specific Plan and Village One Financing Plan, and Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a Program Environmental Impact Report (EIR) which was certified by the Modesto City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to amend Section Map 13-3-9 of the Zoning Map of the City of Modesto to prezone certain property located thereon to Prezoned Planned Development Zone, P-PD(484), is within the scope of the Village One Specific Plan reviewed by the above-described EIR, and the environmental effects of the proposed action are adequately covered by that EIR under the provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and

WHEREAS, the proposed action to amend Section Map 11-3-9 of the Zoning Map of the City of Modesto to prezone certain property located thereon to General Commercial Zone P-C2, is within the scope of the Village One Specific Plan reviewed by the above-described EIR, and the environmental effects of the proposed action are adequately covered by that EIR under the provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and

WHEREAS, the proposed action to amend Section Maps 11-3-9,12-3-9, 13-3-9,14-3-9, 7-3-10, and 18-3-10 of the Zoning Map of the City of Modesto to prezone certain property located thereon to Specific Plan Zone, P-SP, are within the scope of the Village One Specific Plan reviewed by the above-described EIR, and the environmental effects of the proposed action are adequately covered by that EIR under the provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and

WHEREAS, the proposed action creates no new effects or mitigation measures beyond those reviewed and certified in the above-described EIR,

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the amendment to Title X of the Modesto Municipal Code to add thereto a General Agricultural Zone, (A-10), and Specific Plan Zone, (SP), respectively, is within the scope of the Specific Plan for Village One covered by the Program Environmental Impact Report and that no additional environmental review is needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

200

MODESTO CITY COUNCIL
RESOLUTION NO. 91-410

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF
MODESTO REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO
TAKE PROCEEDINGS FOR THE VILLAGE ONE REORGANIZATION TO THE
CITY OF MODESTO. (COUNCIL INITIATED - INHABITED)

WHEREAS, the Council of the City of Modesto desires to initiate
proceedings pursuant to the Cortese-Knox Local Government Reorganization Act
of 1985, Division 3, commencing with Section 56000 of the California
Government Code, for the Village One Reorganization to the City of Modesto, and

WHEREAS, the territory proposed to be included in the Village One
Reorganization to the City of Modesto is inhabited, and

WHEREAS, the territory is within the Modesto Sphere of Influence as
adopted by Stanislaus County Local Agency Formation Commission (LAFCO), and

WHEREAS, the territory of the proposed reorganization includes
property located at the northeast corner of the City and is almost entirely
within the Primary Area of Influence of the Modesto Sphere of Influence as
adopted by LAFCO, which proposed reorganization boundary includes all of
Village One south except the high school/community park site north of Sylvan
Avenue and east of Roselle Avenue, and consists of approximately 1,700 acres,
a description of the boundaries of the territory is as set forth in Exhibit
"A" attached hereto and incorporated herein by reference, and

WHEREAS, 1.25 acres on the east side of Claus Road and north of
Sylvan Avenue extended is within the Secondary Area of Influence and by City
Council Resolution No. 91-410A requests modification of said area to the
Primary Area of Influence, and

WHEREAS, the proposed reorganization consists of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Empire and Riverbank Fire Protection Districts (c) dissolution of the McHenry-Dry Creek Fire District; and (d) annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Village One Reorganization to the City of Modesto is to allow implementation and development of Village One and to make the full range of urban services available to allow urbanization of the territory in accordance with the Modesto Urban Area General Plan, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is attached, and

WHEREAS, development of Village One shall be consistent with the adopted Specific Plan, Financing Plan, Final Environmental Impact Report, and Mitigation Monitoring Program, and

WHEREAS, the Modesto Planning and Community Development Department will be the chief petitioner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the reorganization of the territory described in Exhibit A, in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Government Code Section 56700 that it hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with the Village One Reorganization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

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 Irizarry
Planning and Community Development

Village One Reorganization
Description

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 $0^{\circ}30'54.4''$ East 2,645.75 feet to the southwest corner of said section 11; thence South $0^{\circ}04'59.9''$ 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 $89^{\circ}83'85''$ 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 $00^{\circ}25'53.4''$ East 2,853.11 feet to a point on the west line of said section 14; thence North $89^{\circ}42'25.2''$ East 5.67 feet; thence South $00^{\circ}24'13''$ West 1,036.98 feet; thence South $89^{\circ}59'48.8''$ West 5.67 feet; thence South $00^{\circ}14'28.7''$ West 82.17 feet, to the southeast corner of said section 14; thence South $89^{\circ}55'04.8''$ East 5,244.8 feet along the south line of said section 13, to the southeast corner of said section 13; thence South $89^{\circ}55'04.8''$ East 2,918.53 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 east property line of the A.T. & S.F. R.R. property right-of-way; thence North $17^{\circ}45'11.5''$ West along said east property line of A.T. & S.F. R.R., and the southerly and northerly extensions of said line 5,618.19 feet, to a point on the northern line of 66 foot Milnes Rd.; thence South $89^{\circ}53'23.6''$ 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 $8^{\circ}54'21.2''$ 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 7.84° ; thence continuing northwesterly along said right-of-way and the arc of said curve 243.92 feet; thence North $18^{\circ}33'42.8''$ West along said right-of-way 1,434.43 feet, , to the beginning of a tangent curve concave to the southwest having a radius of 1,768.33 feet and a central angle of 11.15° ; thence along said right-of-way and arc of said curve 344.22 feet; thence North $30^{\circ}59'30.1''$ 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 10.33° ;

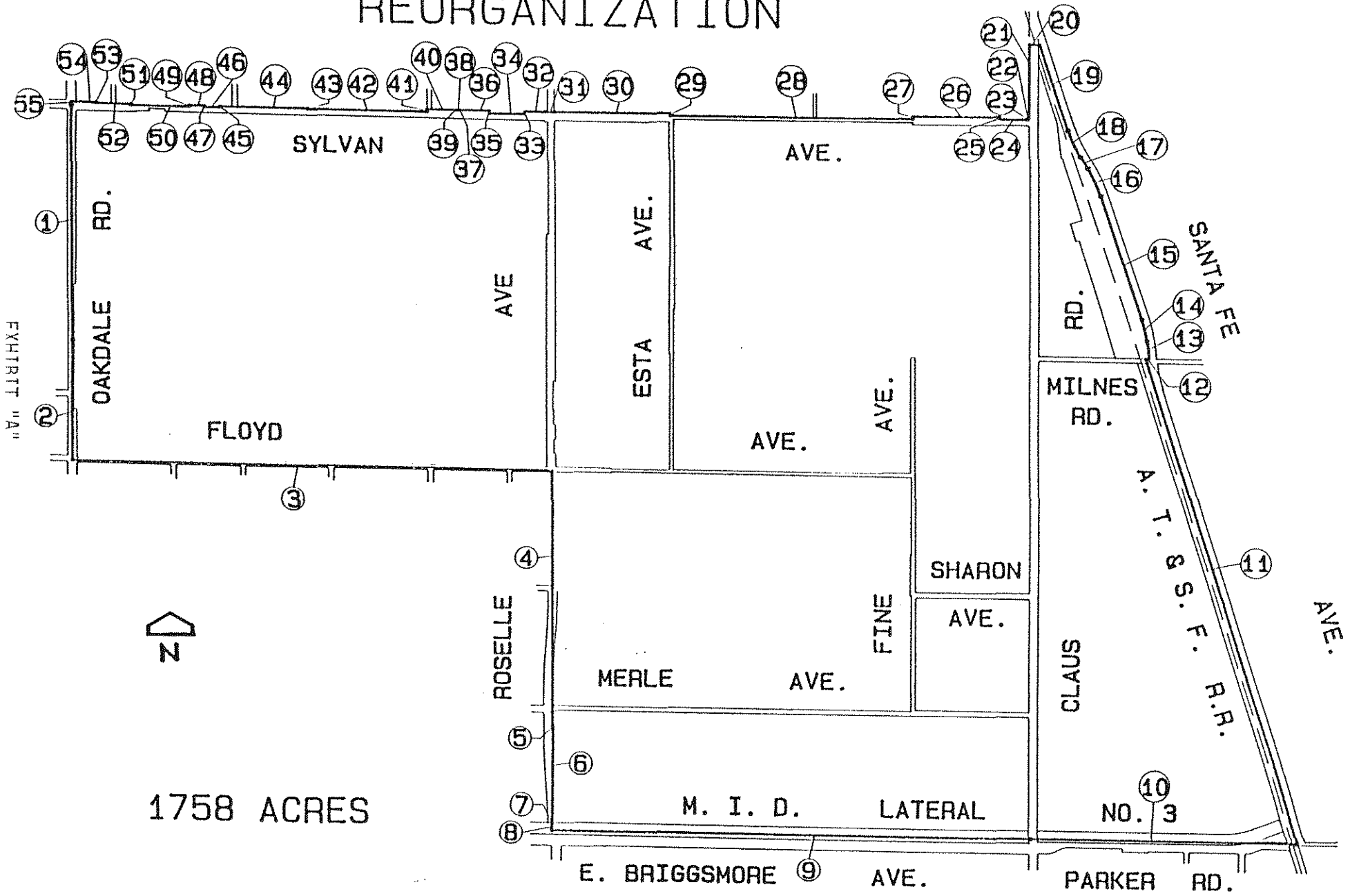
thence along said right-of-way and arc of said curve 330.05 feet; thence North 18°43'33.2" West along said right-of-way 972.07 feet, to a point 67.5 feet east of the east line of said section 12, also being on the east line of future 135 foot wide Claus Rd.; thence South 89°53'17.5" West 116.8 feet to a point on the western right-of-way line of said Claus Rd. to the beginning of a curve concave to the northwest; thence along the northern right-of-way line of Sylvan Ave. the following 31 courses:

- 1) South 0°20'25.1" East 15.0 feet;
- 2) South 89°65'97" West 300.01 feet;
- 3) North 0°18'18.7" West 30.0 feet;
- 4) South 89°39'34.9" West 949.64 feet;
- 5) South 0°29'57.1" East 30.0 feet;
- 6) South 89°46'26" West 2,640.73 feet;
- 7) North 0°29'57.1" West 30.0 feet;
- 8) South 89°44'09.2" West 1,258.9 feet;
- 9) South 89°59'53.1" West 130.27 feet;
- 10) North 89°44'38" West 214.15 feet;
- 11) South 0°41'53.2" East 30.0 feet;
- 12) North 89°44'38" West 385.05 feet;
- 13) North 0°41'53.2" 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°41'53.2" West 6.8 feet;
- 18) North 89°44'38" West 326.05 feet;
- 19) South 0°41'53.2" East 30.0 feet;
- 20) North 89°44'38" West 1,303.21 feet;
- 21) North 0°15'21.96" East 10.0 feet;
- 22) North 89°44'38" West 970.35 feet;
- 23) South 0°17'52.8" East 15.0 feet;
- 24) North 89°44'38" West 164.16 feet;
- 25) North 0°17'52.8" West 15.0 feet;
- 26) North 89°44'38" West 172.3 feet;
- 27) South 0°35'43.8" East 10.0 feet;
- 28) North 89°44'38" West 637.69 feet;
- 29) North 0°35'43.8 " West 10.0 feet;
- 30) North 89°44'38" West 396.34 feet;
- 31) North 0°35'43.8" West 10.0 feet;

thence North 89°44'38" West 264.57 feet; to a point on the centerline of Oakdale Rd.; thence South 0°28'12.4" East 40.01 feet to the point of beginning of this description.

CONTAINING: 1758 Acres

CITY OF MODESTO VILLAGE ONE REORGANIZATION



1758 ACRES

EXHIBIT "A"



Village One Reorganization
Metes and Bounds

1	S 0°30'54.4" E	2,645.75'
2	S 0°04'59.9" W	1,355.44'
3	N 89°83'85" E	5,264.63'
4	S 0°25'53.4" E	2,853.11'
5	N 89°42'25.2" E	5.67'
6	S 0°24'13" W	1,036.98'
7	S 89°59'48.8" W	5.67'
8	S 0°14'28.7" W	82.17'
9	S 89°55'04.8" E	5,244.8'
10	S 89°55'04.8" E	2,918.53'
11	N 17°45'11.5" W	5,618.19'
12	S 89°53'23.6" E	45.75'
13	N 08°54'21.2" W	201.24'
14	R=1,782.84'	$\Delta=7.84^\circ$ L=243.92'
15	N 18°33'42.8" W	1,434.43'
16	R=1,768.33'	$\Delta=11.15^\circ$ L=344.22'
17	N 30°59'30.1" W	141.29'
18	R=1,830.96'	$\Delta=10.33^\circ$ L=330.05'
19	N 18°43'33.2" W	972.07'
20	S 89°53'17.5" W	116.8'
21	S 0°18'19.1" E	718.71'
22	R=15'	$\Delta=89.95^\circ$ L=23.55'
23	S 0°20'25.1" E	15.0'
24	S 89°65'97" W	300.01'
25	N 0°18'18.7" W	30.0'
26	S 89°39'34.9" W	949.64'
27	S 0°29'57.1" E	30.0'
28	S 89°46'26" W	2,640.73'
29	N 0°29'57.1" W	30.0'
30	S 89°44'09.2" W	1,258.9'
31	S 89°59'53.1" W	130.27'
32	N 89°44'38" W	214.15'
33	S 0°41'53.2" E	30.0'
34	N 89°44'38" W	385.05'
35	N 0°41'53.2" W	30.0'
36	N 89°44'38" W	326.05'
37	S 0°22'26" E	6.8'
38	N 89°44'38" W	30.0'
39	N 0°41'53.2" W	6.8'

40	N 89°44'38" W	326.05'
41	S 0°41'53.2" E	30.0'
42	N 89°44'38" W	1,303.21'
43	N 0°15'21.96" E	10.0'
44	N 89°44'38" W	970.35'
45	S 0°17'52.8" E	15.0'
46	N 89°44'38" W	164.16'
47	N 0°17'52.8" W	15.0'
48	N 89°44'38" W	172.3'
49	S 0°35'43.8" E	10.0'
50	N 89°44'38" W	637.69'
51	N 0°35'43.8" W	10.0'
52	N 89°44'38" W	396.34'
53	N 0°35'43.8" W	10.0'
54	N 89°44'38" W	264.57'
55	S 0°28'12.4" E	40.01'

MODESTO CITY COUNCIL
RESOLUTION NO. 91-410A

A RESOLUTION REQUESTING REVISION OF THE MODESTO SPHERE OF INFLUENCE BY THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO CHANGE THE NORTHEASTERN 4.4 ACRES OF THE VILLAGE ONE REORGANIZATION FROM THE SECONDARY AREA OF INFLUENCE TO THE PRIMARY AREA OF INFLUENCE.

WHEREAS, in 1984 the Stanislaus County Local Agency Formation Commission ("LAFCO") adopted the Spheres of Influence for all the cities in Stanislaus County, and

WHEREAS, by Resolution No. 90-758 adopted by the Council of the City of Modesto on September 11, 1990, which became effective thirty (30) days thereafter, the Council adopted the Village One General Plan amendment, said General Plan Amendment is as shown on the map attached hereto as Exhibit A, and

WHEREAS, the Council held a duly noticed public hearing on June 18, 1991, at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was received and considered, after which the Council of the City of Modesto introduced Ordinance Nos. 2773-C.S., 2774-C.S., and 2775-C.S., to prezone Village One exclusive of the area north of Sylvan Avenue to Specific Plan Zone, SP, General Commercial Zone, C-2, and Planned Development Zone, P-D, property bounded by Sylvan Avenue on the north, the Santa Fe Railroad on the east, Briggsmore Avenue on the south, and Roselle Avenue, Floyd Avenue, and Oakdale Road on the west, and

WHEREAS, by Resolution No. 91-410 adopted by the Council on the 18th day of June, 1991, the Council initiated the Village One Reorganization (the "project") to the City of Modesto, said proposed Village One Reorganization is as shown on the map attached hereto as Exhibit B, and

WHEREAS, the reorganization proposes to annex the project site, which is located at the northeast portion of the City, to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and to simultaneously detach said territory from the Riverbank and Empire Fire Protection Districts, and dissolve the McHenry Dry Creek Fire Protection District, and

WHEREAS, the project site is presently inside the Sphere of Influence as adopted by the Stanislaus County Local Agency Formation Commission, and said project site is designated as within the Primary Area of Influence except for 4.4 acres on the east side of Claus Road and north of Sylvan Avenue extended is designated as within the Secondary Area of Influence, and

WHEREAS, the said 4.4 acres is requested to be changed to be within the Primary Area of Influence, and

WHEREAS, the said 4.4 acres is part of Village One and should be annexed and developed as part of Village One, and

WHEREAS, the Council request to modify the Sphere of Influence is consistent with the City's General Plan and LAFCO's Sphere of Influence policies, which encourages orderly annexations and provision of urban services by cities, and

WHEREAS, pursuant to Section 56428 of the State annexation law, Cortese-Knox Local Government Reorganization Act of 1985, if any local agency or county desires an amendment or revision of an adopted sphere of influence or urban service area, the local agency, by resolution of its legislative body, may file a request for amendment or revision with the executive officer who shall present the request to the commission at its next regular meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests modification of the Modesto Sphere of Influence to change the northeastern 4.4 acres of the Village One Reorganization from the Secondary Area of Influence to the Primary Area of Influence, said requested modification is as shown on the map attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the City Clerk of the City of Modesto shall transmit a certified copy of this resolution to 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 18th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

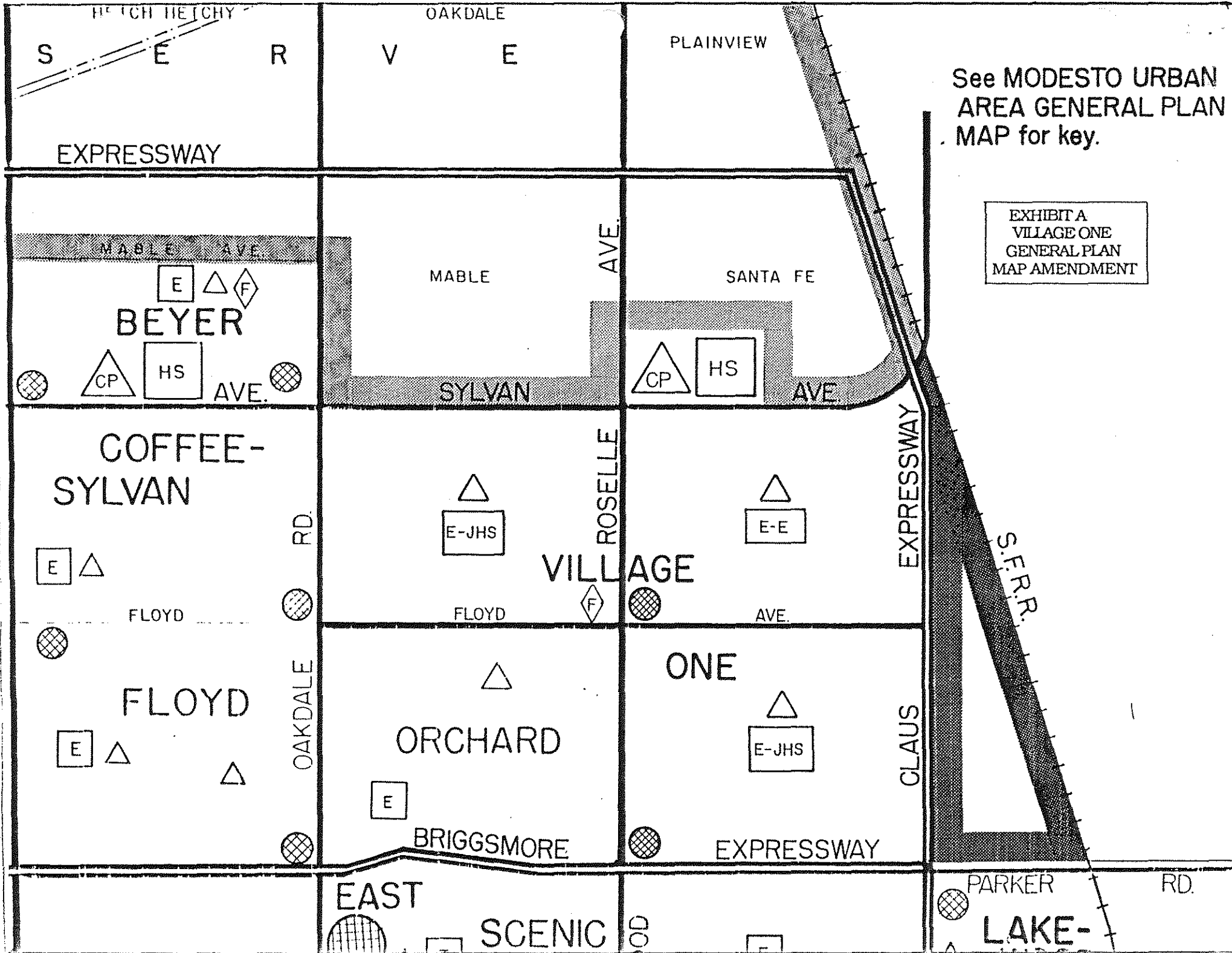
ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney



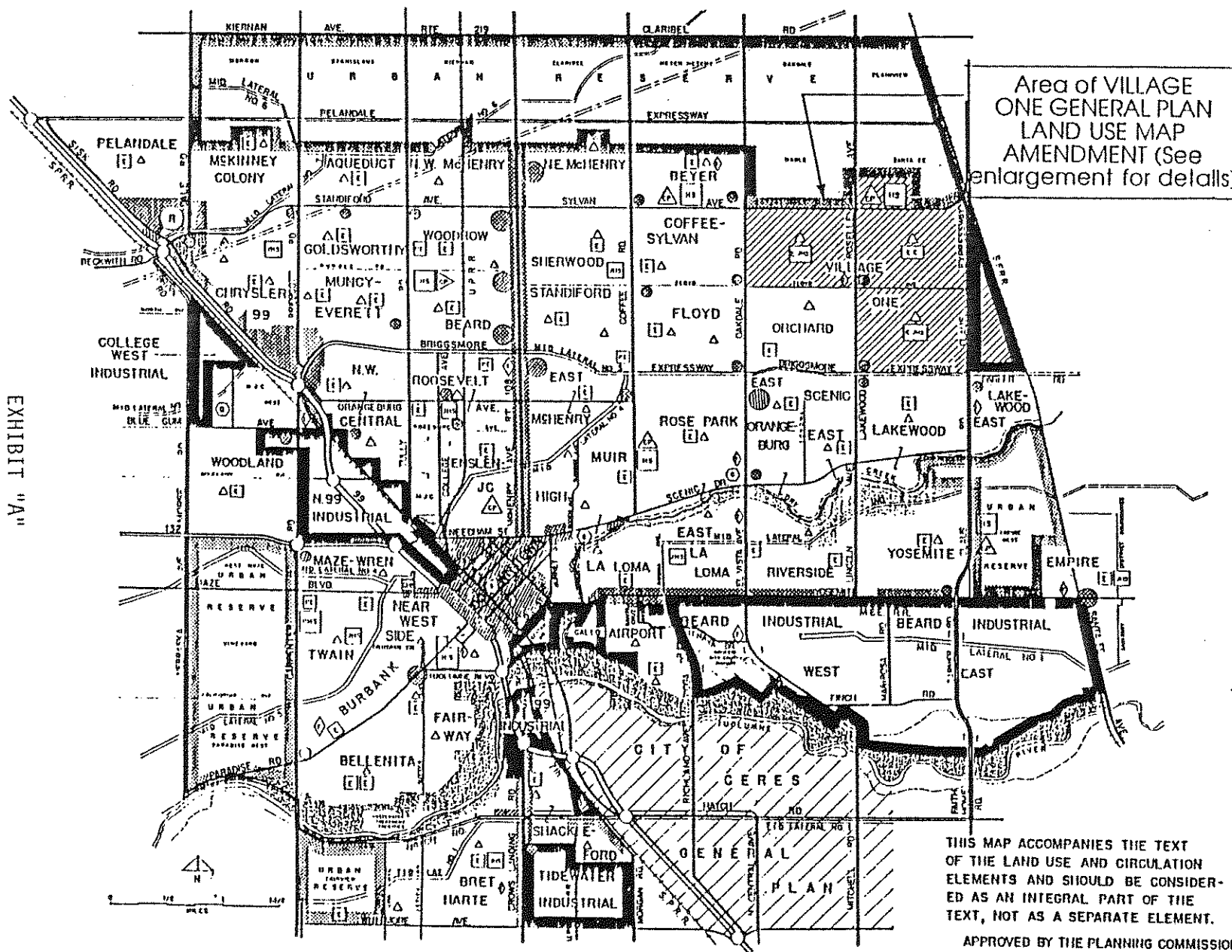
See MODESTO URBAN AREA GENERAL PLAN MAP for key.

EXHIBIT A
VILLAGE ONE
GENERAL PLAN
MAP AMENDMENT

EXHIBIT "A"

MODESTO URBAN AREA GENERAL PLAN

EXHIBIT A
VILLAGE ONE
GENERAL PLAN
MAP AMENDMENT



- LAND USE**
- RESIDENTIAL
 - URBAN RESERVE
 - COMMERCIAL
 - NEIGHBORHOOD CENTER
 - COMMUNITY CENTER
 - REGIONAL CENTER
 - GENERAL COMMERCIAL
 - INDUSTRIAL
 - MAJOR OPEN SPACES
- PUBLIC AREAS**
- PUBLIC SCHOOLS
 - ELEMENTARY
 - JUNIOR HIGH
 - MIDDLE SCHOOL
 - HIGH
 - CONTINUATION HIGH
 - PRIVATE SCHOOLS
 - ELEMENTARY
 - HIGH
 - PARKS
 - COMMUNITY
 - NEIGHBORHOOD
 - GOVERNMENT OFFICES
 - FIRE STATIONS
- CIRCULATION**
- FREEWAYS (WITH INTERCHANGE)
 - EXPRESSWAY
 - MAJOR STREET
 - COLLECTOR STREET
 - RAILROAD
 - HETCH HETCHY (ADUUCT)
 - CANAL
 - FLOODWAY AS DESIGNATED BY THE STATE RECLAMATION BOARD.

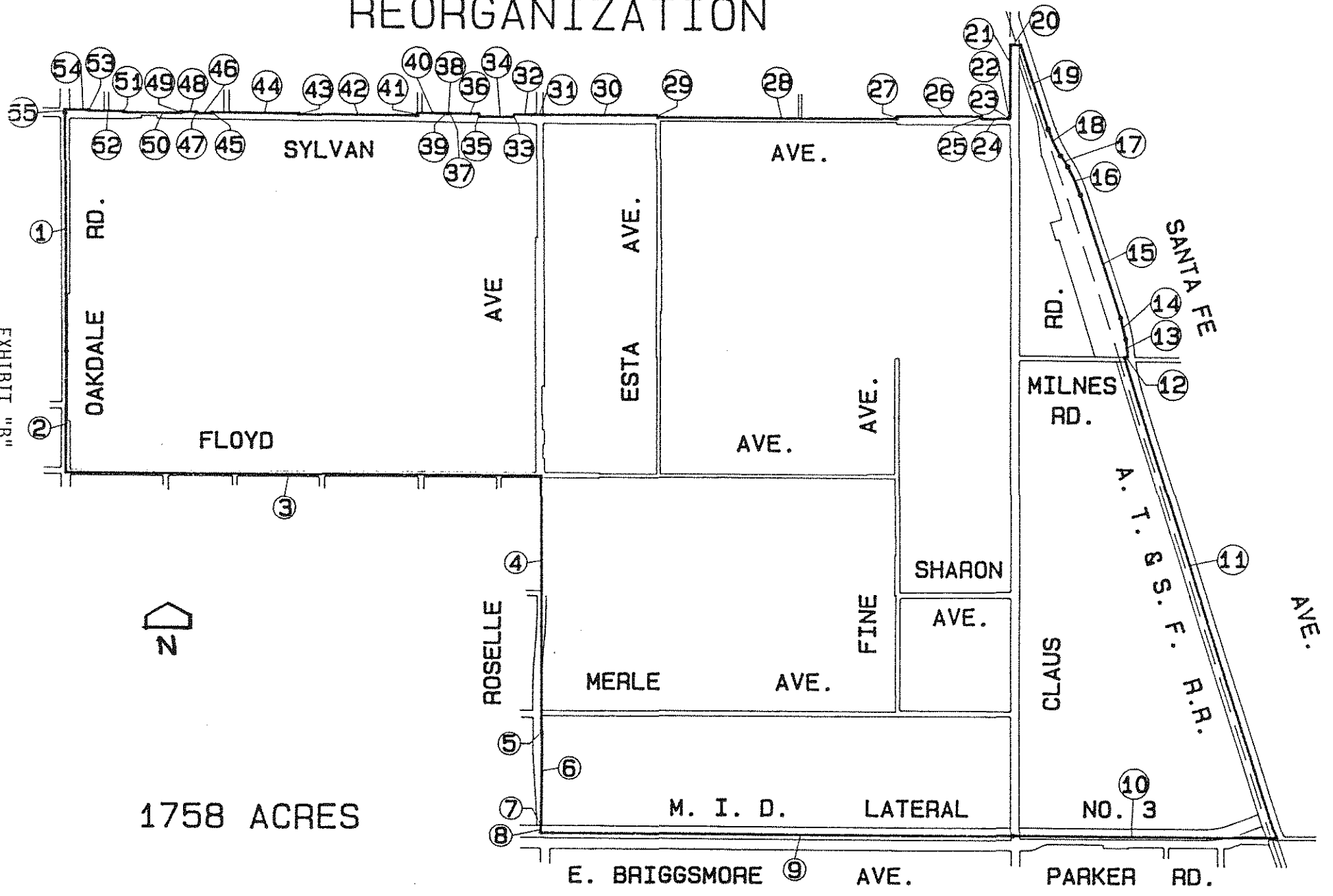
THIS MAP ACCOMPANIES THE TEXT OF THE LAND USE AND CIRCULATION ELEMENTS AND SHOULD BE CONSIDERED AS AN INTEGRAL PART OF THE TEXT, NOT AS A SEPARATE ELEMENT.

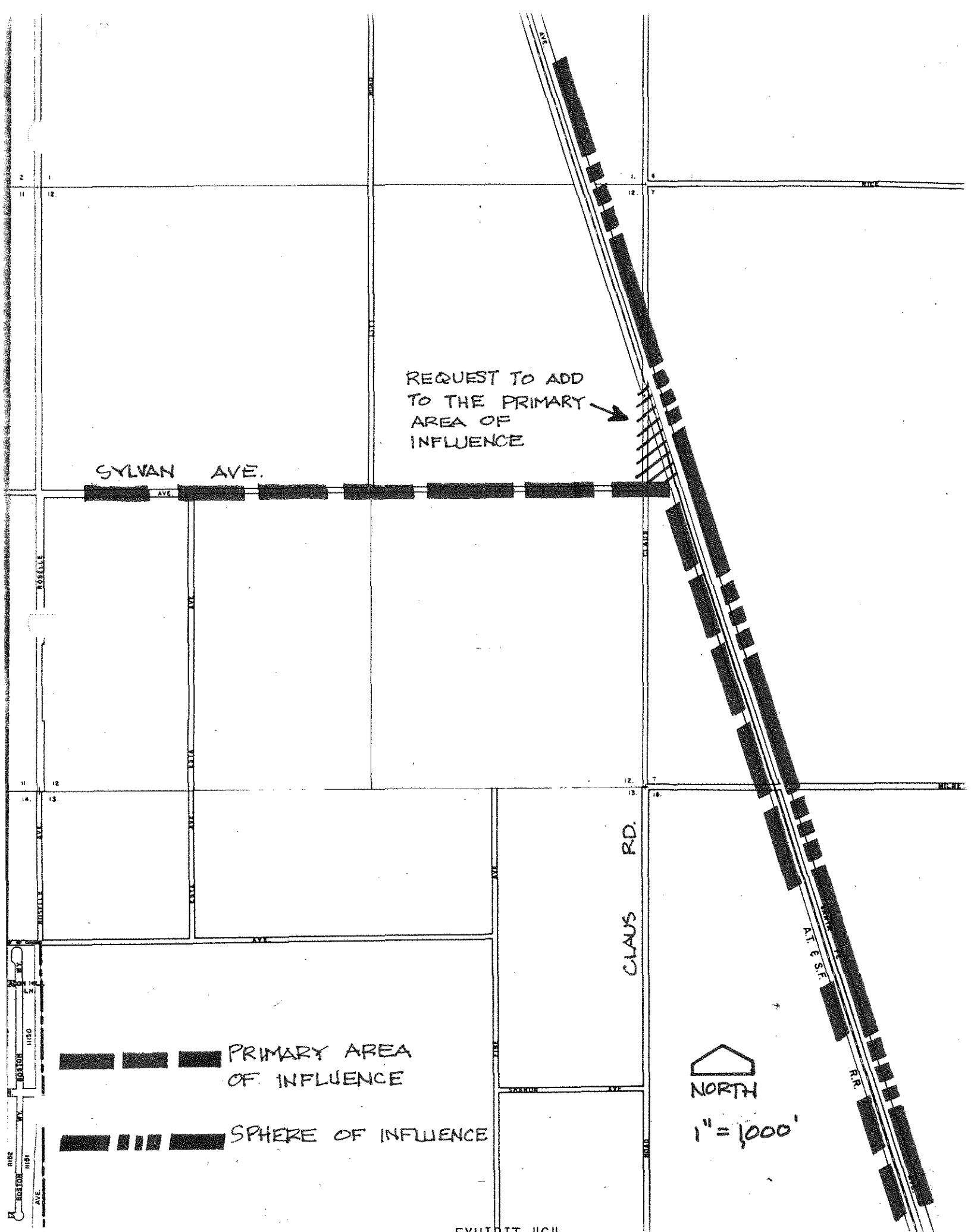
APPROVED BY THE PLANNING COMMISSION ON MARCH 5, 1990

APPROVED BY THE CITY COUNCIL ON APRIL 24, 1990

EXHIBIT "A"

CITY OF MODESTO VILLAGE ONE REORGANIZATION





REQUEST TO ADD
TO THE PRIMARY
AREA OF
INFLUENCE

SYLVAN AVE.

CLAUS RD.

A.T. & S.E.
R.R.

PRIMARY AREA
OF INFLUENCE

SPHERE OF INFLUENCE



NORTH

1" = 1000'

EXHIBIT "C"

MODESTO CITY COUNCIL
RESOLUTION NO. 91-411

A RESOLUTION FINDING THAT THE PROPOSAL TO INITIATE PROCEEDINGS FOR THE VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO IS WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by Resolution No. 90-828A entitled "A Resolution of the Modesto City Council Adopting the Village One Specific Plan and Village One Financing Plan, and Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a Program Environmental Impact Report (EIR) which was certified by the Modesto City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to initiate proceedings for the Village One Reorganization to the City of Modesto is within the scope of the Village One Specific Plan reviewed by the above-described EIR, and the environmental effects of the proposed action are adequately covered by that EIR under the provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and

WHEREAS, the proposed action creates no new effects or mitigation measures beyond those reviewed and certified in the above-described EIR,

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the proposed action to initiate proceedings for the Village One Reorganization to the City of Modesto is within the scope of the Specific Plan for Village One covered by the Program Environmental Impact Report and no additional environmental review is needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

11

MODESTO CITY COUNCIL
RESOLUTION NO. 91-412

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF TRAFFIC LINE PAINT FROM PERVO PAINT COMPANY

WHEREAS, the Traffic Section of the Transportation Division of the Public Works and Transportation Department has requested the purchase of traffic line paint; and

WHEREAS, it has been determined that the drying time of traffic line paint is critical to the Traffic Section's painting operations and the liability exposure of the personnel working amongst the traffic; and

WHEREAS, Pervo paint has been specified because the drying time is shorter than other paints, one minute versus four minutes with other paints.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of traffic line paint is hereby waived.

BE IT FURTHER RESOLVED that purchase of traffic line paint from Pervo Paint Company for a total cost of \$34,942 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 June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-413

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

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 of the City of Modesto does hereby authorize the Risk Management Division to implement all steps necessary to keep the City in compliance.

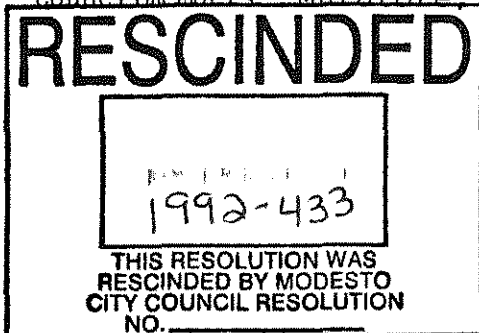
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the injury and illness prevention program entitled, "Injury and Illness Prevention Program - Policy Statement", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore Mayor Lang



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 on-going Injury and Illness Prevention Program, in compliance with the California Code of Regulations. This is accomplished through safety and health inspections, accident investigations, and 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 3202 of the General Industry Safety Orders, and Labor Code Section 6401.7.

Appointment of Safety Officer

The City Council hereby designates:

William L. Livingston
Designee

Risk Manager
Title

to develop and maintain an effective Injury and Illness Prevention Program for the City of Modesto.

Corrected 6/21/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-414

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE WESTERNMOST 724.18 FEET OF THE LINCOLN AVENUE RIGHT-OF-WAY ALIGNMENT, RESERVING AN EASEMENT FOR PUBLIC USE AT THE DRY CREEK GOLF COURSE IN THE CITY OF MODESTO, PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City Council referred to the Planning Commission a request to vacate and abandon approximately the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course and a request to reserve a general public easement for any identified public and utility interest, and

WHEREAS, said right-of-way is located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, within the Dry Creek Golf Course, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the street right-of-way in adjacent land owners who are proponents of the 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 approximately the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, were posted in the area and said hearing was held on May 20, 1991, and

WHEREAS, the Planning Commission by Resolution No. 91-29, adopted on May 20, 1991, found and determined as follows:

1. The 724.18 westernmost feet of Lincoln Avenue are not necessary to serve present or future traffic needs in the area.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-414

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE WESTERNMOST 724.18 FEET OF THE LINCOLN AVENUE RIGHT-OF-WAY ALIGNMENT, RESERVING AN EASEMENT FOR PUBLIC USE AT THE DRY CREEK GOLF COURSE IN THE CITY OF MODESTO, PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City Council referred to the Planning Commission a request to vacate and abandon approximately the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course and a request to reserve a general public easement for any identified public and utility interest, and

WHEREAS, said right-of-way is located between Lateral No. 2 and Dry Creek West of Lincoln Avenue, within the Dry Creek Golf Course, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the street right-of-way in adjacent land owners who are proponents of the 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 approximately the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, were posted in the area and said hearing was held on May 20, 1991, and

WHEREAS, the Planning Commission by Resolution No. 91-29, adopted on May 20, 1991, found and determined as follows:

1. The 724.18 westernmost feet of Lincoln Avenue are not necessary to serve present or future traffic needs in the area.

2. The street abandonment is in conformity with the General Plan.
3. That an easement will be reserved for general public use for a golf course.
4. This abandonment and vacation is not a project under the California Environmental Quality Act (CEQA), Section 15061(b).

and

WHEREAS the Planning Commission by said Resolution No. 91-29 recommended to the City Council that the vacation and abandonment of the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, be approved, subject to the following conditions:

1. An easement of 40 to 50 feet in width over the existing right-of-way shall be reserved for public use of a golf course and all other incidental appurtenances thereto.
2. An easement for existing utilities shall be reserved as approved by the Pacific Gas and Electric Company and the City of Modesto.

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 the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course, reserving a general public easement for any identified public and utility interest, 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 Excess East to West R/W for Lincoln Ave. at Dry Creek Golf Course", dated June, 1989, 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 Division 9, Part 3, of the Streets and Highways Code of the State of California.

SECTION 3. Notice is hereby given that July 9, 1991, 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 the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, to be posted conspicuously along the westernmost 724.18 feet of Lincoln Avenue 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 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

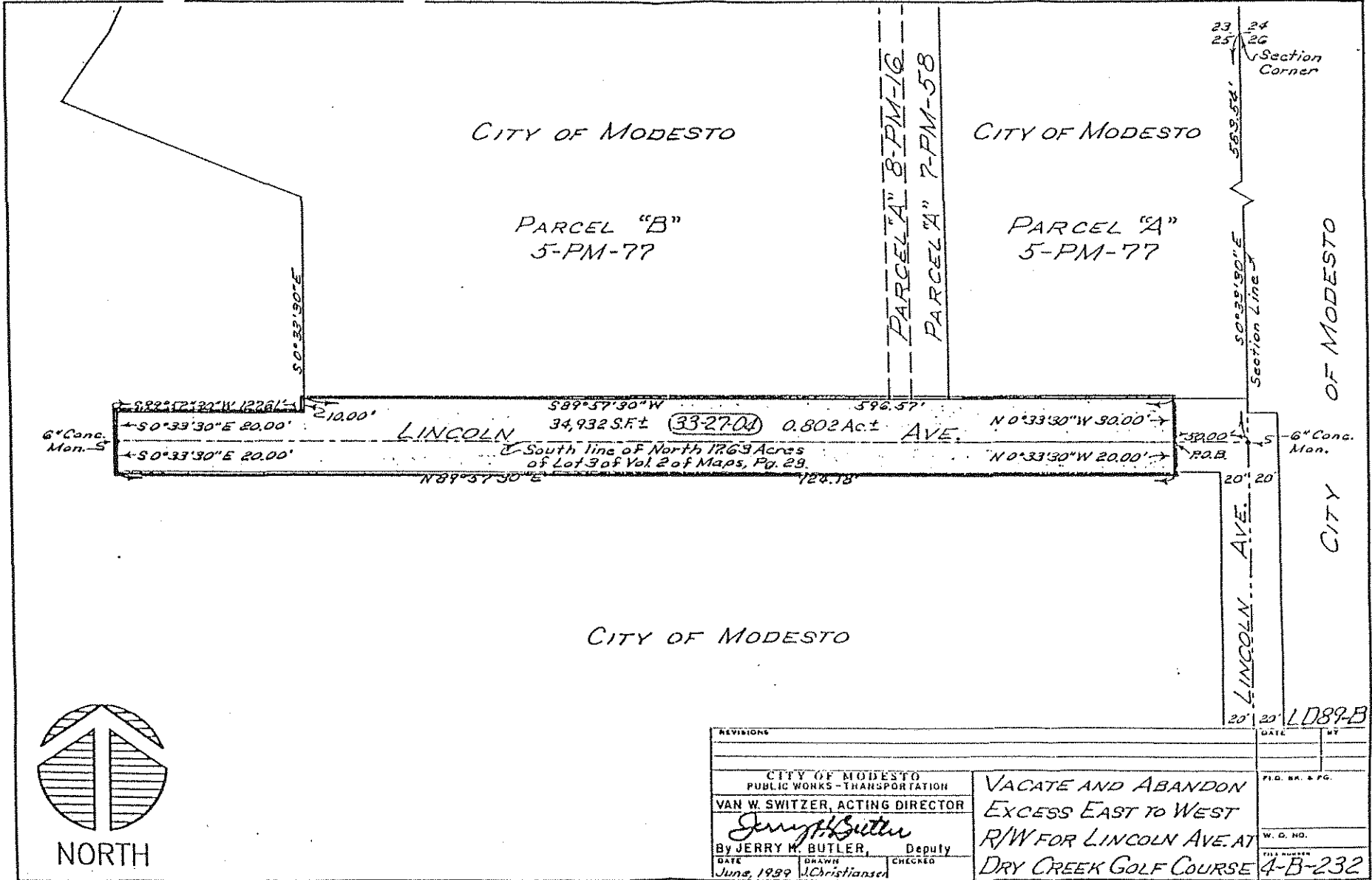
(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Jeff Buttl
Public Works and Transportation
Department, Engineering



REVISIONS			DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION				
VAN W. SWITZER, ACTING DIRECTOR				
By <i>Jerry H. Butler</i> JERRY H. BUTLER, Deputy				
DATE	DRAWN	CHECKED	FILE NUMBER	
June, 1989	J. Christiansen		4-B-232	
WACATE AND ABANDON EXCESS EAST TO WEST R/W FOR LINCOLN AVE. AT DRY CREEK GOLF COURSE			P.D. NO. & PG.	
			W. D. NO.	
			LD89-B	

LD-89-B
Parcel 33-27-04

VACATE AND ABANDON EXCESS EAST TO WEST RIGHT OF WAY
FOR LINCOLN AVENUE AT DRY CREEK GOLF COURSE

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being also a portion of Lot 3 of the LANDS BELONGING TO H. T. CROW, as per map filed May 15, 1906 in Volume 2 of Maps, Page 28, Stanislaus County Records, described as follows:

Commencing at the Section corner common to Sections 23, 24, 25 and 26, above Township and Range; thence along the section line common to said Sections 25 and 26, South 0 degrees 33' 30" East, 583.54 feet, to a 6 inch concrete monument marking the intersection of the centerline of the former County Road running Westerly along the Southern line of the North 17.63 Acres of said Lot 3; thence along said centerline of the former County Road and said Southerly line of the North 17.63 Acres of Lot 3, South 89 degrees 57' 30" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from said section line common to Sections 25 and 26, and the true point of beginning of this description; thence along said parallel line, North 0 degrees 33' 30" West, 30.00 feet, to a point on a line which is parallel with and 30.00 feet, measured at right angles, Northerly from the centerline of the former County Road and Southern line of the North 17.63 Acres of Lot 3, said point also being the Southern line of Parcels "A" and "B", as per map filed May 20, 1968 in Book 5 of Parcel Maps, Page 77, Stanislaus County Records; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 596.57 feet, to a Southwesterly corner of said Parcel "B"; thence along the Southerly extension of a Westerly line of Parcel "B", South 0 degrees 33' 30" East, 10.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from the centerline of the former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 127.61 feet, to the Northwestern corner of the 40-foot strip of land for road purposes deeded to the County of Stanislaus by deed recorded January 14, 1937, as Instrument 607, Stanislaus County Records; thence along the Western line of said 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to a 6 inch concrete monument marking the centerline of a former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence continuing along said Western line of the 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to the Southern line of the 40-foot strip of land; thence along said Southern line of the 40-foot strip of land, said line being the Southern line of the former County Road, North 89 degrees 57' 30" East, 724.18 feet, to a point on the first mentioned parallel line, said line being parallel with and 50.00 feet, measured at right angles, Westerly from the section line common to Sections 25 and 26; thence along the last mentioned parallel line, North 0 degrees 33' 30" West, 20.00 feet, to the point of beginning.

Reserving all of the above area for golf course trails pursuant to Section 8340 of the Streets and Highways Code.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-415

A RESOLUTION APPROVING 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 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-416

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DENNIS CASEY
FOR THE LEASE OF 1813 W. HATCH ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Dennis Casey for the lease of
1813 W. Hatch 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 18th day of June , 1991, by
Councilmember Bird , who moved its adoption, which motion being duly
seconded by Councilmember Martin , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-417

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS B. BALCH FOR A DENSITY BONUS FOR A 16-UNIT APARTMENT COMPLEX AT 908 BYRON LANE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Thomas B. Balch for a density bonus for a 16-unit apartment complex at 908 Byron Lane

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-418

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND TRANSPORTATION TO SIGN APPLICATIONS ON BEHALF OF THE CITY FOR STATE-LOCAL TRANSPORTATION PARTNERSHIP PROGRAM FUNDS

WHEREAS, the State Local Transportation Partnership Program is an ongoing program administered by Caltrans which allows the City to submit qualified transportation projects for up to 50 percent State funding; and

WHEREAS, the State Local Transportation Partnership Program guidelines require the person signing the application to be authorized by the local governing body to do so.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby authorize the Director of Public Works & Transportation to sign applications on behalf of the City for State-Local Transportation Partnership Program Funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-419

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE 1991 REFUNDING OF THE MODESTO COMMUNITY CENTER CERTIFICATES OF PARTICIPATION.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the following documents in connection with the 1991 refunding of the Modesto Community Center Certificates of Participation:

1. Consent to Refinancing and Subordination Agreement, and
2. Assignment of Lease, Assumption of Lease, and Consent to Assignment of Lease.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*, deputy
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-420

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN DOCUMENTS NECESSARY FOR A LOT LINE ADJUSTMENT BETWEEN THE MODESTO CENTRE PLAZA'S PARK PLAZA AND THE HOTEL'S PARKING LOT.

WHEREAS, the current parcel line between the Modesto Centre Plaza's park plaza and the hotel's parking lot does not match exactly the site plan agreed to as part of the Disposition and Development Agreement, and

WHEREAS, the lot line is to be moved slightly to the east to accommodate the vehicle drop-off area which will serve both the hotel and the Centre.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is authorized to sign all documents necessary to accomplish the Lot Line Adjusting including but not limited to Grant Deeds, leases and financial documents by and between the City, Redevelopment Agency, Modesto Centre Plaza Associates, U.S. Bancorp, and the Red Lion Hotel.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
for STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-421

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (NICK BLOM)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby ^{re-}appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Nick Blom

Term to expire 6/30/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly ^{re-}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 18th day of June, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-422

A RESOLUTION APPOINTING MEMBER OF THE REHABILITATION LOAN POOL SUBCOMMITTEE
(DON JORDAN)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby ^{re-}appointed to the Rehabilitation
Loan Pool Subcommittee for the respective term as indicated:

Don Jordan

Term to expire: 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly ^{re-}appointed member of the 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 18th day of June, 19 91,
by Councilmember Irizarry, who moved its adoption, which motion being
duly seconded by Councilmember Martin, was upon roll call carried and
the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-423

A RESOLUTION APPOINTING MEMBERS OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE
(DUANE FAGER, DAN FREEMAN)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby reappointed to the Economic
Development Loan Pool Subcommittee for the respective term as indicated:

Duane Fager - Term to expire 9/30/95

Dan Freeman - Term to expire 9/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly ^{re-}appointed members of the Economic Development
Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 18th day of June, 1991,
by Councilmember Irizarry, who moved its adoption, which motion being
duly seconded by Councilmember Martin, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-424

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING
(MYRTLE OSNER)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby ^{re-}appointed to the Citizens
Advisory Committee on Recycling for the respective term as indicated:

Myrtle Osner

Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly ^{re-}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 18th day of June, 1991,
by Councilmember Irizarry, who moved its adoption, which motion being
duly seconded by Councilmember Martin, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-425

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND
SUPERSEDING RESOLUTION NO. 91-139.

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, this resolution supersedes Resolution No. 91-139, and

WHEREAS, the Environmental Protection Agency has established regulations pursuant to Section 402(p) of the Clean Water Act (added by section 405 of the Water Quality Act of 1987) which require cities to obtain National Pollutant Discharge Elimination System (NPDES) permits and to regulate the quality of stormwater runoff, and

WHEREAS, the quality of stormwater runoff can be best addressed by increased focus on maintenance of stormwater drainage facilities, fall leaf pickup, street sweeping and enforcement activities, and

WHEREAS, Section 5-6.24 of the Modesto Municipal Code authorizes the Council by resolution to establish the amount of storm drainage sewer surcharge to be charged to accomplish these purposes, and

WHEREAS, an analysis has been made of the needs and impacts generated by types of uses of land based upon the type and intensity of development and lot sizes, and

WHEREAS, on May 7, 1991, the Council held a public hearing to consider the recommended adjustments in the sewer service charges,

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. "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.
8. "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.
9. "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.

10. "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.
11. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.
12. "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.
13. "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.
14. "Parks": shall include all developed parcels operated as a park by a public agency.
15. "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:

	<u>Sewer Service Charges Per 1000 Gals. of Water Used</u>
<u>Group 1</u>	\$1.40
Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less	
<u>Group 2</u>	1.62
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>	1.98
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>	2.38
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 Residential	0.60
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 on and after the effective date of Ordinance No. 2776 -C.S.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. This resolution
supersedes Modesto City Council Resolution No. 91-139.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of June, 1991, by
Councilmember Muratore, who moved its adoption, which motion being
duly seconded by Councilmember Lang, was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs, Irizarry

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. 91-425

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND
SUPERSEDING RESOLUTION NO. 91-139.

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, this resolution supersedes Resolution No. 91-139, and

WHEREAS, the Environmental Protection Agency has established
regulations pursuant to Section 402(p) of the Clean Water Act (added by
section 405 of the Water Quality Act of 1987) which require cities to obtain
National Pollutant Discharge Elimination System (NPDES) permits and to
regulate the quality of stormwater runoff, and

WHEREAS, the quality of stormwater runoff can be best addressed by
increased focus on maintenance of stormwater drainage facilities, fall leaf
pickup, street sweeping and enforcement activities, and

WHEREAS, Section 5-6.24 of the Modesto Municipal Code authorizes the
Council by resolution to establish the amount of storm drainage sewer
surcharge to be charged to accomplish these purposes, and

WHEREAS, an analysis has been made of the needs and impacts
generated by types of uses of land based upon the type and intensity of
development and lot sizes, and

WHEREAS, on May 7, 1991, the Council held a public hearing to
consider the recommended adjustments in the sewer service charges,

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. "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. "Institutional": shall include all developed parcels with hospitals, schools, day care facilities, churches, nonprofit membership organizations or federal, state and local government.
8. "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.

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. "Trans/Util": 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

Group 1 \$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 Residential	0.60
Commercial	0.95
Industrial	0.75
Trans/Util	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 is subject to a maximum ARN of 3, regardless of greater square footage of the parcel.
- (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 property's monthly charge is: ERU x \$6.28.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective on and after the effective date of Ordinance No. 2776 -C.S.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-425A

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1990-91.

WHEREAS, it has been determined that certain Storm Drain Fund
adjustments are required to the Annual Budget of the City of Modesto for the
Fiscal Year 1990-91,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the changes listed in the attached Exhibit VI be made to the Annual
Budget of the City of Modesto for the Fiscal Year 1990-91.

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 June,
1991, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Lang, was upon roll call
carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: Bird, Dobbs, Irizarry
- 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 Drain Adjustments Detail
based on Updated Information

Storm Drainage Program Adjustments

This sections adjusts the Sewer Fund budget as a result to updated information on the Storm drainage program.

Storm Drain Revenue

Fund	Agy	Org	Rev	Description	Adjustment
621-480-5312-4370				Storm Drain Fees & Charges	\$<433,750>

To Defer Loan Payment

Fund	Agy	Org	Obj	Description	Adjustment
621-700-7000-7610				Transfer to 610	\$<300,000>
610-700-7000-9621				Transfer from 621	\$<300,000>

CIP Adjustments

Fund	Agy	Seq	Obj	Description	Adjustment
621-480-1818-6000				9th Street Storm Drain	\$<75,000>
621-480-1819-6000				Master Plan	<150,000>
621-480-1193-6000				Positive Storm Drain Repair	\$90,000

Operating Adjustments

Fund	Agy	Org	Obj	Description	Adjustment
621-480-5312-5000				Storm Hydraulics Software	\$1,500
621-480-5312-0235				Office Trailer setup	300
621-480-5312-5000				Desk, Chair, Table, File cab	1,600
621-480-5312-5000				Desk, Chair, Floor Mat	1,100
621-480-5312-5000				2 Chairs, shelving	770
621-480-5312-5000				Computer workstation	22,000
621-480-5312-5000				Software	1,000
621-480-5312-5000				Furniture	800
621-480-5312-5000				Plotter w/spooler	9,000
621-480-5312-5000				Radio Equipment	\$940

Equipment Adjustments

Fund	Agy	Org	Obj	Description	Adjustment
621-480-7000-7720				Transfer to 720	\$14,000
720-480-7000-9621				Transfer from 621	14,000
720-480-5213-5000				Sedan	\$14,000
621-480-7000-7720				Transfer to 720	\$<116,000>
720-480-7000-9621				Transfer from 621	<116,000>
720-480-5213-5000				Vactor Truck	\$<116,000>

MODESTO CITY COUNCIL
RESOLUTION NO. 91-426

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE STANDIFORD AVENUE IMPROVEMENTS

WHEREAS, Resolution No. 91-343 , adopted by the Council of the City of Modesto on May 21 , 1991 , approved the plans and specifications for the Standiford Avenue improvements, Prescott to Dale Road

and authorized the calling for bids; and

WHEREAS, the bids received for the Standiford Avenue improvements, Prescott to Dale Road were opened at 11:00 a.m. on June 13, 1991, 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 \$868,435


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 \$868,435 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 June , 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-427

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FOR THE STANDIFORD AVENUE IMPROVEMENTS PROJECT.

WHEREAS, The original funding for this project was to be provided by FAU funds and Gas Tax funds; however, the FAU funds were delayed pending air quality studies. In order to begin the project on schedule, an agreement was entered into with Santa Clara County Transit Authority for an exchange of these FAU funds. The City's Apportionment was sold for \$670,826. This amount is to be repaid over a one year period. Quarterly payments will begin in November 1991.

WHEREAS, these funds are being paid quarterly, in order to insure sufficient cash flow, it is necessary to temporarily cancel three projects. Two of these projects are in fund 051. If the cash flow in fund 070 becomes low, a loan will be made from Fund 051 to Fund 070 until the FAU funds are received and cash flow is sufficient. The loan will be repaid and the projects rescheduled as funding permits.

WHEREAS, the County will remit \$20,350 of residual proceeds from a previous FAU exchange for this project.

WHEREAS, \$139,818 of this project is to be funded out of Improvement District 29, 070-430-P941.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91.

LOCAL TRANSPORTATION FUND (051)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Expenditures		
051-430-P745-6000	"K" Street Couplet	(325,557)
051-430-P752-6000	Scenic Drive Sunnyside to Sonoma(partial)	(145,282)
051-800-8000-8003	LTF Contingency Reserve	319,030
Revenues		
051-700-7000-9070	Transfer in from 070	(151,809)

GAS TAX FUND (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Expenditures (Revenue)</u>
Expenditures		
070-430-P870-6000	Lincoln/Lakewood Bridge ROW	(199,987)
070-700-7000-7051	Transfer out to Fund 051	(151,809)
070-800-8000-8003	Gas Tax Contingency Reserve	351,796
070-430-G920-6000	Standiford Road Widening	(363,824)
Revenue		
070-510-9510-3504	FAU funding	(1,055,000)
070-510-9510-8301	Other sources of financing	670,826
070-510-9510-3310	County Share (prior FAU exchange)	20,350

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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-428

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR IMPROVEMENT DISTRICT NO. 29

WHEREAS, Resolution No. 91-109, adopted by the Council of the City of Modesto on February 26, 1991, approved the plans and specifications for Improvement District No. 29, and authorized the calling for bids; and

WHEREAS, the bids received for Improvement District No. 29 were opened at 11:00 a.m. on March 26, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, award of this contract is contingent upon successful sale of Improvement Bonds, to be completed on June 27, 1991.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that upon recommendation of the Director of Public Works & Transportation, the bid of Western Stone Products, Inc. in the amount of \$464,090 be accepted as the lowest responsible bid, and the execution of a contract for the completion of the project by the City's designated officials be authorized contingent upon successful sale of Improvement Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-429

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91
ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE
REVENUE FOR IMPROVEMENT DISTRICT 29.

WHEREAS, a bond sale was approved by City Council for the amount of the unpaid assessments levied on Improvement District No. 29. Refer to the Preliminary Official Statement dated June 11, 1991 for detail information.

WHEREAS, prepaid assessments in the amount of \$68,920 have been collected.

WHEREAS, this project will be titled Improvement District No. 29, and the projects detailed in the Preliminary Statement will be constructed.

WHEREAS, only the construction portion of this project will be budgeted as a multiyear project. The Debt Service Reserve Fund (\$68,800), the bond discount (\$29,486), the costs of issuance (\$70,500), and the associated bond proceeds amount will be budgeted in the 1991-92 fiscal year. Due to the timing of the bond sale, it is certain that these costs will not be incurred until that year. Therefore these expenditures and the associated bond proceeds will be estimated in fiscal year 1991-92. This will eliminate unnecessary rebudgeting next year.

WHEREAS, \$107,500 was budgeted from fund 070, Gas Tax Fund, in order to begin preliminary work on this project. These funds can now be reimbursed to the contingency reserve of Fund 070.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91.

GAS TAX FUND (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Expenditures		
070-430-P941-6000	Improvement District #29	\$882,989
Revenue		
070-510-9510-5101	Special Assessments	68,921
070-510-9510-8301	Other Financing Sources	814,068
Reimbursement		
070-430-P941-6000	Improvement District #29	(107,500)
070-800-8000-8003	Gas Tax Contingency Reserve	107,500

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 25th day of June, 1991, 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, Irizarry, Martin, 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. 91-430

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1990-91 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, 1991.

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 1990-91,

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 1990-91 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 1990-91 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 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 111 - HCDA Title 1/Housing

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

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 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 160 - In Lieu Parking

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes.

Fund No. 170 - State Parks and Recreation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 190 - Capital Improvement Projects

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 200 - Revenue Sharing

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Funds No. 280-340 - Drainage Area Funds

Crows Landing (280), Orchard (290), Claus Road (300), Oakdale (310), Sylvan (320), Ustick (330), Yosemite (340).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 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 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 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 1990-91 fiscal year books are closed.

Exigency Reserve - Amount reserved for unforeseen exigencies arising from the operations of the Sewer Enterprise. Amount to be determined when the 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 631 - Airport

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 651 - Bus Service

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 660 - Golf

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies – The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 670 – Centre Plaza

Reserve for Commitments – A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies – The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 890 – Tuolumne River Regional Park

Reserve for Encumbrances – A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects – The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies – The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

BE IT FURTHER RESOLVED that said reserves are established as restrictions against fund balances in the General Ledger Accounts of the City of Modesto available for appropriation in 1991-92 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 25th day of June, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

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. 91-431

A RESOLUTION CONDITIONALLY RECOMMENDING APPROVAL TO THE STANISLAUS COUNTY BOARD OF SUPERVISORS FOR AN AMENDMENT TO THE COUNTY GENERAL PLAN AND REZONING TO ALLOW A SPORTS CLUB ON THE SOUTH SIDE OF WELLS AVENUE, WEST OF MC HENRY AVENUE (BILL HUGHES - MODESTO SPORTS CENTER).

WHEREAS, on March 13, 1990, the City of Modesto and the County of Stanislaus entered into a cooperation agreement regarding Capital Facilities Fees wherein in return for the City agreeing to collect fees on behalf of the County, the County agreed to refer all proposals for development within the City's Sphere of Influence (with certain limited exceptions) to the City for its review prior to consideration by the County; and further, said agreement provides that the County will not allow any development within the City's Sphere of Influence without the City's prior consent, and

WHEREAS, in accordance with said agreement governing development in the City's Sphere of Influence, the County of Stanislaus has referred an application filed by Bill Hughes requesting modification of the Land Use Element of the Stanislaus County General Plan to develop a sports and health center, on the south Side of Wells Avenue, west of McHenry Avenue, and

WHEREAS, the proposed project is a sports club to be located on a 7.66 acre parcel on the south side of Wells Avenue about 1170 feet west of McHenry Avenue, which would include a club building of approximately 45,000 square feet, 20 outdoor tennis courts, a swimming pool and 149 parking spaces, and

WHEREAS, the proposed site is located within the Urban Reserve, to the east and west are undeveloped lands, to the north is the Motor City industrial development, to the south is a mobile home park across the Hetch-Hetchy right-of-way, and the parcel is within an area framed by McHenry Avenue, M.I.D. Lateral No. 6, the Union Pacific tracks, and Hetch-Hetchy, and

WHEREAS, the matter has been referred to the City for comment because it falls within the City's Sphere of Influence, City Council Policy No. 4.028 entitled a "Policy Regarding Development Proposals Within Modesto's Sphere of Influence", which provides that applications such as the proposal filed by Bill Hughes mentioned above shall be submitted to the City Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after consideration of the referral by the County of Stanislaus relating to an application filed by Bill Hughes requesting modification of the Land Use Element of the Stanislaus County General Plan to develop a sports and health center, on the south Side of Wells Avenue, west of McHenry Avenue, the Council hereby declares that the proposed project is consistent with future development as envisioned for the surrounding area.

BE IT FURTHER RESOLVED that the Council hereby conditionally recommends approval of said project to the Stanislaus County Board of Supervisors conditioned upon preparation and satisfactory review of an environmental assessment specifically to include a traffic study meeting the requirements of the Director of Public Work and Transportation, and conditioned upon imposition of mitigation and conditions as recommended by the City of Modesto. Such conditions would include, at a minimum, those as listed on Exhibit A, attached hereto and incorporated herein by reference and may be added to review of the traffic study/environmental assessment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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"

1. The following table shows the estimated traffic generated from this project. All trip generation factors are from the ITE Trip Generation Manual as per Resolution No. 88-876.

<u>Building Use</u>	<u>Trip Generation Factor</u>	<u>PM Peak Hour Generation Factor</u>	<u>Average Daily Trip Generation</u>	<u>Average PM Peak Hour Generation</u>
Health Club (44,500)	N.A./1,000 S.F.	4.30/1,000 S.F.	N.A.	191

A traffic study should be prepared for this project and cumulative development in the area. The traffic study should at least include the intersections of Pelandale Road at Detroit Lane and Pelandale Road at McHenry Avenue. The study should also determine whether any other nearby intersection will be significantly impacted.

The traffic study should include the initial and future phases of the development.

2. City water and sewer are not currently available to the site. Prior to issuance of a building permit, the developer shall execute an agreement in a form acceptable to the City Attorney agreeing to hookup to these utilities as they become available.
3. Prior to issuance of a building permit, the developer shall execute an agreement providing for annexation to the City of Modesto at such time as requested by the City.
4. That the Wells Avenue frontage(s) of the project shall be developed to 40-foot part-width residential street standards including the dedication of right of way and the construction of improvements in accordance with City of Modesto Standard Specifications.
5. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Director of Public Works and Transportation. All improvements shall be constructed in accordance with the approved plans.
6. That 10-foot wide public utility easements shall be dedicated along the Wells Avenue frontage(s) of the property.
7. That a 4-foot wide planting easement shall be dedicated along the Wells Avenue frontage of the property.
8. That on-site drainage shall be stored and disposed of on-site.
9. That a solid decorative masonry wall at least 7-feet in height shall be constructed adjacent to the project along the Northerly line of the Hetch Hetchy right of way.

10. Onsite fire hydrants shall be installed by the developer and on street fire hydrants shall be installed as per the Director, prior to the beginning of building construction.
11. All fire hydrants and fire mains shall conform to the minimum requirements of the Fire Department relating to type, installation, testing and required fire flow.
12. All vehicle accessways shall be considered fire lanes and shall be maintained at a minimum 20' clear and unobstructed drive width at all times. All curves or corners where the driveway changes directions shall afford a minimum inside turning radius of 22 feet with a 5 foot clear zone extending past the pavement. The minimum vertical clearance shall be 13 feet 6 inches.
13. All vehicle accessways shall be of a smooth hard surface capable of supporting the weight of a 30-ton vehicle.
14. The access roadway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be provided as required and approved by the Chief.
15. All access roadways shall be provided prior to the start of any building construction.

11
MODESTO CITY COUNCIL
RESOLUTION NO. 91-432

A RESOLUTION AUTHORIZING EXECUTION OF A PLAN DOCUMENT PROVIDING BENEFITS UNDER THE CITY OF MODESTO FLEXIBLE BENEFITS PLAN AND APPOINTING THE CITY MANAGER OR DESIGNEE AS ADMINISTRATOR OF THE PLAN

WHEREAS, the City has agreed to implement a Flexible Benefits Plan to provide for pre-tax deductions of employee health insurance contributions and employee dependent care expenses, under Internation Revenue Code Section 125; and

WHEREAS, the City Council of the City of Modesto does hereby appoint the City Manager or his designee to act as Administrator of the Plan.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the Plan Document for the providing of benefits under the City of Modesto Flexible Benefits 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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-433

A RESOLUTION ADOPTING A STANDARD FORM TO BE USED IN
EVALUATING ECONOMIC NECESSITY OF REQUESTED INCENTIVES FOR
DENSITY BONUS PROJECTS

WHEREAS, Section 10-3.203 of the Modesto Municipal Code, adopted on April 2, 1991, requires developers of density bonus projects requesting an additional incentive to show that the requested incentive is necessary to make the project economically feasible; and

WHEREAS, said section requires developers to submit supporting financial documents to show economic necessity, which documents shall be in a form approved by the Modesto City Council; and

WHEREAS, the Director of Finance has prepared a form to be used for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Pro Forma Operating Statement, attached hereto as Exhibit A and incorporated herein by reference, be adopted for the purpose of showing economic necessity in density bonus projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991 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, Dobbs, Irizarry, Martin, 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

Attachment: Pro-Forma Operating Statement

PRO-FORMA OPERATING STATEMENT
12 MONTHS ENDING ____/____/____

INCOME _____

OPERATING EXPENSES

ADVERTISING _____

AUTO & TRAVEL _____

CLEANING & MAINTENANCE _____

COMMISSIONS _____

DEPRECIATION _____

INSURANCE _____

INTEREST _____

LEGAL & PROFESSIONAL FEES _____

REPAIRS _____

SALARIES _____

SUPPLIES _____

TAXES _____

UTILITIES _____

OTHER (DESCRIBE) _____

NET INCOME FROM OPERATIONS _____

OTHER INCOME (DESCRIBE) _____

LESS: OTHER EXPENSES (DESCRIBE) _____

NET INCOME BEFORE TAXES _____

FEDERAL & STATE TAXES _____

NET INCOME AFTER TAXES _____

INSTRUCTIONS:

1. Please provide basic information about the estimated value of the completed project.

Land value	\$
Building value	\$
Personal property	\$
Total Value	\$

2. Document income estimates with number of units, rental rates, and vacancy assumptions.

3. Identify depreciation method and show calculation.

4. List mortgages, including loan amounts, interest rates, maturities and monthly payment schedules.

5. Show federal and state tax computation, including rates applied.

6. Calculate basic (annual) cash flow:

Net Income From Operations	\$
Add: Depreciation	\$
Less: Debt Service (Principal)	\$
Net Cash Flow	\$

MODESTO CITY COUNCIL
RESOLUTION NO. 91-434

A RESOLUTION ESTABLISHING CONDITIONS OF APPROVAL FOR AGREEMENTS RELATING TO WATER OR SEWER SERVICE OUTSIDE CITY CURRENT SERVICE AREAS.

WHEREAS, Ordinance No. 2764-C.S., which becomes effective June 27, 1991, amended Sections 5-6.13(c) and 11-1.05(b) of the Modesto Municipal Code to provide that the City Manager shall have the authority to execute routine agreements relating to requests for water and sewer service outside the current service areas, imposing such reasonable conditions to the granting of such privilege as he or she deems to be in the best interest of the City, and

WHEREAS, pursuant to said Sections 5-6.13(c) and 11-1.05(b) of the Modesto Municipal Code, the City Manager is authorized to execute said routine agreements with the exception of those agreements which might require special clarification or revision of existing Council policy, in which case City staff shall request specific Council approval for any service request which does not conform to existing Council water and sewer policies, and

WHEREAS, to comply with the provisions of Sections 5-6.13 and 11-1.05 of the Modesto Municipal Code, the "Conditions of Approval" to be used by the City Manager to determine the eligibility of each request need to be established,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Conditions of Approval" to be used by the City Manager to determine the eligibility of each request relating to requests for water and sewer service outside the current service areas, are hereby established as set forth on 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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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"

CONDITIONS OF APPROVAL

SEWER

REQUEST FOR SERVICE TO PROPERTY LOCATED OUTSIDE THE MODESTO MUNICIPAL SEWER DISTRICT AND INSIDE THE ULTIMATE SEWER SERVICE AREA.

1. The property requesting the proposed connection must be within the current sewer service area.
2. The City sewer system in proximity to the proposed service area must have the capacity to receive the amount and type of discharge from the proposed connection. In addition, the type and quantity of discharge must be in compliance with existing City, State and Federal codes.
3. A sewer lateral must exist adjacent to the proposed property and must be of a size which is sufficient for the proposed use and is available for direct connection. A sewer main is considered available if one of the following is true:
 - a. The pipe diameter is 10" or less
 - b. A manhole exists adjacent to the property which would allow a house sewer line connection at no more than a 45 degree angle from either property line.
4. The property owner must agree to pay all City connection fees prior to connecting to the sewer system.
5. The property owner must agree to pay all monthly sewer service charges.
6. The property owner must agree to annex when requested to do so by the City.

Any request for sewer connection to property located outside the current Sewer District boundaries which does not comply with the above conditions may be specifically reviewed by the City Council.

WATER

REQUEST FOR SERVICE TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS OF MODESTO AND INSIDE THE ULTIMATE SEWER SERVICE AREA

1. The property requesting the proposed connection must be within the current City water service area. The property shall not be located within the assigned tariff area of Del Este Water Company or any other private water company.
2. The City water system in proximity to the proposed service area must have the capacity to provide the amount of water required for the proposed connection.
3. If a water main exists adjacent to the property and if said main is of sufficient size to provide the required service to the property, the water main is considered available.
4. If a water main does not exist adjacent to the property or if the existing water main is not of sufficient size to serve the property, the City Engineer may approve a water main extension to the proposed property. Specific Council approval is required for any proposed water main extension where the cost exceeds \$20,000.00. The size and design of said water main extension shall be as approved by staff and shall be installed by the City or by the owner, as required by the Modesto Municipal Code and the City of Modesto Public Works Standard Specifications.
5. The property owner must agree to pay all City connection fees prior to connecting to the water system.
6. The property owner must agree to pay all monthly water service charges.
7. The property owner must agree to annex when requested to do so by the City.

Any request for water connection to property located outside the City limits which does not comply with the above conditions may be specifically reviewed by the City Council.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-435

A RESOLUTION APPROVING THE FINAL MAP OF THE RIVER TERRACE
NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman & Broad, Central Valley, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.226 acres, known as the River Terrace No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 10th day of July, 1989, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said River Terrace No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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 June, 1991, 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, Dobbs, Irizarry, Martin, 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. 91-436

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MCHENRY-DRY CREEK FIRE PROTECTION DISTRICT FOR FIRE AND EMERGENCY MEDICAL SERVICE TO BE PROVIDED BY MODESTO TO THE DISTRICT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and McHenry-Dry Creek Fire Protection District for fire and emergency medical service to be provided by Modesto to the District

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June , 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-437

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEONARD AND DIANA SORANNO FOR REIMBURSEMENT FOR AN 8 INCH SEWER LATERAL IN PELANDALE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Leonard and Diana Soranno for reimbursement for an 8 inch sewer lateral in Pelandale 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 25th day of June , 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 438

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NANCY YOUNG FOR CONTINUED PROFESSIONAL SERVICES AS DOWNTOWN IMPROVEMENT DISTRICT EXECUTIVE DIRECTOR

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Nancy Young for continued professional services as Downtown Improvement District Executive Director be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-439

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HABITAT FOR HUMANITY TO BUILD A HOME ON OAK STREET IN MODESTO

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Habitat for Humanity to build a home on Oak Street 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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-440


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 BIKE TRAIL UNDER THE EL VISTA BRIDGE PROJECT.

WHEREAS, the City Council certifies that at its meeting of June 25, 1991, 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 Bike Trail Under the El Vista Bridge 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 Bike Trail Under the El Vista Bridge.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-441

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 EAST LA LOMA LIGHTS PROJECT.

WHEREAS, the City Council certifies that at its meeting of June 25, 1991, 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 East La Loma Lights 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 East La Loma Lights.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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. 91-442

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 EROSION CONTROL AT BEARD BROOK PARK.

WHEREAS, the City Council certifies that at its meeting of June 25, 1991, 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 Erosion Control at Beard Brook Park,

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 Erosion Control at Beard Brook Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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. 91-443

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN APPLICATION FOR A CERTIFICATE FOR FRED HILL, YELLOW-CHECKER CABS, TO OPERATE TAXICABS WITHIN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that July 23, 1991, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an application for a certificate for Fred Hill, Yellow-Checker Cabs, to operate taxicabs within the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-444

A RESOLUTION APPOINTING MEMBERS OF THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD (TOM SLATER AND FRANK BOOTS)

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
Downtown Improvement District Advisory Board for the respective
term as indicated:

Tom Slater - term to expire 3/28/95

Frank Boots - term to expire 3/28/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members 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 25th day of June
19 91, by Councilmember Dobbs, who moved its adoption,
which motion being duly seconded by Councilmember Martin, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-445

A RESOLUTION DENYING THE APPEAL OF MID-VALLEY ENGINEERING, ON BEHALF OF JACK McCOY, TO AN ENVIRONMENTAL ASSESSMENT COMMITTEE DECISION REQUIRING AN ENVIRONMENTAL IMPACT REPORT FOR A REZONING FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, (MODESTO MOTOR SPORTS PARK), PROPERTY LOCATED BETWEEN MORTON BOULEVARD AND THE TUOLUMNE RIVER AND BETWEEN SOUTH 9TH STREET AND THE SP RAILROAD LINE ADJACENT TO 7TH STREET, AND AFFIRMING THE DECISION OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE.

WHEREAS, on June 12, 1991, the Environmental Assessment Committee of the City of Modesto reviewed a proposed project relating to a rezoning from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D, (Modesto Motor Sports Park), property located between Morton Boulevard and the Tuolumne River and between South 9th Street and the SP Railroad Line adjacent to 7th Street, and

WHEREAS, after reviewing said proposed project, the Environmental Assessment Committee adopted an Initial Study and Findings dated June 12, 1991, indicating that the project may have a significant effect on the environment and an Environmental Impact Report is required, and

WHEREAS, by letter dated June 13, 1991, Mid-Valley Engineering on behalf of Jack McCoy filed an appeal with the Council of the City of Modesto to the decision of the Environmental Assessment Committee, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, on July 22, 1991, at 7:30 p.m., and

WHEREAS, said appeal to the decision of the Environmental Assessment Committee was considered by the City Council at said public hearing held on July 2, 1991, and at which time the Council found and determined that said

appeal should be denied, that the decision of the Environmental Assessment Committee should be affirmed, and that the project may have a significant effect on the environment and an Environmental Impact Report should be required, and

WHEREAS, the Council desires that the scope of the project's impacts shall be determined, and a consultant be subsequently selected for the purpose of completing a draft Environmental Impact Report, Final Environmental Impact Report, and a Mitigation Monitoring Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of Mid-Valley Engineering filed on behalf of Jack McCoy to the decision of the Environmental Assessment Committee of the City of Modesto requiring an EIR for a rezoning from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D, (Modesto Motor Sports Park), property located between Morton Boulevard and the Tuolumne River and between South 9th Street and the SP Railroad Line adjacent to 7th Street for the reason that the project may have a significant effect upon the environment relating to noise and potential impacts to air, water, plant life, wild life, transportation, aesthetics, cultural resources and land uses, the decision of the Environmental Assessment Committee is hereby affirmed, and an Environmental Impact Report is required for the proposed project.

BE IT FURTHER RESOLVED by the Council that it hereby authorizes City staff to collect monies to initiate the Environmental Impact Report process, and provide for subsequent Mitigation Monitoring, if applicable.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Irizarry, 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: Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

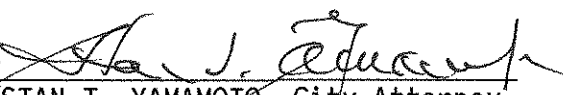
NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-446

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE REROOFING OF FIRE STATION NO. 5

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the reroofing of Fire Station No. 5 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 25, 1991, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-447

A RESOLUTION ACCEPTING THE 12TH STREET SUBTRUNK SEWER REPLACEMENT BETWEEN "B" STREET AND MORTON BOULEVARD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the 12th Street subtrunk sewer replacement between "B" Street and Morton Boulevard has been completed by Rolfe Construction Company in accordance with the contract agreement dated April 3, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the 12th Street subtrunk sewer replacement between "B" Street and Morton Boulevard

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 \$ 112,919.55 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 July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-448

A RESOLUTION ACCEPTING THE AIRPORT RUNWAY AND OVERLAY AND IMPROVEMENTS
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Airport runway and overlay and improvements project

has been completed by Granite Construction Company
in accordance with the contract agreement dated April 17, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the Airport runway and overlay
and improvements

be accepted from said contractor, Granite Construction Company ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$299,237.50 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 July,
1991, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Martin, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-449

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 1991-92

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 1991-92 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 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-450

A RESOLUTION DETERMINING THAT CANDIDATES FOR ELECTION TO THE CITY OF MODESTO OR THE MODESTO CITY SCHOOLS DISTRICT SHALL PAY THE COST OF THE CANDIDATE'S STATEMENT THAT IS PRINTED IN THE VOTERS' INFORMATION PAMPHLET.

WHEREAS, Section 10012 of the California Elections Code provides that prior to the nomination period for a local election, the local agency shall determine whether a charge shall be levied against candidates for the candidate's statement sent to each voter in the Voter Information Pamphlet for that election, and

WHEREAS, the Council has determined that candidates for election to the City of Modesto or the Modesto City Schools District in the November 5, 1991, Regular Municipal Election should pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that in accordance with the provisions of Section 10012 of the California Elections Code the Council hereby finds and determines that candidates for election to the City of Modesto or the Modesto City Schools District in the November 5, 1991, Regular Municipal Election in the City of Modesto shall pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election.

BE IT FURTHER RESOLVED that the City Clerk, as the officer charged with overseeing conduct of the election, is hereby authorized to establish the pro rata fees to be paid by each candidate filing a candidate's statement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, 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. 91-451

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FOR PREPARATION OF THE CHARACTERIZATION SECTION OF THE PART 1 APPLICATION FOR THE NPDES STORMWATER PERMIT.

WHEREAS, Federal regulations, 40 CFR Parts 122-124, require the City of Modesto to submit an application for the NPDES stormwater permit by May 18, 1992, and

WHEREAS, Federal regulations are specific on the contents of the NPDES permit application and input from two consultants is necessary to prepare (1) current characterization and field screening and (2) the system map, and

WHEREAS, the characterization section of the Part 1 application is separate from the system map and will compile what is currently known about Modesto's stormwater quality and the results of a dry weather investigation for illicit connections and illegal dumping into the stormwater system, and

WHEREAS, the need for this project was anticipated and funds are budgeted in FY 91-92 for stormwater characterization,

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 the characterization section of the Part 1 application for the NPDES stormwater permit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: Dobbs, Irizarry

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. 91-452

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FOR PREPARATION OF THE SYSTEM MAP FOR NPDES STORMWATER PERMIT APPLICATION PART 1.

WHEREAS, Federal regulations, 40 CFR Parts 122-124, require the City of Modesto to submit an application for the NPDES stormwater permit by May 18, 1992, and

WHEREAS, Federal regulations are specific on the contents of the NPDES permit application and input from two consultants is necessary to prepare (1) current characterization and field screening and (2) the system map, and

WHEREAS, the system map for the Part 1 application is separate from the characterization section and will show potential industrial pollution sources, and

WHEREAS, the need for this project was anticipated and funds are budgeted in FY 91-92 for stormwater characterization,

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 the system map for the NPDES stormwater permit application Part 1.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: Dobbs, Irizarry

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. 91-453

A RESOLUTION AUTHORIZING THE MODESTO CITY FIRE FIGHTERS ASSOCIATION TO MOVE THE BELL NOW LOCATED AT GRACEADA PARK TO FIRE STATION NUMBER 2.

WHEREAS, the fire bell which is currently located at Graceada Park was originally installed in the wooden hose tower in the old fire house on Tenth Street to summon firemen and volunteers to fires, and

WHEREAS, when the hose tower was subsequently demolished, the bell was moved to Graceada Park and installed on a pedestal on Arbor Day, 1928, and was dedicated to volunteer firefighters, and

WHEREAS, when Needham Avenue was widened in the 1970's, the bell was moved to its present location in the children's playground at Graceada Park, and

WHEREAS, the Modesto City Fire Fighters Association desires to move the bell to a fire station as that location is more in keeping with the intent of the 1928 dedication than the bell's present site, and

WHEREAS, the Modesto City Fire Fighter's Association proposes to move the bell to Fire Station #2 at 629 Second Street to create a memorial to fire fighters past, present and future, and

WHEREAS, the bell will remain at Fire Station #2 unless permission is obtained from the Modesto City Council to move the bell to another suitable location, and

WHEREAS, the bell will remain the property of the City of Modesto, and the Fire Fighters Association will move the bell at no cost to the City, and

WHEREAS, the Modesto City Fire Fighters Association will obtain insurance approved by the City Risk Manger and will coordinate the move with

the Parks And Recreation Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto City Fire Fighters Association to move the bell currently located at Graceada Park to Fire Station #2 at 629 Second Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, 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. 91-454

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN & CALDWELL CONSULTANTS FOR PREPARATION OF VILLAGE ONE FACILITIES MASTER PLAN

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Brown & Caldwell Consultants for preparation of Village One Facilities Master Plan

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July , 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-455

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1991-92 TO TRANSFER ONE HUNDRED TEN THOUSAND SIX HUNDRED SIXTY NINE DOLLARS (\$110,669) FROM THE GENERAL FUND (FUND NO. 010), THE WATER FUND (FUND NO. 610), AND THE SEWER FUND (FUND NO. 621) TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130) FOR THE FACILITIES MASTER PLAN PORTION OF STEP ONE OF THE VILLAGE ONE IMPLEMENTATION PROGRAM.

WHEREAS, City Council Resolution No. 91-119 authorized \$150,000 to be appropriated for preparation of the Village One Facilities Master Plan, and

WHEREAS, it has been determined that an additional \$110,669 will provide a more comprehensive workscope to achieve the objectives of the Specific Plan, and

WHEREAS, the sum of One Hundred Ten Thousand Six Hundred Sixty Nine Dollars (\$110,669) is available in the Unappropriated Fund Balance of the General Fund (Fund No. 010), the Water Fund (Fund No. 610), and the Sewer Fund (Fund No. 621), and

WHEREAS, said sum will not be required for operating costs of the City during the 1991-92 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for preparation of Village One Facilities Master Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget be amended to transfer One Hundred Ten Thousand Six Hundred Sixty Nine Dollars (\$110,669) as follows:

General Fund (Fund No. 010)

010-800-8000-8003	Contingency Reserve	(\$46,074)
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Water Fund (Fund No. 610)

610-800-8000-8003 Contingency Reserve (\$18,366)

Sewer Fund (Fund No. 621)

621-800-8000-8003 Contingency Reserve (\$46,256)

Special Fund for Capital Outlay

130-140-p590-6000 Village One Implementation \$110,669

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 2nd day of July, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Bird, Martin

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. 91-456

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rule 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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Principal Planner

The revised specifications for the classification of Principal Planner (Range 444), 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 July 2, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

PRINCIPAL PLANNER

DEFINITION

To manage, direct and coordinate the activities of the Current or Advance Planning Section of the Planning and Community Development Department; to perform the most difficult and complex planning duties related to urban planning and the coordination of planning and development projects to ensure compliance with Federal, State and local regulations governing planning and the environment; to coordinate activities with other divisions and departments; and to provide highly complex staff assistance to the Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Planning and Community Development Director.

Exercises direct supervision over professional, technical, and clerical staff in assigned area.

EXAMPLE OF DUTIES - Duties may include, but are not limited to the following:

Supervise professional and technical planning and contract staff in the preparation of a variety of planning reports and special studies including environmental impact reports and traffic studies.

Act as project or program leader for General Plan elements, specific plans, environmental impact reports, comprehensive plans and other special planning studies involving planning disciplines such as transportation, urban design, capital facilities, environmental analysis, growth management, zoning and land use regulation.

Prepare the Section budget; forecast additional funds needed for staffing, equipment, materials, and supplies; implement and administer the approved Section budget.

Direct, oversee and participate in the development of the Section work plan; assign work activities, projects and programs; direct, monitor and prioritize work flow; review and evaluate work products, methods and procedures. Direct the maintenance of appropriate records and files.

Research, review and analyze economic, social and physical data affecting land use and community development.

Confer with engineers, developers, architects, a variety of agencies, and the general public in acquiring information and coordinating planning and zoning matters; provide information regarding City development requirements.

Recommend goals and objectives; develop policies and procedures.

Act as liaison for projects involving intergovernmental coordination; review other agencies' environmental impact reports for potential impact to the City.

Interpret and apply environmental quality laws and regulations to ensure that development, City projects and Municipal Code amendments are in compliance.

Recommend the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports for State and Federal regulatory agencies; analyze and develop recommendations on complex planning, zoning and development proposals.

Review and analyze development plans for compliance with the General Plan, zoning and City regulations and policies; direct the review of use permits, subdivision, rezoning requests, variance, and other land use entitlements.

Review and approve development plan revisions and administrative site plan approvals.

Develop and recommend changes regarding zoning and the General Plan; write and present reports; advise the City Council and Planning Commission on zoning and planning matters; supervise the preparation of amendments to the text of the Zoning Code.

Develop and review staff reports related to planning; present reports to the Planning Commission, City Council and other commissions, committees and boards; perform a variety of public relations and outreach work related to planning activities.

Direct the preparation of the Planning Commission and the Board of Zoning Adjustment agendas; review the content of minutes; direct the scheduling of all planning related matters for the Planning Commission.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern principles and practices of urban planning and development with particular emphasis on environmental review, zoning, land usage and division, and general planning.

Methods and techniques of effective technical report preparation and presentation.

Principles and practices of organization, administration, supervision, training and personnel management.

Research methods and sources of information related to urban growth and development.

Recent developments, current literature and sources of information related to municipal planning and administration.

Pertinent Federal, State and local laws, codes and regulations.

Budgeting procedures and techniques.

Ability to:

Organize, direct and implement a comprehensive planning program.

Analyze site design, terrain constraints, circulations, land use compatibility, utilities and other urban services.

Ensure project compliance with Federal, State and local rules, laws and regulations particularly those pertaining to environmental protection; analyze proposed projects for compliance and develop appropriate recommendations.

Administer the contracts of outside consultants and evaluate quality of work.

Interpret and apply pertinent laws, rules and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

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:

Four years of increasingly responsible experience in professional urban planning, including some experience in the preparation or review of environmental documents.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in planning, public or business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-457

A RESOLUTION VACATING AND ABANDONING THE WESTERNMOST 724.18 FEET OF THE LINCOLN AVENUE RIGHT-OF-WAY ALIGNMENT, RESERVING AN EASEMENT FOR PUBLIC USE AT THE DRY CREEK GOLF COURSE IN THE CITY OF MODESTO, PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City Council referred to the Planning Commission a request to vacate and abandon approximately the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course and a request to reserve a general public easement for any identified public and utility interest, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess street right-of-way, and

WHEREAS, said excess street right-of-way is located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, within the Dry Creek Golf Course, 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 of Part 3 of Division 9 of the Streets and Highways Code.

2. The excess street right-of-way located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, within the Dry Creek Golf Course 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 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 excess street right-of-way located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, 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 9th day of July, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

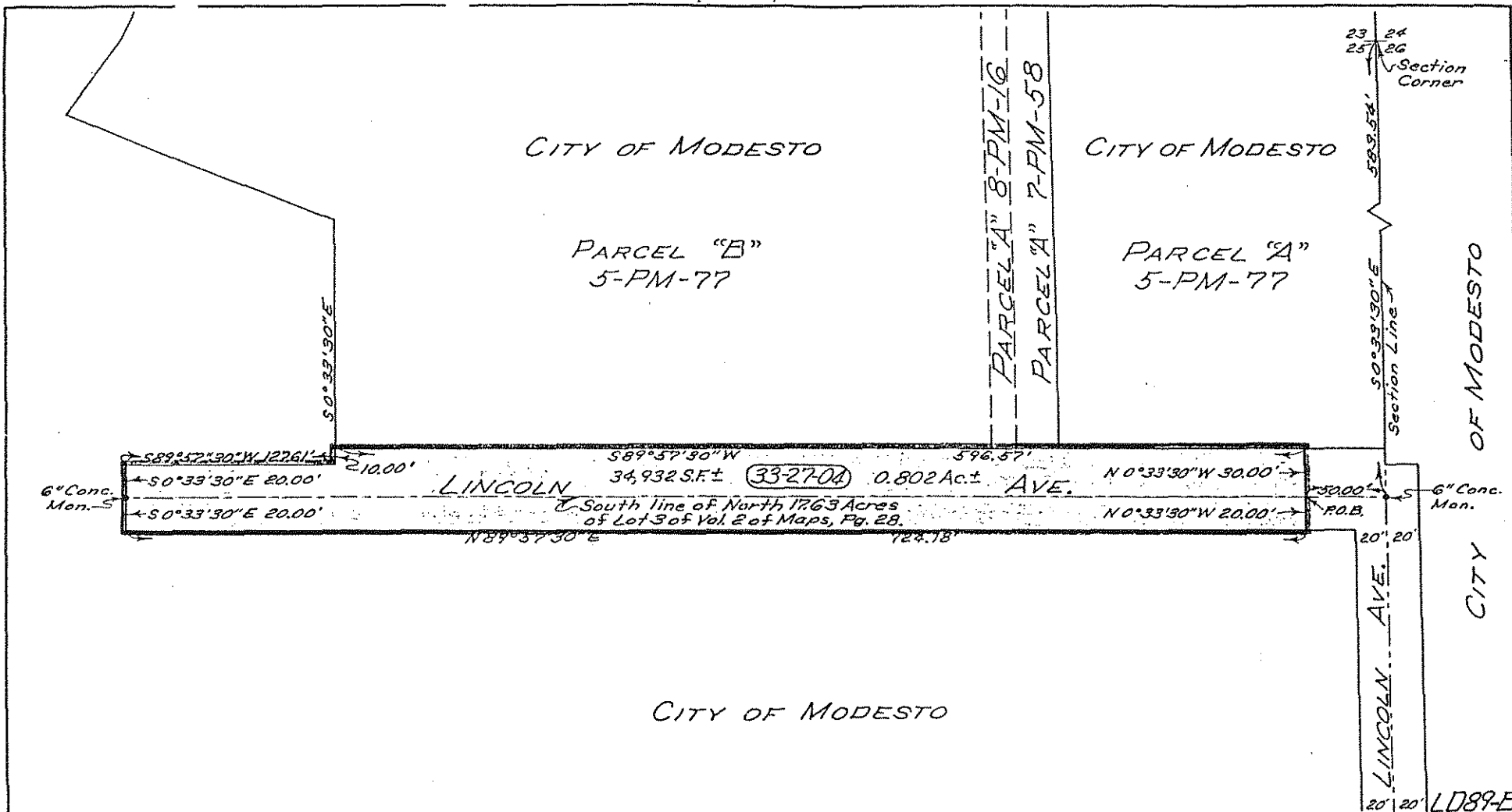
(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John R. Chutkanis
Public Works and Transportation Department
Engineering Division



REVISIONS		DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION			
VAN W. SWITZER, ACTING DIRECTOR			
By <i>Jerry H. Butler</i> JERRY H. BUTLER, Deputy			
DATE	DRAWN	CHECKED	
June, 1989	J. Christiansen		
VACATE AND ABANDON EXCESS EAST TO WEST R/W FOR LINCOLN AVE. AT DRY CREEK GOLF COURSE			
FLD. BK. & PG.			
W. O. NO.			
FILE NUMBER			
4-B-232			

LD-89-B
Parcel 33-27-04

VACATE AND ABANDON EXCESS EAST TO WEST RIGHT OF WAY
FOR LINCOLN AVENUE AT DRY CREEK GOLF COURSE

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being also a portion of Lot 3 of the LANDS BELONGING TO H. T. CROW, as per map filed May 15, 1906 in Volume 2 of Maps, Page 28, Stanislaus County Records, described as follows:

Commencing at the Section corner common to Sections 23, 24, 25 and 26, above Township and Range; thence along the section line common to said Sections 25 and 26, South 0 degrees 33' 30" East, 583.54 feet, to a 6 inch concrete monument marking the intersection of the centerline of the former County Road running Westerly along the Southern line of the North 17.63 Acres of said Lot 3; thence along said centerline of the former County Road and said Southerly line of the North 17.63 Acres of Lot 3, South 89 degrees 57' 30" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from said section line common to Sections 25 and 26, and the true point of beginning of this description; thence along said parallel line, North 0 degrees 33' 30" West, 30.00 feet, to a point on a line which is parallel with and 30.00 feet, measured at right angles, Northerly from the centerline of the former County Road and Southern line of the North 17.63 Acres of Lot 3, said point also being the Southern line of Parcels "A" and "B", as per map filed May 20, 1968 in Book 5 of Parcel Maps, Page 77, Stanislaus County Records; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 596.57 feet, to a Southwesterly corner of said Parcel "B"; thence along the Southerly extension of a Westerly line of Parcel "B", South 0 degrees 33' 30" East, 10.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from the centerline of the former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 127.61 feet, to the Northwestern corner of the 40-foot strip of land for road purposes deeded to the County of Stanislaus by deed recorded January 14, 1937, as Instrument 607, Stanislaus County Records; thence along the Western line of said 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to a 6 inch concrete monument marking the centerline of a former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence continuing along said Western line of the 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to the Southern line of the 40-foot strip of land; thence along said Southern line of the 40-foot strip of land, said line being the Southern line of the former County Road, North 89 degrees 57' 30" East, 724.18 feet, to a point on the first mentioned parallel line, said line being parallel with and 50.00 feet, measured at right angles, Westerly from the section line common to Sections 25 and 26; thence along the last mentioned parallel line, North 0 degrees 33' 30" West, 20.00 feet, to the point of beginning.

Reserving all of the above area for golf course trails pursuant to Section 8340 of the Streets and Highways Code.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-458

A RESOLUTION ACCEPTING THE BID OF POL E DUC MANUFACTURING OF ENGLEWOOD, COLORADO,
FOR FURNISHING ONE EACH POLYMER MIX AND FEED UNIT

WHEREAS, Resolution No. 91-248 , adopted by the Council of the City of Modesto on May 7 , 1991 , approved the plans and specifications for the purchase of one each polymer mix and feed unit

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one polymer mix and feed unit

were opened at 11:00 a.m. on May 25, 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 Pol E Duc Manufacturing in the amount of \$67,304.03

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pol E.Duc Manufacturing in the amount of \$67,304.03 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 July , 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Merrill Cagle

MODESTO CITY COUNCIL
RESOLUTION NO. 91-459

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE MODIFICATION OF THE TRAFFIC SIGNALS AT COFFEE ROAD AND ORANGEBURG AVENUE, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 11, 1991

WHEREAS, Resolution No. 91-341 adopted by the Council of the City of Modesto on May 21, 1991, approved the plans and specifications for the modification of the traffic signals at Coffee Road and Orangeburg Avenue, and authorized the call for bids; and

WHEREAS, the bids received for the modification of the traffic signals at Coffee Road and Orangeburg Avenue were opened at 11:05 a.m. in the Office of the City Clerk on June 11, 1991; and

WHEREAS, on June 27, 1991, Caltrans informed the City that FAU funds are now available for 86% of the cost to modify the traffic signals, and based on the engineer's estimate, the City would save \$94,600 by rebidding this project and using FAU funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the modification of the traffic signals at Coffee Road and Orangeburg Avenue, opened in the office of the City Clerk on June 11, 1991, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 91-460

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATIONS CREATED. The Positions Classification Plan of the City of Modesto is hereby amended to create the following classifications:

- Personnel Director
- Assistant Personnel Director

The specifications for the classifications of Personnel Director (Range 713), as shown on the attached Exhibit "A", and Assistant Personnel Director (Range 441), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Personnel Manager

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after August 16, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

PERSONNEL DIRECTOR

DEFINITION

To plan, direct and review the activities and operations of the Personnel Department including personnel, payroll, affirmative action, training, employee benefits, employee relations and risk management; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over supervisory, professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee and participate in the development of the Department's work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Supervise and participate in the development and administration of the Department budget; direct the forecast of additional funds needed for staffing, equipment, materials, supplies, and services; monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; coordinate or provide staff training and development; work with employees to correct deficiencies; implement disciplinary actions and terminations.

Provide complex technical and administrative support to the City Manager, City Council, Affirmative Action Commission and other groups on personnel and employee related matters; direct special projects and research as assigned.

Supervise and direct labor relations activities including negotiations, study committees and grievances.

Supervise and participate in advising departments on proper handling of employee issues including employee selection, training, evaluation, counseling, disciplinary actions, grievances and appeal hearings.

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Supervise and direct affirmative action programs and the investigation and resolution of complaints and allegations; ensure City compliance with the legal and moral goals and objectives of affirmative action and equal opportunity employment.

Supervise and direct personnel activities including recruitment, testing and selection, classification and pay, payroll, employee benefits, and training.

Supervise and direct risk management activities including worker's compensation, safety, and liability.

Prepare resolutions, ordinances, reports and correspondence.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Principles and practices of public personnel administration, including methods and techniques used in labor relations, recruitment, testing and selection, job analysis and classification, salary and benefits administration, training and affirmative action.

Pertinent Federal, State and local laws, codes and regulations.

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Principles and practices of health and dental insurance administration, claims review, self insurance administration, and employee benefits plans.

Liability insurance and safety programs.

Principles, practices and techniques of establishing, maintaining and modifying a comprehensive risk management program.

Principles of supervision, training and performance evaluation.

Technical writing styles and English composition.

Ability to:

Organize, direct and implement a comprehensive personnel and risk management program.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Analyze organizational and operational issues and select proper course of action.

Interpret and apply applicable policies, procedures, laws and regulations.

Deal constructively with conflicts and develop a consensus.

Prepare complex reports.

Select, supervise, train and evaluate professional, technical, supervisory and clerical staff.

Prepare and administer a budget.

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Identify and respond to public and City Council issues and concerns.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Six years of increasingly responsible experience in professional personnel work including three years of administrative and supervisory responsibility.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration or a closely related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

ASSISTANT PERSONNEL DIRECTOR

DEFINITION

To assist the Personnel Director in planning, directing and reviewing the activities and operations of the Personnel Division including labor relations, recruitment, testing and selection, classification and pay, and training; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the Personnel Director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Personnel Director.

Exercises direct supervision over professional, technical 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; review and evaluate work products, methods and procedures.

Recommend goals and objectives; recommend and implement systems, policies and procedures.

Manage and direct Personnel Division activities including recruitment, testing, selection, and classification and pay.

Prepare division budget; forecast division funds needed for staffing, equipment, materials, services and supplies; administer the approved division budget.

Participate in grievance resolution, modified duty assignments, and disability determinations; advise department heads on staffing needs; counsel employees and supervisors on interpretation of rules, policies and procedures and Memoranda of Understanding; advise supervisors on proper handling of personnel problems and disciplinary actions.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Stay knowledgeable of current legislation and or court decisions affecting public personnel management.

Direct, supervise and participate in the City's labor relations activities; develop and implement labor relations objectives and strategies; act as the City's chief labor negotiator; conduct employee grievance and appeal proceedings.

Provide highly responsible administrative staff assistance including conducting special studies and analyses of personnel and organizational issues and services.

EXAMPLES OF DUTIES

Review and revise procedures and records related to central personnel functions including performance evaluations, service awards, suggestion plan, recognition programs and personnel files and records.

Analyze legislation and regulations to determine effect on personnel programs and services.

Monitor progress toward affirmative action goals; monitor division compliance with affirmative action and equal employment opportunity requirements; coordinates division efforts in targeted recruiting and outreach.

QUALIFICATIONS:

Knowledge of:

Principles and practices of public personnel administration, including methods and techniques used in labor relations, recruitment and selection, testing, classification and pay, salary and benefits administration, training and affirmative action.

Pertinent Federal, State, and local laws, codes and regulations.

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Methods of job analysis and position classification.

Principles of supervision, training and performance evaluation.

Technical writing styles and principles of English composition.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Organize, direct and implement a comprehensive personnel program.

Interpret and apply applicable policies, procedures, laws and regulations.

Deal constructively with conflict and develop a consensus.

Prepare complex reports.

Ability to:

Select, supervise, train and evaluate assigned staff.

Prepare and administer a division budget.

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of professional personnel management experience, including three years of administrative and supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration or a closely related field.

License or Certificate

Possession of or ability to obtain an appropriate and valid California driver's license.

Clock

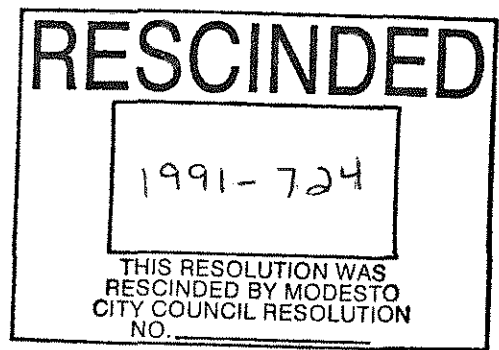
MODESTO CITY COUNCIL
RESOLUTION NO. 91-461

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 90-607 ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective August 16, 1991", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds Personnel Director to the Class Range Table, salary range 713 and adds Assistant Personnel Director to the Class Range Table, salary range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 16, 1991.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 August 16, 1991

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	Claims Representative Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary

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EXHIBIT "G"

CITY OF MODESTO
 CLASS RANGE TABLE
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 16, 1991

RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing System Supervisor
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Personnel Analyst Training Coordinator Chief of Survey Party Assistant Risk Manager Recycling Program Coordinator Budget Analyst

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 16, 1991

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
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
9	Deputy City Attorney II

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 16, 1991

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

CITY OF MODESTO
 CLASS RANGE TABLE
 EXECUTIVE MANAGEMENT

Effective August 16, 1991

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3917	4896
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager Personnel Director	5013	6267
714			
715	Planning & Comm. Dev. Director Finance Director	5266	6584
716			
717			
718			
719			
720	Parks & Recreation Director Fire Chief	5960	7450
081691			3116/WPPER

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective August 16, 1991

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	City Attorney Police Chief	6261	7826
723	Public Works and Transportation Director	6418	8022
724	Deputy City Manager	6578	8222
725			
726			
727			
728	City Manager	7261	9077

MODESTO CITY COUNCIL
RESOLUTION NO. 91-462

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1991-92, COMMENCING ON JULY 2, 1991

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association of the City of Modesto covering the fiscal year 1991-92, commencing on July 2, 1991, be and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-463

A RESOLUTION APPROVING AN OPTIONAL DEFERRED COMPENSATION PLAN FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES OF THE CITY OF MODESTO, INCLUDING POLICE AND FIRE MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND SUPERSEDING RESOLUTION NO. 90-670.

WHEREAS, the Council by Resolution No. 88-490B, adopted on July 1, 1986, amended and restated the Mandatory Deferred Compensation Plan for certain employees of the City of Modesto, and

WHEREAS, the Council by Resolution No. 90-670, adopted July 24, 1990, amended Resolution No. 88-490B to provide that the City shall pay into said plan each pay period for the City Attorney an additional amount equal to two (2) percent of the City Attorney's gross regular salary, and

WHEREAS, the Council desires to change the Mandatory Deferred Compensation Plan to provide for an optional Deferred Compensation Plan for all Management and Confidential employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto's Mandatory Deferred Compensation Plan for certain Management and Confidential employees of the City of Modesto is hereby changed from a Mandatory Deferred Compensation Plan to an optional Deferred Compensation Plan for all Management and Confidential employees, operative effective July 2, 1991, as follows:

SECTION 1. Effective July 2, 1991, all Management and Confidential employees, including Police and Fire Management and Confidential employees of the City of Modesto who hold salaried positions of employment shall have the option of having two (2) percent of their gross regular salary each pay period deferred until said employee retires or otherwise terminates employment with the City of Modesto.

SECTION 2. Effective July 2, 1991, the City of Modesto shall also pay into said Deferred Compensation Plan each pay period as follows:

A. Management and Confidential Employees: For those Non-sworn Management and Confidential employees who participate in the optional Deferred Compensation Plan with a two (2) percent deferral, the City shall pay into the plan an amount equal to one (1) percent of each employee's gross salary. When said employee has completed nine (9) or more years of continuous service with the City of Modesto on or after June 30th of that year, the City shall increase its contribution to two (2) percent.

Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

B. Police and Fire Management and Confidential Employees: For those Sworn Management and Confidential employees who participate in the optional Deferred Compensation Plan with a two (2) percent deferral, the City shall pay into the plan an amount equal to one-half (1/2) percent of each employee's gross salary. When said employee has completed nine (9) or more years of continuous service with the City of Modesto on or after June 30th of that year, the City shall increase its contribution to three-quarters (3/4) percent.

C. City Attorney: In addition to providing the City Attorney with the optional deferred compensation plan described in Paragraph "A" above, the City shall pay into the plan each pay period for the City Attorney an additional amount equal to two (2) percent of the City Attorney's gross regular salary.

Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

SECTION 3. Except as provided in Section 4 hereof, the maximum permitted deferral of includable compensation in any one taxable year for any employee shall not exceed the lesser of (a) \$7,500, or (b) 33 1/3% of the employee's includable compensation as that term is defined by the Internal Revenue Service Regulations governing deferred compensation plans.

SECTION 4. During the last three taxable years before the employee reaches the following applicable age:

- A. All Fire Department and Police
Department employees with
safety membership in the Public
Employee's Retirement System - age 50
- B. All other employees - age 60

or at the employee's option in any three taxable years thereafter, the maximum permitted deferral of includable compensation in any one taxable year shall be the lesser of (a) \$15,000 or (b) the sum of \$7,500 and so much of the maximum permitted deferral established for taxable years before the three taxable years as has not been previously deferred. The years in which this provision is to apply shall be designated in advance by a written request from the employee to the Finance Director.

SECTION 5. There is hereby established a Deferred Compensation Committee to administer the Plan established hereby. The Committee shall consist of three persons to be appointed by and serve at the pleasure of the

City Manager, one of whom shall be appointed by the City Manager to be its Chairperson. The Committee shall have such powers and duties as may be given to it by this resolution, or as may be necessary in order to carry out the provisions of agreements with depositories entered into from time to time. It shall also have such further powers and duties as may be delegated to it from time to time by the City Council.

Persons who are currently members of the Deferred Compensation Committee as established by previous Resolutions, shall continue in office, and shall serve at the pleasure of the City Manager as though appointed pursuant to this section.

SECTION 6. The Committee is hereby authorized and empowered to make such determinations regarding investment of money, and payment and distribution of funds to an employee covered by the Plan as may be necessary in order to carry out the provisions of the Plan established hereby.

SECTION 7. All funds and assets held in or credited to the Optional Deferred Compensation Plan for the benefit of an employee shall be paid and distributed as herein provided to the employee, or the employee's beneficiary, as the case may be.

A. Distribution upon retirement or disability of employee or other termination of employment. In the event an employee retires from the City or becomes permanently disabled from continuing full time employment with the City, the City will distribute to such employee the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the employee's life expectancy.

B. Distribution upon death of employee. In the event of the death of an employee, the City will distribute to the employee's beneficiary the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the beneficiary's life expectancy. In the event of the death of the beneficiary while receiving installment payments, any remaining balance in the employee's Optional Deferred Compensation account shall be deemed to be the property of the beneficiary at the time of the beneficiary's death, and shall be distributed to the persons legally entitled thereto.

C. Distribution prior to one year of employment. In the event that any employee becomes entitled to the distribution of the amounts deferred for his or her benefit prior to one year of employment with the City of Modesto, distribution of the amounts deferred from the employee's gross regular salary shall be made as provided in this section; however, no distribution shall be made to the employee or his beneficiary of the amounts paid into the Plan by the City of Modesto. In such event, such amounts shall be returned to the appropriate fund of the City of Modesto.

SECTION 8. Each employee covered by the Plan shall be deemed to have agreed to each of the provisions hereof, and specifically to the deferral of salary as provided by the Plan. Deferral of salary for Management and Confidential employees and Police and Fire Management and Confidential employees hired subsequent to the adoption of this Plan shall be an option immediately upon hire of said employees.

SECTION 9. The City Manager is hereby authorized and directed from time to time to execute, on behalf of the City of Modesto, Custodial Agreements for the City of Modesto's Optional Deferred Compensation Plan with depositories as approved from time to time by the City Council.

SECTION 10. All previous actions relating to Management and Confidential employees, including Police and Fire Management and Confidential employees relating to Deferred Compensation Plans not in concert with this resolution are hereby superseded by this resolution.

SECTION 11. Effective July 2, 1991, this resolution hereby rescinds Resolution No. 90-670.

SECTION 12. This resolution shall be effective retroactive to July 2, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

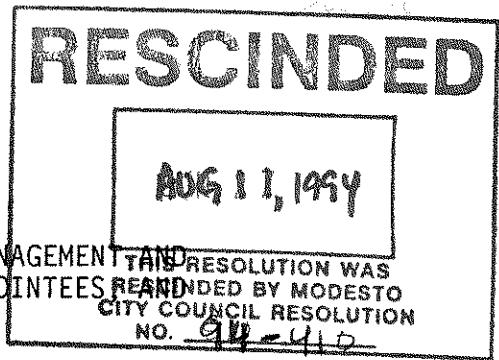
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 91-464

A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 90-608.

WHEREAS, the Council of the City of Modesto desires to approve a two (2) percent salary increase for those Management and Confidential employees certified by the appropriate appointing authority as having a satisfactory rating, and

WHEREAS, the Council desires to approve a two (2) percent salary increase for Council Appointees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established effective July 2, 1991, to provide for a two (2) percent salary adjustment for those Management and Confidential employees certified by the appropriate appointing authority as having a satisfactory rating and a two (2) percent salary adjustment for Council Appointees:

1. Exhibit "G" entitled "Class Range Table, Management and Confidential Non-sworn Classes, Effective July 2, 1991".
2. Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 91/92 Effective July 2, 1991 - Schedule D Management/Confidential - General".
3. Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 2, 1991".
4. Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 91/92 Effective July 2, 1991 - Schedule E Management/Confidential - Fire".
5. Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 2, 1991".

91-498	92-592	93-127	93-620	94-170
91-724	92-632	93-371	93-688	94-268
92-62	93-39	93-570	93-751	

AMENDED
By Resolution

6. Exhibit "L" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 91/92 Effective July 2, 1991 - Schedule F Management/Confidential - Police".
7. Exhibit "M" entitled "Class Range Table, Executive Management Effective July 2, 1991", including Council Appointees.

SECTION 2. COUNCIL APPOINTEES. Effective July 2, 1991, the salaries for the positions of the Council Appointees shall be as follows:

	<u>Hourly</u>	<u>Bi-Weekly</u>	<u>Monthly</u>
City Manager	\$44.9611	\$3,596.89	\$7,820.00
City Attorney	\$42.7369	\$3,418.95	\$7,433.14
City Clerk	\$24.8385	\$1,987.08	\$4,320.11

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time or special positions in the Unclassified Service for which he is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by Rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. EFFECTIVE DATE. This resolution shall be effective retroactive on and after July 2, 1991.

SECTION 9. REPEALS. Resolution No. 90-608 is hereby rescinded retroactive on and after July 2, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 July 2, 1991

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	Claims Representative Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary

070291

1359/WPPER

Exhibit "G"

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 2, 1991

RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing System Supervisor
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Personnel Analyst Training Coordinator Chief of Survey Party Assistant Risk Manager Recycling Program Coordinator Budget Analyst

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 2, 1991

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
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 July 2, 1991

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 Personnel Manager Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
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

SCHEDULE D
MANAGEMENT/CONFIDENTIAL-GENERAL

CITY OF MOLISTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 91/92
EFFECTIVE 07/02/91

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
401.0	8.6290	9.0605	9.5135	9.9892	10.4887	690.32	724.84	761.08	799.14	839.10	1500.82	1575.87	1656.66	1737.41	1824.29
402.0	8.8447	9.2869	9.7512	10.2388	10.7507	707.58	742.95	780.10	819.10	860.06	1538.35	1615.25	1696.02	1780.81	1869.86
403.0	9.0658	9.5191	9.9951	10.4949	11.0196	725.26	761.53	799.61	839.59	881.57	1576.79	1655.64	1738.43	1825.35	1916.62
404.0	9.2924	9.7570	10.2449	10.7571	11.2950	743.39	780.56	819.59	860.57	903.60	1616.20	1697.02	1781.87	1870.97	1964.52
405.0	9.5247	10.0009	10.5009	11.0259	11.5772	761.98	800.07	840.07	882.07	926.18	1656.62	1739.43	1826.40	1917.71	2013.61
406.0	9.7628	10.2509	10.7634	11.3016	11.8667	781.02	820.07	861.07	904.13	949.34	1698.02	1782.91	1872.05	1965.67	2063.96
407.0	10.0069	10.5072	11.0326	11.5842	12.1634	800.55	840.58	882.61	926.74	973.07	1740.48	1827.50	1918.88	2014.83	2115.55
408.0	10.2571	10.7700	11.3085	11.8739	12.4676	820.57	861.60	904.68	949.91	997.41	1784.00	1873.20	1966.86	2065.20	2168.47
409.0	10.5135	11.0392	11.5912	12.1708	12.7793	841.08	883.14	927.30	973.66	1022.34	1828.59	1920.03	2016.04	2116.83	2222.67
410.0	10.7763	11.3151	11.8809	12.4749	13.0986	862.10	905.21	950.47	997.99	1047.89	1874.29	1968.02	2066.42	2169.73	2278.22
411.0	11.0457	11.5980	12.1779	12.7868	13.4261	883.66	927.84	974.23	1022.94	1074.09	1921.17	2017.22	2118.07	2223.97	2335.18
412.0	11.3218	11.8879	12.4823	13.1064	13.7617	905.74	951.03	998.58	1048.51	1100.94	1969.17	2067.63	2171.01	2279.57	2393.55
413.0	11.6048	12.1850	12.7943	13.4340	14.1057	928.38	974.80	1023.54	1074.72	1128.46	2018.39	2119.31	2225.28	2336.55	2453.38
414.0	11.8949	12.4896	13.1141	13.7698	14.4583	951.59	999.17	1049.13	1101.58	1156.66	2068.85	2172.30	2280.91	2394.95	2514.69
415.0	12.1923	12.8019	13.4420	14.1141	14.8198	975.38	1024.15	1075.36	1129.13	1185.58	2120.57	2226.60	2337.94	2454.84	2577.57
416.0	12.4971	13.1220	13.7781	14.4670	15.1904	999.77	1049.76	1102.25	1157.36	1215.23	2173.60	2282.28	2396.40	2516.22	2642.03
417.0	12.8095	13.4500	14.1225	14.8286	15.5700	1024.76	1076.00	1129.80	1186.29	1245.60	2227.93	2339.33	2456.30	2579.11	2708.06
418.0	13.1297	13.7862	14.4755	15.1993	15.9593	1050.38	1102.90	1158.04	1215.94	1276.74	2283.63	2397.81	2517.69	2643.58	2775.76
419.0	13.4579	14.1308	14.8373	15.5792	16.3582	1076.63	1130.46	1186.98	1246.34	1308.66	2340.70	2457.73	2580.61	2709.67	2845.16
420.0	13.7943	14.4840	15.2082	15.9686	16.7670	1103.54	1158.72	1216.66	1277.49	1341.36	2399.21	2519.17	2645.14	2777.39	2916.25
421.0	14.1392	14.8462	15.5885	16.3679	17.1863	1131.14	1187.70	1247.08	1309.43	1374.90	2459.21	2582.18	2711.28	2846.83	2989.17
422.0	14.4927	15.2173	15.9782	16.7771	17.6160	1159.42	1217.38	1278.26	1342.17	1409.28	2520.70	2646.71	2779.07	2918.01	3063.92
423.0	14.8550	15.5978	16.3777	17.1966	18.0564	1188.40	1247.82	1310.22	1375.73	1444.51	2583.70	2712.89	2848.55	2990.97	3140.51
424.0	15.2264	15.9877	16.7871	17.6265	18.5078	1218.11	1279.02	1342.97	1410.12	1480.62	2648.29	2780.72	2919.75	3065.74	3219.02
425.0	15.6071	16.3875	17.2069	18.0672	18.9706	1248.57	1311.00	1376.55	1445.38	1517.65	2714.52	2850.25	2992.76	3142.40	3299.52
426.0	15.9973	16.7972	17.6371	18.5190	19.4450	1279.78	1343.78	1410.97	1481.52	1555.60	2782.37	2921.51	3067.59	3220.97	3382.03
427.0	16.3972	17.2171	18.0780	18.9819	19.9310	1311.78	1377.37	1446.24	1518.55	1594.48	2851.94	2994.54	3144.27	3301.48	3466.56
428.0	16.8071	17.6475	18.5299	19.4564	20.4292	1344.57	1411.80	1482.39	1556.51	1634.34	2923.23	3069.39	3222.86	3384.01	3553.22
429.0	17.2273	18.0887	18.9931	19.9428	20.9399	1378.18	1447.10	1519.45	1595.42	1675.19	2996.30	3146.14	3303.44	3468.60	3642.03
430.0	17.6580	18.5409	19.4679	20.4413	21.4634	1412.64	1483.27	1557.43	1635.30	1717.07	3071.22	3224.78	3386.01	3555.31	3733.08
431.0	18.0995	19.0045	19.9547	20.9524	22.0000	1447.96	1520.36	1596.38	1676.19	1760.00	3148.01	3305.41	3470.69	3644.20	3826.42
432.0	18.5520	19.4796	20.4536	21.4763	22.5501	1484.16	1558.37	1636.29	1718.10	1804.01	3226.71	3388.05	3557.46	3735.32	3922.10
433.0	19.0158	19.9666	20.9649	22.0131	23.1138	1521.26	1597.33	1677.19	1761.05	1849.10	3307.37	3472.76	3646.38	3828.70	4020.13
434.0	19.4912	20.4658	21.4891	22.5636	23.6918	1559.30	1637.26	1719.13	1805.09	1895.34	3390.07	3559.57	3737.56	3924.45	4120.66
435.0	19.9785	20.9774	22.0263	23.1276	24.2840	1598.28	1678.19	1762.10	1850.21	1942.72	3474.82	3648.55	3830.98	4022.54	4223.67
436.0	20.4780	21.5019	22.5770	23.7059	24.8912	1638.24	1720.15	1806.16	1896.47	1991.30	3561.70	3739.78	3926.77	4123.12	4329.29
437.0	20.9900	22.0395	23.1415	24.2986	25.5135	1679.20	1763.16	1851.32	1943.89	2041.08	3650.75	3833.29	4024.95	4226.21	4437.51
438.0	21.5148	22.5905	23.7200	24.9060	26.1513	1721.18	1807.24	1897.60	1992.48	2092.10	3742.02	3929.12	4125.57	4331.85	4548.43
439.0	22.0527	23.1553	24.3131	25.5288	26.8052	1764.22	1852.42	1945.05	2042.30	2144.42	3835.59	4027.35	4228.73	4440.16	4662.18
440.0	22.6040	23.7342	24.9209	26.1669	27.4752	1808.32	1898.74	1993.67	2093.35	2198.02	3931.47	4128.05	4334.44	4551.15	4778.72
441.0	23.1691	24.3276	25.5440	26.8212	28.1623	1853.53	1946.21	2043.52	2145.70	2252.98	4029.76	4231.26	4442.82	4664.97	4898.20

Exhibit "H"

SCHEDULE D
MANAGEMENT/CONFIDENTIAL-GENERAL

CITY OF MO .TO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 91/92
EFFECTIVE 07/02/91

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
442.0	23.7483	24.9357	26.1825	27.4916	28.8662	1899.86	1994.86	2094.60	2199.33	2309.30	4130.49	4337.03	4553.87	4781.56	5020.65
443.0	24.3420	25.5591	26.8371	28.1790	29.5880	1947.36	2044.73	2146.97	2254.32	2367.04	4233.76	4445.45	4667.73	4901.12	5146.18
444.0	24.9506	26.1981	27.5080	28.8834	30.3276	1996.05	2095.85	2200.64	2310.67	2426.21	4339.61	4556.59	4784.41	5023.63	5274.82
445.0	25.5744	26.8531	28.1958	29.6056	31.0859	2045.95	2148.25	2255.66	2368.45	2486.87	4448.10	4670.51	4904.03	5149.25	5406.70
446.0	26.2138	27.5245	28.9007	30.3457	31.8630	2097.10	2201.96	2312.06	2427.66	2549.04	4559.31	4787.28	5026.65	5277.98	5541.87
447.0	26.8691	28.2126	29.6232	31.1044	32.6596	2149.53	2257.01	2369.86	2488.35	2612.77	4673.29	4906.97	5152.31	5409.92	5680.42
448.0	27.5408	28.9178	30.3637	31.8819	33.4760	2203.26	2313.42	2429.10	2550.55	2678.08	4790.11	5029.61	5281.11	5545.15	5822.41
449.0	28.2293	29.6408	31.1228	32.6789	34.3128	2258.34	2371.26	2489.82	2614.31	2745.02	4909.86	5155.36	5413.12	5683.77	5967.95
450.0	28.9350	30.3818	31.9009	33.4959	35.1707	2314.80	2430.54	2552.07	2679.67	2813.66	5032.61	5284.24	5548.46	5825.87	6117.18
451.0	29.6584	31.1413	32.6984	34.3333	36.0500	2372.67	2491.30	2615.87	2746.66	2884.00	5158.42	5416.34	5687.16	5971.51	6270.10
452.0	30.3999	31.9199	33.5159	35.1917	36.9513	2431.99	2553.59	2681.27	2815.34	2956.10	5287.39	5551.76	5829.35	6120.83	6426.86
453.0	31.1599	32.7179	34.3538	36.0715	37.8251	2492.79	2617.43	2748.30	2885.72	3030.01	5419.57	5690.55	5975.08	6273.84	6587.54
454.0	31.9389	33.5358	35.2126	36.9732	38.8219	2555.11	2682.86	2817.01	2957.86	3105.75	5555.06	5832.81	6124.46	6430.68	6752.21
455.0	32.7374	34.3743	36.0930	37.8977	39.7926	2618.99	2749.94	2887.44	3031.82	3183.41	5693.95	5978.64	6277.58	6591.48	6921.05
456.0	33.5558	35.2336	36.9953	38.8451	40.7874	2684.46	2818.69	2959.62	3107.61	3262.99	5836.28	6128.11	6434.51	6756.25	7094.07
457.0	34.3947	36.1144	37.9201	39.8161	41.8069	2751.58	2889.15	3033.61	3185.29	3344.55	5982.21	6281.30	6595.37	6925.14	7271.39
458.0	35.2546	37.0173	38.8682	40.8116	42.8522	2820.37	2961.38	3109.46	3264.93	3428.18	6131.77	6438.34	6760.28	7098.28	7453.21
459.0	36.1360	37.9428	39.8399	41.8319	43.9235	2890.88	3035.42	3187.19	3346.55	3513.88	6285.06	6599.31	6929.27	7275.73	7639.53
460.0	37.0394	38.8914	40.8360	42.8778	45.0217	2963.15	3111.31	3266.88	3430.22	3601.74	6442.18	6764.30	7102.52	7457.64	7830.54
461.0	37.9654	39.8637	41.8569	43.9497	46.1472	3037.23	3189.10	3348.55	3515.98	3691.78	6603.24	6933.42	7280.08	7644.09	8026.30
462.0	38.9145	40.8602	42.9032	45.0484	47.3008	3113.16	3268.82	3432.26	3603.87	3784.06	6768.32	7106.74	7462.08	7835.17	8226.92
463.0	39.8874	41.8818	43.9759	46.1747	48.4834	3190.99	3350.54	3518.07	3693.98	3878.67	6937.53	7284.41	7648.64	8031.08	8432.62
464.0	40.8846	42.9288	45.0752	47.3290	49.6955	3270.77	3434.30	3606.02	3786.32	3975.64	7110.98	7466.51	7839.85	8231.84	8643.44
465.0	41.9067	44.0020	46.2021	48.5122	50.9378	3352.54	3520.16	3696.17	3880.98	4075.02	7288.76	7653.18	8035.84	8437.66	8859.50
466.0	42.9544	45.1021	47.3572	49.7251	52.2114	3436.35	3608.17	3788.58	3978.01	4176.91	7470.97	7844.52	8236.75	8648.59	9081.02
467.0	44.0283	46.2297	48.5412	50.9683	53.5167	3522.26	3698.38	3883.30	4077.46	4281.34	7657.75	8040.65	8442.68	8864.81	9308.06
468.0	45.1290	47.3855	49.7548	52.2425	54.8546	3610.32	3790.84	3980.38	4179.40	4388.37	7849.20	8241.67	8653.74	9086.43	9540.76
469.0	46.2572	48.5701	50.9986	53.5485	56.2259	3700.58	3885.61	4079.89	4283.88	4498.07	8045.43	8447.70	8870.09	9313.58	9779.25
470.0	47.4136	49.7843	52.2735	54.8872	57.6316	3793.09	3982.74	4181.88	4390.98	4610.53	8246.56	8658.88	9091.83	9546.43	10023.75
471.0	48.5989	51.0288	53.5802	56.2592	59.0722	3887.91	4082.30	4286.42	4500.74	4725.78	8452.71	8875.33	9319.11	9785.06	10274.32
472.0	49.8139	52.3046	54.9198	57.6658	60.5491	3985.11	4184.37	4393.58	4613.26	4843.93	8664.03	9097.24	9552.08	10029.69	10531.19
473.0	51.0592	53.6122	56.2928	59.1074	62.0628	4084.74	4288.98	4503.42	4728.59	4965.02	8880.63	9324.67	9790.89	10280.43	10794.45
474.0	52.3357	54.9525	57.7001	60.5851	63.6144	4186.86	4396.20	4616.01	4846.81	5089.15	9102.65	9557.78	10035.67	10537.45	11064.32
475.0	53.6441	56.3263	59.1426	62.0997	65.2047	4291.53	4506.10	4731.41	4967.98	5216.38	9330.22	9796.71	10286.56	10800.89	11340.93
476.0	54.9852	57.7345	60.6212	63.6523	66.8349	4398.82	4618.76	4849.70	5092.18	5346.79	9563.47	10041.65	10543.73	11070.91	11624.46
477.0	56.3598	59.1778	62.1367	65.2435	68.5057	4508.78	4734.22	4970.94	5219.48	5480.46	9802.54	10292.67	10807.32	11347.67	11915.07
478.0	57.7688	60.6572	63.6901	66.8746	70.2183	4621.50	4852.58	5095.21	5349.97	5617.46	10047.60	10549.99	11077.50	11631.37	12212.92
479.0	59.2130	62.1737	65.2824	68.5465	71.9738	4737.04	4973.90	5222.59	5483.72	5757.90	10298.80	10813.76	11354.43	11922.16	12518.25
480.0	60.6933	63.7280	66.9144	70.2601	73.7731	4855.46	5098.24	5353.15	5620.81	5901.85	10556.26	11084.08	11638.28	12220.20	12831.21

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective July 2, 1991

Range	Title
512	Fire Battalion Chief
513	
514	
515	
516	
517	Fire Division Chief

SCHEDULE E
MANAGEMENT/CONFIDENTIAL-FIRE

CITY OF MUKWAGO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 91/92
EFFECTIVE 07/02/91

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
501.0	19.5806	20.5596	21.5876	22.6670	23.8004	1566.45	1644.77	1727.01	1813.36	1904.03	3405.62	3575.89	3754.69	3942.43	4139.55
502.0	20.0701	21.0736	22.1273	23.2337	24.3954	1605.61	1685.89	1770.18	1858.70	1951.63	3490.76	3665.29	3848.55	4041.00	4243.04
503.0	20.5719	21.6005	22.6805	23.8145	25.0052	1645.75	1728.04	1814.44	1905.16	2000.42	3578.03	3756.93	3944.77	4142.01	4349.11
504.0	21.0862	22.1405	23.2475	24.4099	25.6304	1686.90	1771.24	1859.80	1952.79	2050.43	3667.49	3850.85	4043.39	4245.56	4457.84
505.0	21.6134	22.6941	23.8288	25.0202	26.2712	1729.07	1815.53	1906.30	2001.62	2101.70	3759.17	3947.14	4144.49	4351.72	4569.31
506.0	22.1537	23.2614	24.4245	25.6457	26.9280	1772.30	1860.91	1953.96	2051.66	2154.24	3853.16	4045.80	4248.10	4460.51	4683.53
507.0	22.7075	23.8429	25.0350	26.2868	27.6011	1816.60	1907.43	2002.80	2102.94	2208.09	3949.47	4146.94	4354.29	4572.00	4800.61
508.0	23.2752	24.4390	25.6610	26.9441	28.2913	1862.02	1955.12	2052.88	2155.53	2263.30	4048.22	4250.63	4463.17	4686.34	4920.64
509.0	23.8571	25.0500	26.3025	27.6176	28.9985	1908.57	2004.00	2104.20	2209.41	2319.88	4149.42	4356.90	4576.74	4803.48	5043.65
510.0	24.4535	25.6762	26.9600	28.3080	29.7234	1956.28	2054.10	2156.80	2264.64	2377.87	4253.15	4465.82	4689.10	4923.55	5169.73
511.0	25.0648	26.3180	27.6339	29.0156	30.4664	2005.18	2105.44	2210.71	2321.25	2437.31	4359.46	4577.44	4806.30	5046.63	5298.96
512.0	25.6914	26.9760	28.3248	29.7410	31.2281	2055.31	2158.08	2265.98	2379.28	2498.25	4468.45	4691.88	4926.47	5172.79	5431.45
513.0	26.3337	27.6504	29.0329	30.4845	32.0087	2106.70	2212.03	2322.63	2438.76	2560.70	4580.18	4809.17	5049.63	5302.11	5567.22
514.0	26.9920	28.3416	29.7587	31.2466	32.8089	2159.36	2267.33	2380.70	2499.73	2624.71	4694.66	4929.40	5175.88	5434.66	5706.38
515.0	27.6668	29.0501	30.5026	32.0277	33.6291	2213.34	2324.01	2440.21	2562.22	2690.33	4812.02	5052.63	5305.26	5570.52	5849.05
516.0	28.3585	29.7764	31.2652	32.8285	34.4699	2268.68	2382.11	2501.22	2626.28	2757.59	4932.34	5178.95	5437.90	5709.80	5995.28
517.0	29.0675	30.5209	32.0469	33.6492	35.3317	2325.40	2441.67	2563.75	2691.94	2826.54	5055.65	5308.43	5573.85	5852.55	6145.18
518.0	29.7942	31.2839	32.8481	34.4905	36.2150	2383.54	2502.71	2627.85	2759.24	2897.20	5182.05	5441.14	5713.21	5998.86	6298.80
519.0	30.5391	32.0661	33.6694	35.3529	37.1205	2443.13	2565.29	2693.55	2828.23	2969.64	5311.61	5577.20	5856.05	6148.85	6456.29
520.0	31.3026	32.8677	34.5111	36.2367	38.0485	2504.21	2629.42	2760.89	2898.94	3043.88	5444.40	5716.62	6002.45	6302.59	6617.70
521.0	32.0852	33.6895	35.3740	37.1427	38.9998	2566.82	2695.16	2829.92	2971.42	3119.98	5580.52	5859.55	6152.53	6460.16	6783.15
522.0	32.8873	34.5317	36.2583	38.0712	39.9748	2630.98	2762.54	2900.66	3045.70	3197.98	5720.01	6006.04	6306.32	6621.66	6952.73
523.0	33.7095	35.3950	37.1648	39.0230	40.9742	2696.76	2831.60	2973.18	3121.84	3277.94	5863.03	6156.18	6463.99	6787.19	7126.57
524.0	34.5522	36.2798	38.0938	39.9985	41.9984	2764.18	2902.38	3047.50	3199.88	3359.87	6009.60	6310.06	6625.57	6956.86	7304.69
525.0	35.4160	37.1868	39.0461	40.9984	43.0483	2833.28	2974.94	3123.69	3279.87	3443.86	6159.83	6467.82	6791.21	7130.77	7487.30
526.0	36.3014	38.1165	40.0223	42.0234	44.1246	2904.11	3049.32	3201.78	3361.87	3529.97	6313.83	6629.53	6960.99	7309.04	7674.51
527.0	37.2089	39.0693	41.0228	43.0739	45.2276	2976.71	3125.54	3281.82	3445.91	3618.21	6471.67	6795.24	7135.00	7491.75	7866.35
528.0	38.1391	40.0461	42.0484	44.1508	46.3583	3051.13	3203.69	3363.87	3532.06	3708.66	6633.46	6965.14	7313.39	7679.05	8063.00
529.0	39.0926	41.0472	43.0996	45.2546	47.5173	3127.41	3283.78	3447.97	3620.37	3801.38	6799.30	7139.27	7496.23	7871.05	8264.58
530.0	40.0699	42.0734	44.1771	46.3860	48.7053	3205.59	3365.87	3534.17	3710.88	3896.42	6969.27	7317.74	7683.64	8067.82	8471.21
531.0	41.0716	43.1252	45.2815	47.5456	49.9229	3285.73	3450.02	3622.52	3803.65	3993.83	7143.51	7500.69	7875.72	8269.52	8682.99
532.0	42.0984	44.2033	46.4135	48.7342	51.1709	3367.87	3536.26	3713.08	3898.74	4093.67	7322.09	7688.18	8072.61	8476.25	8900.05
533.0	43.1509	45.3084	47.5738	49.9525	52.4501	3452.07	3624.67	3805.90	3996.20	4196.01	7505.15	7880.40	8274.41	8688.14	9122.55
534.0	44.2297	46.4412	48.7633	51.2015	53.7616	3538.38	3715.30	3901.06	4096.12	4300.93	7692.79	8077.43	8481.29	8905.37	9350.65
535.0	45.3354	47.6022	49.9823	52.4814	55.1055	3626.83	3808.18	3998.58	4198.51	4408.44	7885.09	8279.36	8693.31	9127.98	9584.39
536.0	46.4688	48.7922	51.2318	53.7934	56.4831	3717.50	3903.38	4098.54	4303.47	4518.65	8082.22	8486.34	8910.64	9356.17	9824.00
537.0	47.6305	50.0120	52.5126	55.1382	57.8951	3810.44	4000.96	4201.01	4411.06	4631.61	8284.28	8698.49	9133.42	9590.09	10069.58
538.0	48.8213	51.2624	53.8255	56.5168	59.3426	3905.70	4100.99	4306.04	4521.34	4747.41	8491.38	8915.96	9361.76	9829.85	10321.34
539.0	50.0418	52.5439	55.1711	57.9297	60.8262	4003.34	4203.51	4413.69	4634.38	4866.10	8703.66	9138.85	9595.80	10075.61	10579.39
540.0	51.2928	53.8574	56.5503	59.3778	62.3467	4103.42	4308.59	4524.02	4750.22	4987.74	8921.25	9367.31	9835.67	10327.45	10843.85

Exhibit "J"

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES

Effective July 2, 1991

Range	Title
601	
602	Police Corporal
603	
604	
605	
606	
607	
608	
609	
610	Police Sergeant
611	
612	
613	
614	
615	
616	Police Lieutenant
617	
618	
619	
620	
621	Police Captain

SCHEDULE F
MANAGEMENT/CONFIDENTIAL-POLICE

CITY OF HOLISTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 91/92
EFFECTIVE 07/02/91

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
601-0	17.8574	18.7503	19.6878	20.6722	21.7058	1428.59	1500.02	1575.02	1653.78	1736.46	3105.90	3261.19	3424.25	3595.48	3775.24
602-0	18.3038	19.2190	20.1800	21.1890	22.2485	1464.30	1537.52	1614.40	1695.12	1779.88	3183.53	3342.72	3509.87	3685.36	3869.64
603-0	18.7614	19.6995	20.6845	21.7187	22.8046	1500.91	1575.96	1654.76	1737.50	1824.37	3263.13	3426.29	3597.61	3777.50	3966.36
604-0	19.2304	20.1919	21.2015	22.2616	23.3747	1538.43	1615.35	1696.12	1780.93	1869.98	3344.70	3511.93	3687.53	3871.92	4065.52
605-0	19.7112	20.6968	21.7316	22.8182	23.9591	1576.90	1655.74	1738.53	1825.46	1916.73	3428.34	3599.74	3779.74	3968.73	4167.16
606-0	20.2040	21.2142	22.2749	23.3886	24.5580	1616.32	1697.14	1781.99	1871.09	1964.64	3514.04	3689.75	3874.22	4067.94	4271.32
607-0	20.7091	21.7446	22.8318	23.9734	25.1721	1656.73	1739.57	1826.54	1917.87	2013.77	3601.90	3782.00	3971.08	4169.64	4378.14
608-0	21.2268	22.2881	23.4025	24.5726	25.8012	1698.14	1783.05	1872.20	1965.81	2064.10	3691.93	3876.53	4070.35	4273.87	4487.56
609-0	21.7575	22.8454	23.9877	25.1871	26.4465	1740.60	1827.63	1919.02	2014.97	2115.72	3784.24	3973.45	4172.14	4380.75	4599.79
610-0	22.3014	23.4165	24.5873	25.8167	27.1075	1784.11	1873.32	1966.98	2065.34	2168.60	3878.83	4072.79	4276.41	4490.26	4714.75
611-0	22.8589	24.0018	25.2019	26.4620	27.7851	1828.71	1920.14	2016.15	2116.96	2222.81	3975.80	4174.58	4383.31	4602.48	4832.61
612-0	23.4304	24.6019	25.8320	27.1236	28.4798	1874.43	1968.15	2066.56	2169.89	2278.38	4075.20	4278.95	4492.91	4717.56	4953.43
613-0	24.0162	25.2170	26.4779	27.8018	29.1919	1921.30	2017.36	2118.23	2224.14	2335.35	4177.10	4385.94	4605.24	4835.50	5077.28
614-0	24.6166	25.8474	27.1398	28.4968	29.9216	1969.33	2067.79	2171.18	2279.74	2393.73	4281.52	4495.58	4720.36	4956.38	5204.21
615-0	25.2320	26.4936	27.8183	29.2092	30.6697	2018.56	2119.49	2225.46	2336.74	2453.58	4388.55	4607.98	4838.37	5080.31	5334.33
616-0	25.8628	27.1559	28.5137	29.9394	31.4364	2069.02	2172.47	2281.10	2395.15	2514.91	4498.26	4723.17	4959.34	5207.30	5467.67
617-0	26.5094	27.8349	29.2266	30.6879	32.2223	2120.75	2226.79	2338.13	2455.03	2577.78	4610.72	4841.26	5083.33	5337.48	5604.35
618-0	27.1721	28.5307	29.9572	31.4551	33.0279	2173.77	2282.46	2396.58	2516.41	2642.23	4725.99	4962.30	5210.40	5470.93	5744.47
619-0	27.8514	29.2440	30.7062	32.2415	33.8536	2228.11	2339.52	2456.50	2579.32	2708.29	4844.13	5086.35	5340.68	5607.70	5888.09
620-0	28.5477	29.9751	31.4739	33.0476	34.7000	2283.82	2398.01	2517.91	2643.81	2776.00	4965.25	5213.51	5474.19	5747.91	6035.30
621-0	29.2614	30.7245	32.2607	33.8737	35.5674	2340.91	2457.96	2580.86	2709.90	2845.39	5089.37	5343.85	5611.05	5891.59	6186.16
622-0	29.9929	31.4925	33.0671	34.7205	36.4565	2399.43	2519.40	2645.37	2777.64	2916.52	5216.60	5477.43	5751.30	6038.87	6340.81
623-0	30.7427	32.2798	33.8938	35.5885	37.3679	2459.42	2582.38	2711.50	2847.08	2989.43	5347.03	5614.35	5895.07	6189.84	6499.32
624-0	31.5113	33.0869	34.7412	36.4783	38.3022	2520.90	2646.95	2779.30	2918.26	3064.18	5480.69	5754.73	6042.48	6344.59	6661.83
625-0	32.2991	33.9141	35.6098	37.3903	39.2598	2583.93	2713.13	2848.78	2991.22	3140.78	5617.72	5898.62	6193.53	6503.21	6828.37
626-0	33.1066	34.7619	36.5000	38.3250	40.2413	2648.53	2780.95	2920.00	3066.00	3219.30	5758.17	6046.06	6348.37	6665.79	6999.08
627-0	33.9343	35.6310	37.4126	39.2832	41.2474	2714.74	2850.48	2993.01	3142.66	3299.79	5902.12	6197.23	6507.10	6832.46	7174.07
628-0	34.7827	36.5218	38.3479	40.2653	42.2786	2782.62	2921.74	3067.83	3221.22	3382.29	6049.69	6352.15	6669.77	7003.25	7353.44
629-0	35.6523	37.4349	39.3066	41.2719	43.3355	2852.18	2994.79	3144.53	3301.75	3466.84	6200.92	6510.97	6836.52	7178.33	7537.26
630-0	36.5436	38.3708	40.2893	42.3038	44.4190	2923.49	3069.66	3223.14	3384.30	3553.52	6355.96	6673.75	7007.43	7357.81	7725.71
631-0	37.4572	39.3301	41.2966	43.3614	45.5295	2996.58	3146.41	3303.73	3468.91	3642.36	6514.86	6840.61	7182.64	7541.76	7918.85
632-0	38.3936	40.3133	42.3290	44.4455	46.6678	3071.49	3225.06	3386.32	3555.64	3733.42	6677.73	7011.60	7362.20	7730.32	8116.83
633-0	39.3534	41.3211	43.3872	45.5566	47.8344	3148.27	3305.69	3470.98	3644.53	3826.75	6844.65	7186.90	7546.26	7923.57	8319.74
634-0	40.3372	42.3541	44.4718	46.6954	49.0302	3226.98	3388.33	3557.74	3735.63	3922.42	7015.78	7366.57	7734.88	8121.63	8527.73
635-0	41.3456	43.4129	45.5835	47.8627	50.2558	3307.65	3473.03	3646.68	3829.02	4020.46	7191.16	7550.71	7928.25	8324.67	8740.88
636-0	42.3792	44.4982	46.7231	49.0593	51.5123	3390.34	3559.86	3737.85	3924.74	4120.98	7370.94	7739.49	8126.46	8532.78	8959.42
637-0	43.4387	45.6106	47.8911	50.2857	52.8000	3475.10	3648.85	3831.29	4022.86	4224.00	7555.21	7932.96	8329.61	8746.10	9183.40
638-0	44.5247	46.7509	49.0884	51.5428	54.1199	3561.98	3740.07	3927.07	4123.42	4329.59	7744.10	8131.29	8537.84	8964.73	9412.96
639-0	45.6378	47.9197	50.3157	52.8315	55.4731	3651.02	3833.58	4025.26	4226.52	4437.85	7937.68	8334.59	8751.32	9188.88	9648.33
640-0	46.7787	49.1176	51.5735	54.1522	56.8598	3742.30	3929.41	4125.88	4332.18	4548.78	8136.13	8542.93	8970.08	9418.59	9889.50

Exhibit "L"

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 2, 1991

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3917	4896
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	5013	6267
714			
715	Planning & Comm. Dev. Director Finance Director	5266	6584
716			
717			
718			
719			
720	Parks & Recreation Director Fire Chief	5960	7450

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 2, 1991

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	City Attorney Police Chief	6261	7826
723	Public Works and Transportation Director	6418	8022
724	Deputy City Manager	6578	8222
725			
726			
727			
728	City Manager	7261	9077

MODESTO CITY COUNCIL
RESOLUTION NO. 91-466

A RESOLUTION ADOPTING AN ELIGIBLE STATE DEFERRED COMPENSATION PLAN UNDER SECTION 457 OF THE INTERNAL REVENUE CODE FOR PART-TIME, SEASONAL AND TEMPORARY EMPLOYEES, SETTING THE CITY CONTRIBUTION, AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR INVESTMENT OF DEFERRED COMPENSATION FUNDS WITH SACRAMENTO SAVINGS BANK.

WHEREAS, on April 10, 1991, the Department of the Treasury and the Internal Revenue Service (IRS) released proposed regulations and a revenue procedure mandating federal Social Security taxes for cities, towns and their elected and appointed officials, as well as employees who are not active members of a "qualified" retirement system, and

WHEREAS, the final regulations will confirm that cities are required to enroll part-time, seasonal and temporary employees (PST) in the Social Security system, Federal Insurance Contributions Act (FICA), or other retirement programs, and

WHEREAS, FICA requires a 6.2% employee contribution and a matching 6.2% employer contribution, and

WHEREAS, as an alternative to FICA, the City could implement a part-time, seasonal and temporary employees deferred compensation plan under Section 457 of the Internal Revenue Code, and

WHEREAS, Section 457 of the Internal Revenue Code requires a 7.5% total contribution from the employee and employer, which contribution could be contributed entirely by the employee or split between the employer and employee, and

WHEREAS, City staff has proposed an employee contribution of 3.75% and a matching City contribution of 3.75% in an eligible State Deferred Compensation Plan under Section 457 of the Internal Revenue Code for part-time, seasonal and temporary employees, and

WHEREAS, Sacramento Savings Bank (SSB) appears to have the only readily available plan for part-time, seasonal and temporary employees, and said SSB deferred compensation programs are presently used by 52 governmental agencies, including the City of Stockton and the State of California, and

WHEREAS, Councilmembers have the option of participating in the Public Employees Retirement System (PERS), (PERS requires a 7% employee contribution and a matching 7% employer contribution), and those who do not choose PERS would be automatically enrolled in the Deferred Compensation Plan under Section 457 of the Internal Revenue Code, and

WHEREAS, adoption of the Deferred Compensation Plan under Section 457 of the Internal Revenue Code would satisfy said new Social Security system (FICA) requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts a Deferred Compensation Plan under Section 457 of the Internal Revenue Code for part-time, seasonal and temporary employees for the purpose of deferring income to comply with the new Social Security system, Federal Insurance Contributions Act (FICA) requirements, a copy of which plan is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that an employee contribution of 3.75% and a matching City contribution of 3.75% is hereby approved for participants in the Deferred Compensation Plan under Section 457 of the Internal Revenue Code.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement for Investment of Deferred Compensation Funds with Sacramento Savings Bank.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-467

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RAYMOND L. AND RUBY C. MARSH FOR THE LEASE OF 1004 THRASHER AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Raymond L. and Ruby C. Marsh for the lease of 1004 Thrasher 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-468

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY AND CAROLE LUKE FOR THE LEASE OF 660 EL VISTA AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry and Carole Luke for the lease of 660 El Vista 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-469

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUD TO LEASE WITH OPTION TO PURCHASE, A SINGLE FAMILY HOME FOR HOMELESS TRANSITIONAL HOUSING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and HUD to lease with option to purchase a single family home for homeless transitional housing

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-470

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY
TEMPORARY SHELTER SERVICES TO PROVIDE HOMELESS TRANSITIONAL HOUSING COUNSELING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Community Temporary Shelter Services
to provide homeless transitional housing counseling

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated 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 July , 1991, by
Councilmember Dobbs , who moved its adoption, which motion being duly
seconded by Councilmember Martin , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Cliff

MODESTO CITY COUNCIL
RESOLUTION NO. 91-471

A RESOLUTION APPROVING THE FINAL MAP OF THE LAS BRISAS
NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Busby Development Corporation, a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.91 acres, known as the Las Brisas No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of May, 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 Las Brisas No. 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-472

A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATION FOR TRAFFIC SIGNAL MODIFICATIONS AT COFFEE ROAD AND ORANGEBURG AVENUE

WHEREAS, the City of Modesto has acquired the required right of way needed for the proposed traffic signal project at Coffee Road and Orangeburg Avenue; and

WHEREAS, it is necessary for the City of Modesto to make a certification to the State of California that the right of way has been acquired for the proposed traffic signal project at Coffee Road and Orangeburg Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are hereby authorized to sign a Right of Way Certificate setting forth the status of the right of way acquisition for the proposed traffic signal project at Coffee Road and Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-473

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL UNION/SEDGWICK JAMES OF CALIFORNIA, INC. TO PROVIDE EXCESS WORKERS' COMPENSATION INSURANCE FOR POLICY YEAR JULY 1, 1991-92

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 of California, Inc. to provide excess Workers' Compensation Insurance for policy year July 1, 1991-92

be, and it is hereby approved.


BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-474

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FIREMAN'S FUND/HAMILTON MERIDIAN INSURANCE ASSOCIATES TO PROVIDE PROPERTY INSURANCE FOR THE POLICY YEAR JULY 1, 1991-92

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Fireman's Fund/Hamilton Merician Insurance Associates to provide property insurance for the policy year July 1, 1991-92

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-475

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR ARNOLD ARRAMBIDE,
A TOUCH OF CLASS LIMOUSINE SERVICE, FOR A CERTIFICATE TO OPERATE TAXICABS IN THE
CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that August 6, 1991, at 7:30 P.M. in the Council Cham-
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby
set as the time and place for consideration of Arnold Arrambide,
A Touch of Class Limousine Service, for a Certificate to operate taxicabs 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 9th day of
July, 1991, by Councilmember Dobbs, who
moved its adoption, which motion being duly seconded by Councilmember
Martin, was upon roll call carried and the resolution
adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-476

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PEARL HOUGH FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE 7/9/91

WHEREAS, Pearl Hough was appointed a member of the Affirmative Action Commission on September 8, 1987; and

WHEREAS, Pearl Hough has tendered her resignation from the Affirmative Action Commission, effective 7/9/91; and

WHEREAS, Pearl Hough 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 Pearl Hough 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 Pearl Hough 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-477

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SUSAN HACKETT FROM THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF DIRECTORS, EFFECTIVE 7/9/91

WHEREAS, Susan Hackett was appointed a member of the Downtown Improvement District Board of Directors on March 24, 1987; and

WHEREAS, Susan Hackett has tendered her resignation from the Downtown Improvement District effective 7/9/91; and

WHEREAS, Susan Hackett 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 Susan Hackett from the Downtown Improvement District 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 Susan Hackett 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 9th day of July, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-478

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TERRI AMERIO-BELL FROM THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF DIRECTORS, EFFECTIVE 7/9/91

WHEREAS, Terri Amerio-Bell was appointed a member of the Downtown Improvement District Board of Directors on February 13, 1990; and

WHEREAS, Terri Amerio-Bell has tendered her resignation from the Downtown Improvement District effective 7/9/91; and

WHEREAS, Terri Amerio-Bell 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 Terri Amerio-Bell from the Downtown Improvement District 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 Terri Amerio-Bell 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 9th day of July, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-479

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION
(LYNN GONZALES-COLLINS)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Planning Commission for the respective term as indicated:

Lynn Gonzales-Collins

Term to expire 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Planning Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 19 91, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-480

A RESOLUTION SUPPORTING THE SOUTHERN PACIFIC ROUTE OF
STOCKTON-FRESNO HIGH SPEED RAIL LINE.

WHEREAS, the AB 971 Los Angeles-Fresno-Bay Area/Sacramento High Speed Rail Corridor Study Group recommended in its 1990 report to the Legislature that the route of Amtrak's "San Joaquin" trains between Stockton and Fresno be switched to the Southern Pacific line as soon as equivalent travel times to the present Santa Fe line are accomplished so that the cities of Modesto, Turlock, Manteca, Merced, and Madera could be more directly served, and

WHEREAS, the people of California approved Proposition 116 in June 1990 providing for rail bonds, which include \$60 million for improvement of the Southern Pacific line between Stockton and Fresno, and

WHEREAS, the five-year Caltrans Rail Passenger Development Plan provides for route transfer and includes money for its accomplishment, and

WHEREAS, the Steering Committee of the Caltrans Rail Task Force has long had the same policy goal, and

WHEREAS, it appears there may be an effort made at the next meeting of the Steering Committee to reverse this position in favor of the Santa Fe route for high speed trains,

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council reaffirms its strong support for the use of the Southern Pacific route by the "San Joaquin" trains between Stockton and Fresno.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the following organizations and persons with the recommendation that they either

reaffirm their position in favor of the Southern Pacific line between Stockton and Fresno or support it, whichever is appropriate.

1. Members of the Steering Committee of the Caltrans Rail Task Force
2. Boards of Supervisors of San Joaquin, Merced, Madera, and Fresno Counties
3. City Councils of Turlock, Stockton, Manteca, Merced, Madera, and Fresno
4. Senator Dan McCorquodale
5. Assemblyman Sal Cannella
6. Rail Division of the California Department of Transportation
7. National Railroad Passenger Corporation

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-481

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR THE 1991 STREETS
CAPE SEAL PROJECT

WHEREAS, Resolution No. 91-382 , adopted by the Council of the City of
Modesto on June 11 , 1991 , approved the plans and specifications for
the 1991 streets cape seal project

and authorized the calling for bids; and

WHEREAS, the bids received for the 1991 streets cape seal project
were opened at 11:05 a.m. on July 2, 1991 , 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 Graham Contractors, Inc. in the amount of \$548,676.22
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Graham Contractors, Inc. in the amount of \$548,676.22
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 July , 1991, 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, Irizarry, Martin, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-482

A RESOLUTION ACCEPTING THE BID OF IRA MATHENY, INC. FOR THE SENIOR CITIZENS CENTER IMPROVEMENTS

WHEREAS, Resolution No. 91-387 , adopted by the Council of the City of Modesto on June 11 , 1991 , approved the plans and specifications for the Senior Citizens Center improvements

and authorized the calling for bids; and

WHEREAS, the bids received for the Senior Citizens Center improvements were opened at 11:00 a.m. on July 2, 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 Ira Matheny, Inc. in the amount of \$52,819 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ira Matheny, Inc. in the amount of \$52,819 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 July , 1991, 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, Irizarry, Martin, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-483

A RESOLUTION APPROVING AN AMENDED CONTRACT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER AND COMPANY REGARDING THE REMOVAL OF THE TRAIN TRACKS FROM 9TH STREET

WHEREAS, in October of 1988, the City entered into a contract with the DeLeuw, Cather and Company to prepare a plan for removing the Union Pacific trains from 9th Street, said contract to be completed in eight months; and

WHEREAS, due to changes in the scope of the relocation project and the changing environmental picture, the contract has progressed slowly, with DeLeuw, Cather and Company requesting a time extension and extra money to compensate for the extended time and newer environmental guidelines.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the amended contract between the City of Modesto and DeLeuw, Cather and Company to extend the completion date of the contract from July 5, 1991, to December 5, 1991, and increase the maximum payment by \$38,400 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended contract by the designated 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 July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-484

A RESOLUTION APPROVING THE STANISLAUS COUNTY FINAL DRAFT HAZARDOUS WASTE MANAGEMENT PLAN, DATED JUNE 1, 1991

WHEREAS, the bill AB 2948 established an effective process for managing hazardous waste at the local level and directed counties to encourage the use of measures to reduce hazardous wastes in the community and insure that hazardous waste facilities are sited where they best serve the waste management needs of the state; and

WHEREAS, the Stanislaus County Hazardous Waste Management Plan has been completed in final form after extensive review by cities, the County and the general public; and

WHEREAS, an environmental impact report was prepared for the plan and certified by the Board of Supervisors on June 12, 1990.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Stanislaus County Final Draft Hazardous Waste Management Plan, a copy of which is on file in the office of the City Clerk, dated June 1, 1991 be, and it 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 July, 1991, 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, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-485

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD TO INSTALL CITY STORM DRAIN TRUNK FACILITIES AT THE RIVER TERRACE SUBDIVISION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad to install City storm drain trunk facilities at the River Terrace Subdivision.

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-486

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$90,000 TO PROVIDE FUNDING TO INSTALL CITY STORM DRAIN TRUNK FACILITIES AT THE RIVER TERRACE SUBDIVISION

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Reserve (330 800 8000 8003)	\$90,000
TO:	Ustick Drain Area (330 430 A501 6000)	\$90,000

Funds are needed to provide funding to install the last segment of the storm drain trunk facilities project at the River Terrace Subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-487

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY FOR THE CITY'S BOILER AND MACHINERY INSURANCE FOR POLICY YEAR JULY 15, 1991-92

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance Company for the City's Boiler and Machinery Insurance for policy year July 15, 1991-92

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-488

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY (ACCEL) FOR EXCESS LIABILITY COVERAGE FOR POLICY YEAR JULY 1, 1991-92

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Authority for California Cities Excess Liability (ACCEL) for excess liability coverage for policy year July 1, 1991-92

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-489

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 90-850.

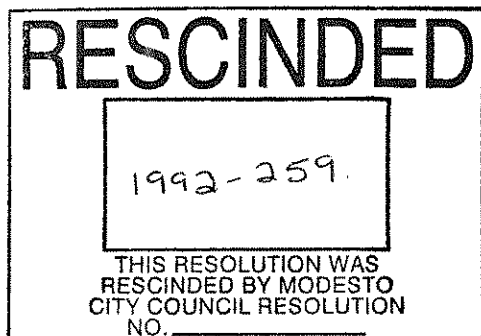
WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

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 include meter installation fees specific to the site development, and

WHEREAS, the City Council held a public hearing at its regular meeting on July 23, 1991, 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	\$ 825.00
	1-1/2" service	850.00
	2" service	925.00
	4"-6" service	2,300.00
	8" service	2,500.00
	10" or larger service	COST
	Connection to existing main	1,850.00
11-1.04	Additional Charge for each water service installation involving pavement removal and/or replacements.	\$ 220.00
	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.	15.50
	Water detector check valve, 4 in.	400.00
	Water detector check valve, 6 in.	500.00
	Water detector check valve, 8 in.	850.00
	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.	15.50
	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	\$1,900.00
	Fire hydrant line to main per lineal foot	3.50
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	220.00
	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	265.00
	Each 1" meter with traffic lid, Retrofit Service	325.00
	Each 1-1/2" meter	375.00
	Each 1-1/2" meter with traffic lid	490.00
	Each 2" meter	545.00
	Each 2" meter with traffic lid	600.00
	Each 4" meter	2,700.00
	Each 6" meter	3,830.00
	Each 8" meter	7,100.00
	Each 10" or larger meter	COST
11-1.09	Fire hydrant charge for construction water used.	COST OF WATER

11-1.14(e)	Water bill delinquent charge. (LATE CHARGE)	3.50
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)	Cut Waterline	300.00

*(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 October 1, 1991.

BE IT FURTHER RESOLVED that Resolution No. 90-850, adopted by the Council October 16, 1990, 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 23rd day of July, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-490

A RESOLUTION ACCEPTING THE SAND BLASTING AND RECOATING OF CLARIFIER NO. 2
AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the sand blasting and recoating of clarifier No. 2 at the Water
Quality Control Plant
has been completed by Sancon Engineering
in accordance with the contract agreement dated April 9, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the sand blasting and recoating
of clarifier No. 2 at the Water Quality Control Plant

be accepted from said contractor, Sancon Engineering ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$73,500 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 23rd day of July,
19 91, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Irizarry, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-491

A RESOLUTION ACCEPTING THE YOSEMITE PARK STREET IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Yosemite Park street improvements

has been completed by Western Stone Products
in accordance with the contract agreement dated April 2, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Yosemite Park street
improvements

be accepted from said contractor, Western Stone Products ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$24,286.78 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 23rd day of July,
19 91, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Irizarry, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-492

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. TO RECONSTRUCT
COFFEE ROAD - FLOYD AVENUE TO RUMBLE ROAD

WHEREAS, Resolution No. 91-361, adopted by the Council of the City of
Modesto on May 28, 1991, approved the plans and specifications for
reconstruction of Coffee Road - Floyd Avenue to Rumble Road

and authorized the calling for bids; and

WHEREAS, the bids received for the reconstruction of Coffee Road -
Floyd Avenue to Rumble Road

were opened at 11:00 a.m. on June 27, 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 Ross F. Carroll, Inc. in the amount of \$378,465

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 \$378,465
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 July, 1991, by
Councilmember Muratore, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-493

A RESOLUTION SUPPORTING CRIME PREVENTION AND PROCLAIMING
TUESDAY, AUGUST 6, 1991, AS "NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is sponsoring the 8th Annual edition of a special, coast-to-coast community crime prevention event on Tuesday, August 6, 1991, called "National Night Out" - America's Night Out Against Crime, and

WHEREAS, the City of Modesto plays an essential role assisting the Modesto Police Department through it's cooperative crime prevention efforts in Modesto and is in support of the "National Night Out" locally, and

WHEREAS, it is important that all citizens in Modesto be aware of the importance of crime prevention programs and the positive impact that their participation can have on reducing crime and drug abuse in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity for Modesto to join together with thousands of other communities across the country in support of safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts, and

WHEREAS, neighborhood awareness, spirit and cooperation are important themes of the "National Night Out" project and key components in helping the Modesto Police Department to fight crime and drug abuse.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 8th Annual "National Night Out" on Tuesday, August 6, 1991.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, does hereby proclaim Tuesday, August 6, 1991 as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

11
MODESTO CITY COUNCIL
RESOLUTION NO. 91-494

A RESOLUTION APPROVING A RIGHT OF ENTRY FROM MODESTO IRRIGATION DISTRICT FOR IMPROVEMENT DISTRICT NO. 29

WHEREAS, Right of Entry is needed to allow our contractor access to the Improvement District No. 29 property for construction purposes.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry between the City of Modesto and Modesto Irrigation District for Improvement District No. 29 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Right 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 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-495

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING A FIRST AMENDMENT OF LEASE AGREEMENT WITH THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has heretofore leased certain community center improvements and public parking improvements and the site thereof to the City of Modesto (the "City") pursuant to that certain Lease Agreement dated as of May 15, 1991, (the "Lease Agreement") by and between the Agency and the City, and

WHEREAS, the City has determined that it is in the interests of the City at this time to modify the legal description of the public portion of the Modesto Redevelopment Agency under the Lease Agreement and to that end the City and the Agency propose to enter into that certain First Amendment to Lease Agreement dated as of July 1, 1991, (the "First Amendment to Lease Agreement") by and between the Agency as lessor and the City as lessee, and

WHEREAS, the City Council approves of said First Amendment to Lease Agreement in the public interests of the City,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:

Section 1. Amendment of Lease Agreement. Approval of First Amendment to Lease Agreement. The City Council hereby approves the amendment of the Lease Agreement pursuant to the First Amendment to Lease Agreement in substantially the form on file with the City Clerk together with any changes therein or additions thereto deemed advisable by the City Manager upon the

advice of the City Attorney. The City Council hereby authorizes and directs the City Manager to execute, and the City Clerk to attest and affix the seal of the City to, said form of the First Amendment to Lease Agreement for and in the name of the City.


Section 2. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

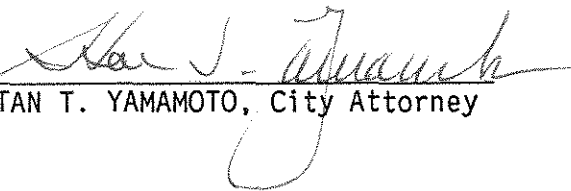
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-496

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING A THIRD AMENDMENT OF LEASE AGREEMENT WITH THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has heretofore leased certain community center improvements and public parking improvements and the site thereof to the City of Modesto (the "City") pursuant to that certain Lease Agreement dated as of November 1, 1985, (the "Lease Agreement") by and between the Agency and the City, and

WHEREAS, the City has determined that it is in the interests of the City at this time to modify the legal description of the public portion of the Modesto Redevelopment Agency under the Lease Agreement and to that end the City and the Agency propose to enter into that certain Third Amendment to Lease Agreement dated as of July 1, 1991, (the "Third Amendment to Lease Agreement") by and between the Agency as lessor and the City as lessee, and

WHEREAS, the City Council approves of said Third Amendment to Lease Agreement in the public interests of the City,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:

Section 1. Amendment of Lease Agreement. Approval of Third Amendment to Lease Agreement. The City Council hereby approves the amendment of the Lease Agreement pursuant to the Third Amendment to Lease Agreement in substantially the form on file with the City Clerk together with any changes therein or additions thereto deemed advisable by the City Manager upon the

advice of the City Attorney. The City Council hereby authorizes and directs the City Manager to execute, and the City Clerk to attest and affix the seal of the City to, said form of the Third Amendment to Lease Agreement for and in the name of the City.

Section 2. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-497

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was
adopted by the Modesto City Council Resolution No. 88-338 pursuant to Rule 2
of the Personnel Rule 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:

LAND SURVEYOR

The revised specifications for the classification of Land Surveyor
(Range 434), 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:

CHIEF OF SURVEY PARTY

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 23, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

LAND SURVEYOR

DEFINITION

To coordinate and supervise the activities of a survey party; to perform a variety of professional survey tasks as chief of survey party; and to provide technical survey assistance to engineering staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering staff.

Exercises direct supervision over technical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Direct and coordinate survey staff in making a variety of surveys including land surveys, topographic surveys, construction surveys and surveys to establish and monument centerlines.

Train survey staff in advanced survey techniques; provide technical staff assistance and direction.

Examine preliminary project requirements; research necessary information and assist in establishing project priorities and schedules.

Interpret and compute field data, evaluating for accuracy and completeness.

Prepare accurate field notes of work performed showing lines, angles, distances, benchmarks, mathematical calculations, and other data pertinent to the field survey.

Compute and adjust angles, distances, bearings, traverses, and elevations.

Operate a wide variety of survey instruments and instruct others in their operation.

Perform a variety of professional office surveying duties including calculating survey data from notes, maps, deeds and other records.

Supervise, train, and evaluate assigned staff.

Perform related duties as required.

QUALIFICATIONS

Knowledge of:

Surveying methods, practices, and techniques.

Knowledge of:

Methods and techniques used in the design and construction of a variety of public works projects.

Principles of algebra, geometry, and trigonometry as applied to technical engineering and surveying calculations.

Applicable principles and practices of engineering as related to survey work.

Relevant laws and regulatory codes dealing with development, construction, surveying, and real estate.

Principles of supervision, training, and performance evaluation.

Record keeping and survey data collection methods.

Engineering maps and records.

Modern office procedures, methods and computer equipment.

Ability to:

Understand and interpret legal descriptions and record survey maps.

Understand and interpret engineering plans, diagrams, and notes.

Use and care for surveying instruments and equipment.

Make accurate and legible field survey notes.

Perform complex mathematical calculations with speed and accuracy.

Plan, organize and schedule the work of a field survey crew to achieve optimum efficiency.

Supervise, train, and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Experience sufficient to qualify to take the examination for registration as a Land Surveyor.

Training:

College coursework or training sufficient to qualify to take the examination for registration as a Land Surveyor.

License or Certificate

Possession of a Certificate of Registration as a Land Surveyor in the State of California - or - possession of a Certificate of Registration as a professional civil engineer in the State of California issued prior to January 1, 1982.

Possession of, or ability to obtain, an appropriate, valid California driver's license.

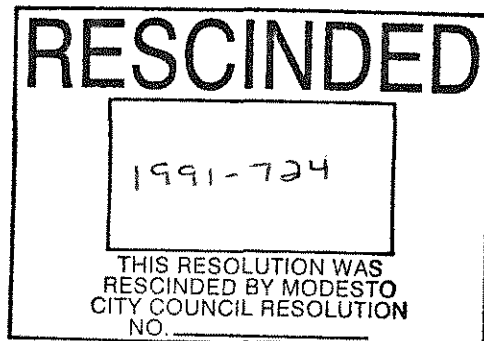
MODESTO CITY COUNCIL
RESOLUTION NO. 91-498

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."

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 July 23, 1991", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" abolishes the position of Chief of Survey Party at salary range 431 and creates the position of Land Surveyor at salary range 434.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 23, 1991.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 23, 1991

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	Claims Representative Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary

070291

1359/WPPER

Exhibit "G"

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 23, 1991

RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing System Supervisor
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Budget Analyst

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 23, 1991

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 July 23, 1991

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 Personnel Manager Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
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. 91-499

A RESOLUTION ACCEPTING A GRANT FROM THE CALIFORNIA RESOURCES AGENCY FOR CONSTRUCTION OF PHASE V FOR SONOMA NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO SIGN A PROJECT AGREEMENT FOR SAID GRANT.

WHEREAS, the California Resources Agency has awarded the City of Modesto a grant in the amount of \$20,685 for the construction of a hardball court and horseshoe pits in Phase V for Sonoma Neighborhood Park, and

WHEREAS, an application for the grant was authorized by the City Council and submitted to the State in June, and

WHEREAS, City staff was notified on July 12, 1991, that the State selected this project for funding as part of the budget augmentation grant awards for Fiscal Year 1990-91, 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 California Resources Agency in the amount of \$20,685 for Phase V for Sonoma Neighborhood Park 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 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-500

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE ADDITIONAL GRANT REVENUE IN AN EXISTING CIP PROJECT, SONOMA NEIGHBORHOOD PARK - PHASE V.

WHEREAS, a grant offer in the amount of \$20,685 has been made from the California Resources Agency for the construction of a hardball court and horseshoe pits at Sonoma Neighborhood Park, and

WHEREAS, this project was originally budgeted in the 1990-91 CIP in an amount of \$48,000. The grant will provide additional funding for this project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1991-92.

PARKS AND RECREATION FACILITIES FUND (150)

<u>Fund/Agy/Org</u>		<u>Increase</u>
150-510-9510-3134	State Grant Parks & Recreation	\$20,685
150-310-P962-6000	Sonoma Neighborhood Park - Phase V	\$20,685

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 July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-501

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$11,000 TO ESTABLISH
A NEW CAPITAL PROJECT - POOL REPAIRS AT DAVIS AND MODESTO HIGH SCHOOLS

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM:	Mildred Perkins Neighborhood Park	\$9,456
	(130 310 P424)	
	C.F. Brown Neighborhood Park	\$1,544
	(130 310 P247)	
TO:	Pool repair at Davis & Modesto High Schools	\$11,000
	(130 310 B502)	

The Stanislaus County Health Department requested that Modesto City Schools repair the Davis High School pool deck due to numerous cracks and expansion joint separations. Several large fiberglass delaminations at Davis and Modesto High School pools also need repairing. The funds requested are to cover the City's one-half of total repair costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-502

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GREAT AMERICAN INSURANCE COMPANY THROUGH GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF FINE ARTS MUSEUM FLOATER INSURANCE FOR THE POLICY YEAR AUGUST 6, 1991 - AUGUST 6, 1992

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Great American Insurance Company through Giddings, Corby, Hynes, Inc. for renewal of Fine Arts Museum Floater Insurance for the policy year August 6, 1991 - August 6, 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 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____


NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-503

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES
ASSOCIATION FOR THE FISCAL YEAR 1991-92.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
Memorandum of Understanding between the City of Modesto and the Modesto City
Employees Association covering the fiscal year 1991-92, which provides among
other matters for a two (2) percent increase commencing on November 19, 1991,
be and it is hereby approved.

BE IT FURTHER RESOLVED that all previous actions relating to Modesto
City Employees Association employees not in concert with this resolution are
hereby superseded by this resolution.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of
Understanding by the designated City officials 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 July, 1991, by
Councilmember Muratore, who moved its adoption, which motion being duly
seconded by Councilmember Irizarry, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-504

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JACK SCHMID FROM THE REHABILITATION LOAN POOL SUBCOMMITTEE AND THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, EFFECTIVE JULY 23, 1991

WHEREAS, Jack Schmid was appointed a member of the Rehabilitation Loan Pool Subcommittee on November 19, 1985, and the Citizens Housing and Community Development Committee on July 30, 1990; and

WHEREAS, Jack Schmid has tendered his resignation from the Rehabilitation Loan Pool Subcommittee and Citizens Housing and Community Development Committee effective July 23, 1991; and

WHEREAS, Jack Schmid 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 Jack Schmid from the Rehabilitation Loan Pool Subcommittee and 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 Jack Schmid 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 July, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 91-505

A RESOLUTION APPROVING AN APPLICATION TO OPERATE TAXICABS AND GRANTING THE REQUEST OF MR. ARRAMBIDE FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE THREE (3) TAXICABS IN THE CITY OF MODESTO DOING BUSINESS AS "A TOUCH OF CLASS LIMOUSINE AND TRANSPORTATION SERVICE".

WHEREAS, Mr. Arrambide, proposing to do business as "A Touch of Class Limousine and Transportation Service", filed an application, dated July 1, 1991, for Certificates of Public Convenience and Necessity to operate six (6) taxicabs in the City of Modesto, and

WHEREAS, Section 4-6.205 of the Modesto Municipal Code requires City staff to investigate such applications and to report said investigations in writing to the City Council including specific areas of investigation, findings, and comments for Council consideration, and

WHEREAS, after appropriate investigation by City staff as mentioned above and by report dated July 30, 1991, from the Public Works and Transportation Department, City staff recommended to the Council instead of the six (6) taxicabs requested by Mr. Arrambide the approval of to operate three (3) taxis doing business as "A Touch of Class Limousine and Transportation Service", and

WHEREAS, a public hearing was set for August 6, 1991, at 7:30 p.m., in the Council Chambers of City Hall located at 801 11th Street, Modesto, California, for the purpose of considering said application and investigations and reports, and

WHEREAS, said duly noticed public hearing was held as mentioned above, at which time evidence both oral and documentary was received and considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the investigation and report of City staff as mentioned above, a copy of which report is on file in the office of the City Clerk, the Council hereby finds and declares as follows:

1. That overall, the quantity of taxicabs in Modesto is adequate, but the quality of service does not meet expectations and additional competition could be instrumental in enhancing the quality of service, therefore, the Council declares that the public convenience and necessity requires the operation of the additional proposed taxicab service.

2. The name, "A Touch of Class Limousine and Transportation Service" is acceptable. The color scheme for the proposed taxi operation will be dark burgundy.

3. That Mr. Arrambide be granted Certificates of Public Convenience and Necessity to operate three (3) taxicabs in the City of Modesto doing business as "A Touch of Class Limousine and Transportation Service" in the City of Modesto.


4. That the Public Works and Transportation Director shall not issue any of the certificates authorized hereby until said Mr. Arrambide shall have complied with all of the requirements of Chapter 6 of Title IV of the Modesto Municipal Code before the commencement of operation of the proposed service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

(1)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-506

A RESOLUTION GRANTING THE APPEAL OF SIGN DESIGNS, INC., TO
A BOARD OF ZONING ADJUSTMENT DECISION RELATING TO A SIGN
FOR KENNETH'S FINE MEN'S WEAR AT 3500 SISK ROAD.

WHEREAS, in January, 1990, a sign permit was issued to Sign Designs, Inc., to install an illuminated wall sign at Kenneth's Fine Men's Wear located at 3500 Sisk Road, and

WHEREAS, when City staff reviewed the plans to place the sign on the west wall of Kenneth's Fine Men's Wear, no north or south elevations of the building were submitted, and

WHEREAS, prior to the issuance of the sign permit City staff questioned the sign company representative about the parapet walls that were shown on the west elevation of the building and, specifically, whether or not the north and south walls continued the full length of the building, and

WHEREAS, City staff was assured that the parapets existed for the full length of the building and that the sign would not be placed on a "false store-front", and

WHEREAS, in April of 1990, after the sign had been installed, City staff noted that the installation of the sign was not completed as approved by staff because the sign exceeded the ridgeline of the lower portions of the roof, and

WHEREAS, City staff determined that the sign was not in conformance with the sign code because it is considered an upward "projecting" sign and projecting signs are not allowed in the C-3 Zone, and it was also not in conformance because signs may not exceed the ridgeline of the roof of the building, and this sign clearly exceeded that line, and

WHEREAS, City staff then had discussions with the sign company and the owner of Kenneth's Fine Men's Wear in an attempt to rectify the situation, but both the sign company and the owner of Kenneth's Fine Men's Wear felt it would be too costly to remove or correct the sign, and

WHEREAS, City staff then recommended that the sign should be made to conform to the code, and

WHEREAS, by letter dated June 3, 1991, Sign Designs, Inc., appealed the administrative decision of staff which directed that the sign be corrected, and

WHEREAS, the appeal to the administrative decision was considered by the Board of Zoning Adjustment at its meeting of June 27, 1991, in the City Council Chambers, City Hall, 801 11th Street, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, thereafter, the Board of Zoning Adjustment was unable to reach a majority vote to approve or deny the request which effected a denial of the application, and

WHEREAS, an appeal to the Board of Zoning Adjustment's decision relating to the sign for Kenneth's Fine Men's Wear, 3500 Sisk Road was filed with the Office of the City Clerk by Eva Eisinger of Sign Designs, Inc., by letter dated July 2, 1991, 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 August 6, 1991, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the administrative decision

should be granted, and the sign should be allowed as installed on the west wall for the following reasons:

1. The sign does not violate the intent of the sign code.
2. Granting the appeal will not create a precedent.
3. Actions by the sign company were "honest mistakes".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Sign Designs, Inc., to the administrative decision relating to the sign installed on the west wall of Kenneth's Fine Men's Wear, 3500 Sisk Road is hereby granted, and the decision of the Board of Zoning Adjustment is overruled 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 6th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

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. 91-507

A RESOLUTION APPROVING SUBSTITUTION OF UNDERGROUND CONSTRUCTION SUBCONTRACTOR BY WESTERN STONE PRODUCTS, INC. FOR THE IMPROVEMENT DISTRICT NO. 29 PROJECT

WHEREAS, the City of Modesto has contracted with Western Stone Products, Inc. for the Improvement District No. 29 project; and

WHEREAS, Jack Forcade Pipelines was listed as the underground construction subcontractor in the original bid; and

WHEREAS, Jack Forcade has indicated he is retiring, necessitating the substitution of a different subcontractor, and T & T Pipelines has been suggested as the substitute for the listed underground subcontractor; and

WHEREAS, Section 4107 of the Public Contract Code allows the awarding authority to consent to the substitution of another person as a subcontractor when the subcontractor listed in the bid fails or refuses to execute a written contract.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of T & T Pipeline as the underground construction subcontractor on the Improvement District No. 29 project, replacing Jack Forcade Pipelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-508

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR ROCKWELL STORM DRAIN REPLACEMENT 1991

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the rockwell storm drain replacement 1991

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, 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 6th day of August, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: 
NORRINE COYLE, City Clerk

12
MODESTO CITY COUNCIL
RESOLUTION NO. 91-509

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS ELECTRICAL CONTRACTOR FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AT CLAUS ROAD AND SCENIC DRIVE; SISK ROAD AND RUMBLE ROAD

WHEREAS, Resolution No. 91-342 , adopted by the Council of the City of Modesto on May 21 , 1991 , approved the plans and specifications for traffic signals at Claus Road and Scenic Drive; Sisk Road and Rumble Road and authorized the calling for bids; and

WHEREAS, the bids received for traffic signals at Claus Road and Scenic Drive; Sisk Road and Rumble Road were opened at 11:00 a.m. on June 11, 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 Richard A. Heaps Electrical Contractor in the amount of \$282,470 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 \$282,470 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 August , 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Martin

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-510

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL REVENUES IN TWO EXISTING TRAFFIC SIGNAL CIP PROJECTS.

WHEREAS, two traffic signals were budgeted in the 1990-91 CIP. Each were being funded with 85/15% FAU/Gas Tax monies, respectively, and

WHEREAS, due to the Federal Highway Administration's refusal to approve the Regional Transportation Improvement Plan, all design engineering costs were declared ineligible for FAU funding; therefore, additional Gas Tax funds in the amount of \$12,600 are required to cover the design engineering costs of the projects, and

WHEREAS, detail design work on the Claus/Scenic signal revealed that the pavement profile on Claus Road would present a traffic safety problem, and

WHEREAS, it was determined this work should be corrected with the signal project to prevent an unsafe traffic condition, while allowing the City to utilize available FAU funding for the corrective work, and

WHEREAS, the City's share of the additional paving work, to be funded with Gas Tax monies, is \$9,900. The additional FAU portion will be \$50,940,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1991-92.

GAS TAX FUND (070)

<u>Fund/Agy/Org-Rev</u>		<u>Increase (Decrease)</u>
<u>Revenue</u>		
070-510-9510-3504	Federal Share of Street Projects	\$50,940
<u>Expenditures</u>		
070-160-G915-6000	Claus/Scenic Traffic Signal	\$66,873
070-160-G916-6000	Sisk/Rumble Traffic Signal	\$ 6,567
070-800-8000-8003	Gas Tax Contingency Reserve	(\$22,500)

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 6th day of August, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

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. 91-511

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF POLYMER FROM WESTERN POLYMER, INC.

WHEREAS, the wastewater treatment facility will again be using polymers in the sludge thickening process this summer; and

WHEREAS, in August of 1988, fifteen polymers were tested at the Wastewater Treatment Facility with polymer, Hydroflic 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 polymer from Western Polymer, Inc. for the total price of \$78,829 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 August, 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Martin

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-512

A RESOLUTION ADOPTING THE WATER COMPACT DEVELOPED BY THE REPRESENTATIVES IN THE CALIFORNIA LEADERSHIP SISTER CITIES WATER PROJECT AND ENTERING INTO A FORMAL RELATIONSHIP WITH THE SISTER CITY OF PASADENA

WHEREAS, the cities of Modesto and Pasadena have come together in the Sister Cities Water Project in the last sixteen months; and

WHEREAS, residents from these cities have met together to examine critical water issues such as groundwater management, conservation, and reclamation, on October 19-20, 1990, in Modesto, and February 22-24, 1991, in Pasadena; and

WHEREAS, citizens of Modesto and Pasadena have developed a Water Compact which includes shared principles for managing water more effectively and mutual commitments to improve the way water is managed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Water Compact developed by the representatives in the California Leadership Sister Cities Water Project be adopted, and the City of Modesto enter into a formal pact or relationship with the Sister City of Pasadena.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Martin

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 91-513

A RESOLUTION ORDERING THE WHITMORE-GUTHERIE REORGANIZATION
TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 91-14 dated May 29, 1991, approved the proposed Whitmore-Gutherie Reorganization to the City of Modesto upon condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Whitmore-Gutherie Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that: (a) the subject territory is within the primary area of the Modesto Sphere of Influence; (b) the approval of the proposal with the inclusion of the entire Whitmore Avenue Road right-of-way between Ustick and Crows Landing Roads is consistent with all applicable local general plans; (c) the territory involved in the proposal is uninhabited; (d) all property owners within the subject territory have signed the petition for reorganization; and (e) the reorganization of this territory into the city will promote the planned, orderly, and efficient development of the area, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Industrial Fire Protection District; (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on May 29, 1991, certified that it considered the environmental document prepared

by the City of Modesto as to the subject Reorganization, and found that responsibility for the monitoring and reporting to ensure CEQA compliance shall be with the City of Modesto, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is to allow urban development, as fifteen (15) acres have tentative map approval by the City of Modesto for sixty-eight (68) single family lots, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the Local Agency Formation Commission has authorized the City Council to proceed without notice and hearing pursuant to Section 56837 of the California Government Code, and

WHEREAS, City staff has suggested an option to specify that the portion south of the Whitmore Avenue centerline not be accepted as part of the City's street system, as the southerly portion of Whitmore Avenue is within the County of Stanislaus and the land adjacent thereto lying in a southerly direction therefrom is outside the City of Modesto's Sphere of Influence, thus, the City should not accept said southerly portion into the City of Modesto's street system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 as amended have been complied with.

2. That the area or territory designated as the Whitmore-Gutherie Reorganization located on the north side of Whitmore Avenue and east of Ustick Road is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto; however, pursuant to Streets and Highways Code Section 1806, the portion south of the Whitmore Avenue centerline shall not be accepted into the Modesto Street system and the City shall not be responsible for street maintenance.

4. Said territory is hereby detached from the Industrial Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the Council previously reviewed and considered the findings of the Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject Reorganization, and by Resolution No. 90-709 adopted by the Council on August 28, 1990, the Council directed the Planning and Community Development Director to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

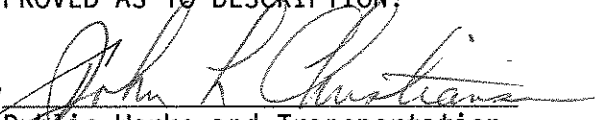
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Public Works and Transportation
Department - Engineering Division

WHITMORE-GUTHRIE REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situate in a portion of Sections 8, 17 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the most Southeasterly corner of the Whitmore No. 3 Annexation, filed October 2, 1981, as instrument number 18247, Stanislaus County Records, said point of beginning being on the center line of Whitmore Avenue; thence North $0^{\circ}10'40''$ East 1174.84 feet along the Eastern boundary of said Whitmore No. 3 Annexation; thence continuing along said boundary South $89^{\circ}20'00''$ East 481.23 feet to a corner on the Western boundary of the Whitmore No. 2 Annexation, filed November 20, 1980 as instrument number 32240, Stanislaus County Records; thence the following three (3) courses along the boundary of said Whitmore No. 2 Annexation:

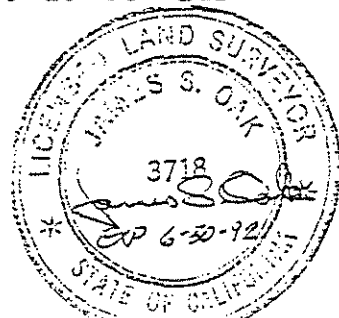
1. South $0^{\circ}10'00''$ West 700.00 feet
2. South $89^{\circ}20'00''$ East 182.00 feet
3. South $0^{\circ}10'00''$ West 472.00 feet to the most Southwesterly corner of said Whitmore No. 2 Annexation, said corner being on the aforementioned center line of Whitmore Avenue; thence South $89^{\circ}29'00''$ East 3304.40 feet along said center line of Whitmore Avenue, being also the Southerly lines of said Whitmore No. 3 Annexation and Crows Landing-Whitmore

Annexation, filed April 4, 1980 as instrument number 62873, Stanislaus County Records, to the Southeast corner of said Crows Landing-Whitmore Annexation, said corner being also the Southeast corner of said Section 8 and the intersection of the center lines of Whitmore Avenue and Crows Landing Road; thence South $0^{\circ}6'00''$ West 50.00 feet along said center line of Crows Landing Road; thence the following seven (7) courses along the South right of way line of said Whitmore Avenue:

1. North $89^{\circ}29'00''$ West 417.12 feet
2. North $0^{\circ}40'00''$ East 30.00 feet
3. North $89^{\circ}29'00''$ West 911.71 feet
4. South $0^{\circ}08'00''$ West 25.00 feet
5. North $89^{\circ}29'00''$ West 355.40 feet
6. North $0^{\circ}08'00''$ East 25.00 feet
7. North $89^{\circ}29'00''$ West 3609.41 feet to the center line of Ustick Avenue and the West line of said Section 17; thence North $89^{\circ}50'00''$ West 14.00 feet; thence North $0^{\circ}13'00''$ East 20.00 feet to the center line of Whitmore Avenue and the North line of said Section 18; thence South $89^{\circ}50'00''$ East 14.00 feet along said center line and Section line to the Southwest corner of said Section 8; thence South $89^{\circ}29'00''$ East 1321.63 feet to the point of beginning.

CONTAINING: 17.93 acres, more or less

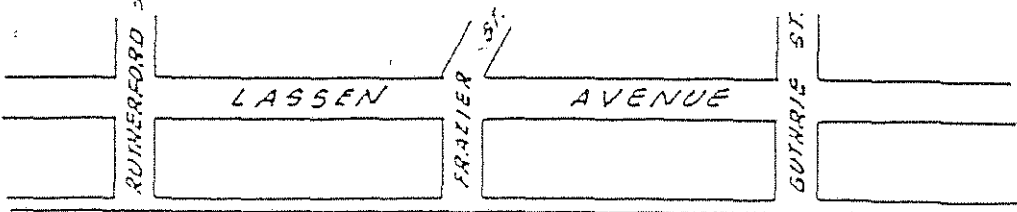
Exhibit "A"



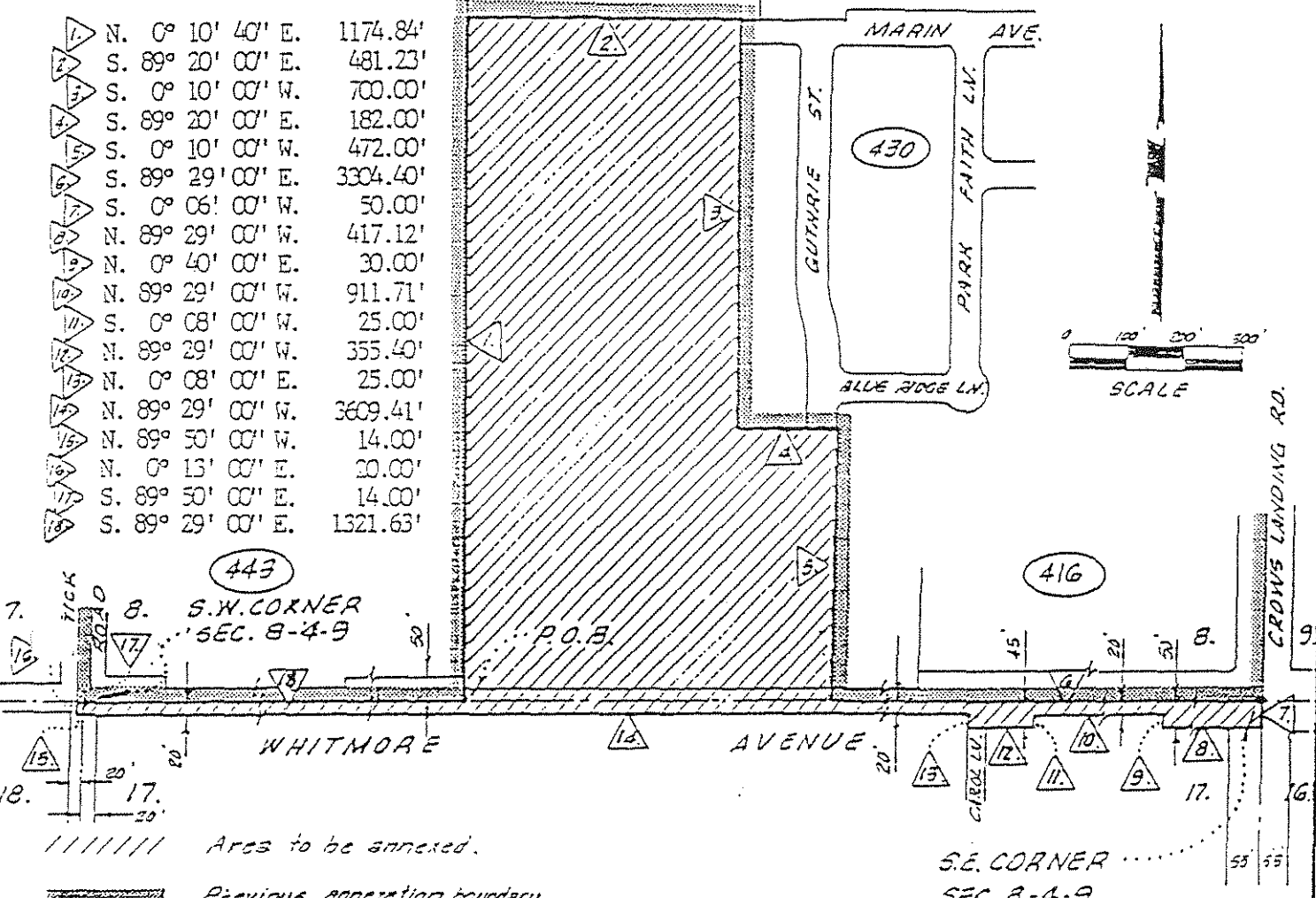
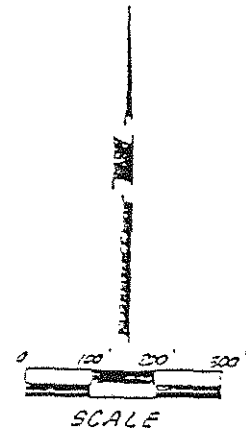
Approved as to description

ON 6-1-91

BY [Signature]



1.	N. 0° 10' 40" E.	1174.84'
2.	S. 89° 20' 00" E.	481.23'
3.	S. 0° 10' 00" W.	700.00'
4.	S. 89° 20' 00" E.	182.00'
5.	S. 0° 10' 00" W.	472.00'
6.	S. 89° 29' 00" E.	3304.40'
7.	S. 0° 06' 00" W.	50.00'
8.	N. 89° 29' 00" W.	417.12'
9.	N. 0° 40' 00" E.	30.00'
10.	N. 89° 29' 00" W.	911.71'
11.	S. 0° 08' 00" W.	25.00'
12.	N. 89° 29' 00" W.	355.40'
13.	N. 0° 08' 00" E.	25.00'
14.	N. 89° 29' 00" W.	3609.41'
15.	N. 89° 50' 00" W.	14.00'
16.	N. 0° 13' 00" E.	20.00'
17.	S. 89° 50' 00" E.	14.00'
18.	S. 89° 29' 00" E.	1321.63'



//// //// Areas to be annexed.
 ===== Previous annexation boundary.
 References are to Stanislaus County Records.

- (416) CROWS LANDING - WHITMORE ANNEXATION
Filed 4-4-80 - Inst. No. 62875
- (430) WHITMORE No. 2 ANNEXATION
Filed 11-20-80 - Inst. No. 32240
- (443) WHITMORE No. 3 ANNEXATION
Filed 10-2-81 - Inst. No. 18247

BASIS OF BEARINGS: S. 89° 20' 00" E. for the South line of Rutherford Tract as per map Filed 3-19-47 in Volume 16 Maps, Page 37, Stanislaus County Records.

WHITMORE-GUTHRIE REORGANIZATION TO CITY OF MODESTO 17.93 ACRES

Approved as to description

ON July-1-91
 BY City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 91-514

A RESOLUTION AMENDING THE CITY POLICY AGAINST HARASSMENT TO INCLUDE THE TEN
REQUIRED BASES OR PROTECTED GROUPS

WHEREAS, on May 2, 1989, the Council of the City of Modesto adopted
Resolution No. 89-529, entitled "A Resolution Adopting a City Policy Against
Harassment"; and

WHEREAS, in accordance with the requirements and guidelines established
by the California Fair Employment and Housing Act and the Equal Employment
Opportunity Act that require contractors to establish a policy against harass-
ment in the workplace, the Policy needs to be amended to include the ten (10)
required protected groups.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of
Modesto does hereby adopt the amended policy entitled "City Policy Against
Harassment", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of August, 1991, by Council-
member Irizarry, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs , was upon roll call carried and the resolution adopted
by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Martin

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY POLICY AGAINST HARASSMENT

Examples of Harassment

It is the policy of the City of Modesto to treat its employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, supervisors, agents, and volunteers, and all non-employees who have contact with employees during working hours. Any City employee who has been found, after an investigation, to have harassed another City employee because of their race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), or sexual orientation will be subject to disciplinary action up to and including discharge.

Written examples include suggestive or obscene letters, notes, and invitations.

Verbal examples include derogatory comments, slurs, jokes, and racial epithets.

Physical examples include assault, touching, impeding or blocking movements.

Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include but are not limited to threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

Definition of Harassment

Harassment based on a person's race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS) or sexual orientation is a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and the City of Modesto's Affirmative Action Policy. Harassment based on an employee's race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), or sexual orientation occurs when:

1. The focus and/or content of the harassing act is the employee's race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), or sexual orientation; and
2. These harassing acts create an intimidating, oppressive, hostile or offensive working environment or otherwise interfere with the employee's emotional well-being or ability to perform the employee's work.

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Conduct is considered sexual harassment when:

1. Submission is made an express or implied term or condition of employment;
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee; and
3. Such conduct negatively affects an employee's work performance and/or creates an intimidating, hostile or otherwise offensive work environment.

Responsibilities

1. The City Manager is responsible for enforcement of the City Policy Against Harassment.
2. The Affirmative Action Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager.
3. Every Department Head is responsible for informing all employees, including supervisors of the City policy against harassment and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor of every City employee is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Head, or the City's Affirmative Action Officer or Personnel Manager.

Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisors or Department Heads or the City's Affirmative Action Officer or the Personnel Manager. The Affirmative Action Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City's Complaint Process as outlined in the City's Affirmative Action Program.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-515

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R & C FOODS FOR FOOD AND BEVERAGE CONCESSION SERVICES AT MODESTO CREEKSIDE GOLF COURSE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and R & C Foods, for food and beverage concession services at Modesto Creekside Golf Course

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August , 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-516

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SUSAN FISCOE FOR GOLF PROFESSIONAL SERVICES AT MODESTO MUNICIPAL, DRYDEN PARK AND MODESTO CREEKSIDE GOLF COURSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Susan Fiscoe for golf professional services at Modesto Municipal, Dryden Park and Modesto Creekside 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 6th day of August, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-517

A RESOLUTION ADOPTING THE LANDSCAPE DROUGHT POLICY FOR THE CITY OF MODESTO

WHEREAS, in anticipation of the passage of Assembly Bill 325 - Water Conservation: Landscape Ordinance, the Parks and Recreation Department has been working, with the support of the local Green Industry, to develop a comprehensive drought policy for landscaping for the City of Modesto; and

WHEREAS, the goal of this policy is to promote the conservation and efficient use of water.


NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Landscape Drought Policy", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: 
NORRINE COYLE, City Clerk

LANDSCAPE DROUGHT POLICY

BACKGROUND

Modesto is a city that has existed in a primarily agricultural environment for the past one hundred years. This experience has taught us that fertile soil combined with a lengthy growing season and ample amounts of water permit us to grow a very wide spectrum of plant material.

Now we find ourselves in an environment with new constraints. Crop land is covered with buildings and we are in the fifth year of drought. These new constraints have made an impact on one of our existing resources--water.

The impact of buildings (homes) has increased the demand for water to support new citizens, decreased the amount of water that percolates into the aquifer, and created numerous small water-intensive garden areas.

The impact of the drought is obvious. We have not received adequate precipitation to replenish underground water aquifers, and Sierra snow pack has not provided the surface water to fill our streams and rivers.

To mitigate this impact, we must look upon the use of water in our everyday lives. Water is a resource we, unfortunately, take for granted. It is necessary to acknowledge our limited water reservoir, the normal rainfall average of 12 inches/year, and the fact that we are subject to periodic droughts.

Given this situation, we must live within our means, including prudent use of water for every aspect of our daily lives. The City of Modesto has addressed some of those uses in the ordinance which regulates outdoor water use.

Landscaping is one use that, according to the California Department of Water Resources, accounts for 50% of the water consumed by a typical single family residence. The Modesto Public Works Department estimates that 50% of the water provided to commercial and residential users during the warm season is applied to landscaping. Most of that water is applied to lawns, and studies have shown that most users apply twice as much water to those lawns as is actually required.

Given the above scenario, it is the responsibility of the City of Modesto to develop a policy that will help its citizens survive in the future. With this in mind, a two-pronged attack has been developed to implement a landscape drought policy. This attack will address water use in both the residential and commercial sectors. The commercial sector can be monitored by the Parks and Recreation Department in its normal plan review process. That process clarifies and requires specific items on all new projects. The residential sector, which is not monitored by the Parks and Recreation Department, will receive instructional material from the City that will aid those citizens in their landscape water conservation efforts.

This policy would not apply to areas devoted to agricultural cultivation, areas using individual private well and ground water for landscaping, projects using reclaimed waste water for irrigation, public parks, golf courses, cemeteries, school recreation areas, and private active use recreational areas where the applicant can demonstrate that no other feasible alternative exists for turf ground cover. Consideration will also be given on a case-by-case basis for innovative solutions to irrigation water application.

POLICY OBJECTIVES

Through the adoption of this Landscape Drought Policy, it is the goal of the City of Modesto to promote the conservation and efficient use of water and to prevent the waste of this valuable resource. Compliance with this policy is expected to: reduce water consumption for residential landscaping by 40%; reduce water consumption for commercial landscaping by 50%; improve public awareness of proper watering techniques; encourage use of drought tolerant plants, and efficient irrigation systems on all new and redesigned residential landscape projects; require use of drought tolerant plants and efficient irrigation systems on all new and redesigned commercial landscape projects; and prepare the City of Modesto for compliance with Assembly Bill 325 - WATER CONSERVATION: LANDSCAPING ORDINANCE.

The goals of this policy will be accomplished by:

- * providing landscape watering guides
- * offering landscape irrigation system audits to residential water users
- * establishing and enforcing more water efficient guidelines for new commercial landscape installations
- * providing demonstration gardens on all new water well sites
- * encouraging participation from local nurseries.

IMPLEMENTATION

Landscape Watering Guides

It shall be the policy of the City of Modesto to provide landscape watering guides to its citizens. These guides are designed to address the water needs of lawns, shrubs, and trees.

The following publications will be available upon request:

1. Lawn Watering Guide
2. Water Wise Guide for Lawns
3. Water Wise Guide for Shrubs and Trees

These publications were developed in house with the aid of the Local Green Industry and the California Department of Water Resources Pamphlet, "Landscape Water Conservation Guidebook No. 8."

Landscape Irrigation System Audits

It shall be the policy of the City of Modesto to provide irrigation system audits to residential water users.

The irrigation system audits are available to a citizen upon request. The audits will be performed at no cost to the citizen by a City employee. That employee will be trained and certified by the Department of Water Resources to perform irrigation system audits.

The irrigation system auditor shall inspect the existing system and determine what correction can be made to that system to operate at its optimum efficiency. Citizens will not be charged a fee for this service.

By participating in this program, the water user can expect to reduce water consumption, and in the case of those users on water meters, monetary savings should be realized.

The City will also benefit from this program because it will reduce demand on its water supplies.

Guidelines for New Commercial Landscape Installations

It is the policy of the City of Modesto to review all new commercial landscape and irrigation drawings and installations whenever it is required by City of Modesto Municipal Code. These drawings and installations will be reviewed and inspected with water conservation in mind.

Water-conserving measures shall be built into new installations that will ultimately save time, money, energy, and water. With this in mind, it will be the policy of the City to encourage: (1) limitations on turf areas, (2) low-water using plants for non-turf areas, (3) proper plant spacing; (4) efficient irrigation methods and materials; (5) proper preparation of soil prior to planting; and (6) public demonstration gardens that provide examples of how the above conservation measures can be incorporated into new landscape installations.

Limitations of turf will apply to those areas which are difficult to irrigate efficiently. It shall be City policy to eliminate the use of turf from medians and narrow planting strips and on slopes in excess of 3:1. If turf areas must be provided, the installer will utilize warm season grasses or new low water-consuming varieties of cool season grasses.

The use of low-water using plants is encouraged in non-turf areas. The City will provide a list of recommended plants. This list will group plants by trees, shrubs and ground covers. The list shall indicate cultural needs and physical characteristics of the plants. The cultural needs will be referenced in a manner that permits the citizen to create compatible planting areas.

All commercial landscape project drawings will be reviewed with water efficiency in mind by the Parks and Recreation Department. The use of low gallonage systems with proper sprinkler and emitter head spacing, automated controllers with rain switches and soil moisture sensing capabilities, and annual irrigation scheduling will be required. The design of these systems shall be performed by qualified designers. Qualified designers would include: certified irrigation designers, licensed landscape contractors, architects, engineers, and landscape architects.

New commercial installations will also be reviewed for soil preparation techniques. These techniques will include proper grading of the site, appropriate tilling, addition of soil amendments as directed by soil testing, fertilization, and mulching of all planter areas.

All commercial installations will be inspected by the Parks and Recreation Department prior to the issuance of the certificate of occupancy for new buildings. This inspection will ensure that the project is installed according to the approved planting and irrigation drawings.

Demonstration Gardens

It shall be the policy of the City of Modesto to provide a water-conserving demonstration garden on all new water well sites located throughout the City to display how attractive, colorful, and practical water-efficient gardens can be.

The City shall also use xeriscape* landscapes in all future public open spaces to serve as an example to the citizens of Modesto.

Nursery Campaigns

It shall be the policy of the City of Modesto to encourage local nurseries to participate in the City's new landscaping policy. This encouragement will come by providing "Water Wise" information packets to the nurseries and speakers for programs sponsored by their associations. The packets will contain the "Water Wise" turf, shrub, tree guides, and plant list.

- * Xeriscape can be defined as appropriate horticultural practices with an emphasis on water conservation. Common elements in xeriscape gardens include: zoning of irrigation to match soil and plant needs; improved irrigation scheduling; use of Mediterranean climate plant materials in California; and utilizing islands of plantings.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-518

A RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GREAT VALLEY MUSEUM TO AWARD A GRANT TO PRODUCE TWO PROGRAMS ON HABITATS IN THE GREAT VALLEY, FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Great Valley Museum to award a grant to produce two programs on habitats in the Great Valley, for the public access channel on cable television 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 6th day of August, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-519

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM BY CARLO M. GARCIA, ATTORNEY, FOR TERESA CAROLLA ON BEHALF OF SEAN MICHAEL COROLLA, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim by Carlo M. Garcia, Attorney, for Teresa Carolla on behalf of Sean Michael Carolla, against the City of Modesto was received on July 29, 1991, in the office of the City Clerk.


NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim by Carlo M. Garcia, Attorney, for Teresa Carolla on behalf of Sean Michael Corolla, received on July 29, 1991, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-520

A RESOLUTION APPOINTING MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD(SHELDON SPENCER)

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
Downtown Improvement District Advisory Board:

Sheldon Spencer

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 6th day of August
1991, by Councilmember Dobbs, who moved its adoption,
which motion being duly seconded by Councilmember Muratore, was
upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore,
Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Martin

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-521

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING
(KENNETH PLOUGH)

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:

Kenneth Plough

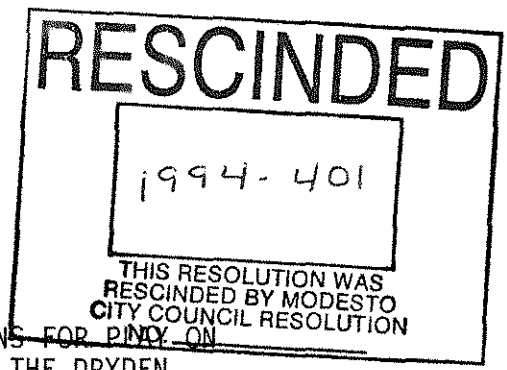
SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Citizens Advisory
Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of August , 1991 ,
by Councilmember Dobbs , who moved its adoption, which motion being
duly seconded by Councilmember Muratore , was upon roll call carried and
the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Martin

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Link



MODESTO CITY COUNCIL
RESOLUTION NO. 91-522

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSIDE MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 90-868.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course, Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course need to be revised,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as follows:

<u>Monthly Tickets (Muni/Dryden/Creekside):</u>	<u>Rates</u>
Monthly Unlimited Husband and Wife Ticket	\$96.00
Monthly Unlimited Individual Ticket	\$61.00
Monthly Junior Ticket	\$41.00
Monthly Retired Disabled Ticket	\$41.00
Monthly Senior Citizen Ticket	\$41.00
Monthly Senior Citizen 70/Older Ticket	\$23.50
School Golf Team Monthly Ticket	\$41.00

<u>Regular Tickets (Muni):</u>	
Weekdays - 9 Holes	\$ 9.00
Weekdays - 18 Holes	\$13.00
Weekends and Holidays/9 Holes	\$11.00

<u>Regular Tickets (Muni) continued:</u>	<u>Rates</u>
Weekends and Holidays/18 Holes	\$15.00
Weekdays - Late Afternoon Play	\$ 7.00
Weekends - Late Afternoon Play	\$ 9.00
Wednesdays, 65/Older	\$ 5.00

<u>Regular Tickets (Dryden/Creekside):</u>	
Weekdays - 9 Holes	\$ 9.00
Weekdays - 18 Holes	\$13.00
Weekends and Holidays - 9 Holes	\$11.00
Weekends and Holidays - 18 Holes	\$15.00
Late Afternoon Play	\$11.00

SECTION 2. TICKETS. (a) Monthly Tickets. Each monthly ticket issued will become invalid on the last day of the month issued and will not be validated for play on the golf courses until the appropriate monthly rate has been paid. Monthly tickets will not be valid on Saturdays, Sundays or holidays. Monthly ticket holders wishing to play during these periods shall be subject to the regular green fees.

(b) School Golf Team Tickets. Student tickets are to be issued only upon presentation by holder of a current high school or college student body card, said high school or college being located within the City of Modesto, and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member tickets shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf

season. The specific spring school golf team season will be set by the golf professional after receiving the schools schedules of matches from each school coach.

(c) Senior Citizen Tickets. Senior Citizen tickets are to be issued only to persons sixty-five (65) years of age or older. A Medicare card or other proof of age and proof of residency must be displayed to obtain a Senior Citizen ticket.

(d) Senior Citizen - 65 or Older (Wednesdays). Residents of the County of Stanislaus, sixty-five (65) years of age or older, may play golf at the Nine-Hole Municipal Golf Course for a fee of Four and no/100ths (\$4.00) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf Course on Wednesdays, between the hours of 9:00 a.m. and 3:00 p.m., except on holidays.

(e) Senior Citizen - 70 or Older. Senior Citizens, seventy (70) years of age or older, may play golf at the Nine-Hole Municipal Golf Course with a special monthly ticket at a fee of Twenty-three and 50/100ths (\$23.50) Dollars if they display their Medicare card or other proof of age to the starters at the Nine-Hole Municipal Golf course on Mondays through Thursdays before the hour of 2:00 p.m., except on holidays.

(f) Retired/Disabled Ticket. Retired/Disabled tickets are to be issued only to those who are on disability retirement and who display proof of such disability retirement and proof of residency.

(g) Junior Tickets. Junior tickets are to be issued only to persons who are under 19 years of age and who possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks and Recreation Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Admission Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving.

SECTION 6. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established green fees.

SECTION 7. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after September 1, 1991.

SECTION 8. REPEALS. Resolution No. 90-868 adopted on October 16, 1990 is hereby rescinded August 31, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: Bird, 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

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 91-523

A RESOLUTION AMENDING THE FUND 660 GOLF FUND ANNUAL BUDGET
OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1991-92.

WHEREAS, it has been determined that certain Golf Fund 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 Exhibits A and B 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 13th day of August,
1991, by Councilmember Patterson, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: Bird, 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

GOLF FUND COMPARATIVES
PREPARED: JULY 31, 1991

	BUDGET ASSUMPTIONS 1991-92	ADDITIONAL NEEDS SUPPLEMENTAL & CIP 1991-92	RECOMMENDED WITH NEW REVENUES 1991-92	CHANGE FROM BUDGET
AVAILABLE RETAINED EARNINGS JULY 1, 1991	87,032	87,032	87,032	0
OPERATING REVENUES:				
MUNI 9-HOLE GOLF FEES	496,270	496,270	563,964	67,694
DRYDEN GOLF FEES	758,985	758,985	912,604	153,619
CREEKSIDE GOLF FEES	643,985	643,985	778,270	134,285
MUNI/DRYDEN/CREEKSIDE GOLF CART FEES	76,504	76,504	76,504	0
DRYDEN/CREEKSIDE DRIVING RANGE FEES	36,000	36,000	36,000	0
DRYDEN/CREEKSIDE CLUBHOUSE CONCESSION	33,200	33,200	33,200	0
MUNI/DRYDEN/CREEKSIDE PRO SHOP	7,000	7,000	7,000	0
TOTAL REVENUES	2,051,944	2,051,944	2,407,542	355,598
OPERATING EXPENSES	(1,447,695)	(1,447,695)	(1,447,695)	0
NET OPERATING INCOME	604,249	604,249	959,847	355,598
NONOPERATING EXPENSES (INDIRECT COST)	(247,088)	(247,088)	(247,088)	0
NET INCOME	357,161	357,161	712,759	355,598
PLUS: DEPRECIATION	20,000	20,000	20,000	0
LESS: DEBT SERVICE	(464,193)	(464,193)	(464,193)	0
LESS: SUPPLEMENTAL REQUESTS	0	(46,900)	(46,900)	(46,900)
LESS: CIP	0	(90,000)	(90,000)	(90,000)
UNDESIGNATED RETAINED EARNINGS JUNE 30, 1992	0	(136,900)	218,698	218,698

BOND LOAN COVENANT ANALYSIS

NET INCOME	357,161	357,161	712,759	355,598
DEPRECIATION	20,000	20,000	20,000	0
DEBT SERVICE	(464,193)	(464,193)	(464,193)	0
COVENANT REQUIREMENT (10% OF DEBT SERVICE)	(46,419)	(46,419)	(46,419)	0
OVER/(UNDER)	(133,451)	(133,451)	222,147	355,598

FILE: ENERO/123/GOLF/BUDCOMP.WK1

GOLF ENTERPRISE FUND
1991/92
PROPOSED SUPPLEMENTAL REQUESTS

<u>PRIORITY</u>	<u>ITEM</u>	<u>COSTS</u>
1. Creekside	Grand Opening Celebration	\$ 6,000
2. Dryden	Tri-Plex rotary mower	17,500
3. Dryden	Railroad ties for tee boarders	1,000
4. Dryden	Painting of clubhouse	2,500
5. Dryden	Entry sign	2,000
6. Dryden	Contract for control of rodents	17,000
7. All Courses	USGA Turf Advisory Visit	<u>900</u>
	TOTAL	\$46,900

GOLF ENTHUSENMENT FUND

ATTACHMENT B

PROPOSED

CAPITAL IMPROVEMENT PROGRAM

FISCAL YEAR 1991-1992 THROUGH 1995-1996

PROJECT	1991-92	1992-93	1993-94	1994-95	1995-96
Dryden - Pesticide Storage Facility	15,000				
Dryden - Above-Ground Fuel Storage Tanks	15,000				
Dryden - Automate Irrigation - Design	60,000				
Dryden - Driving Range Lights		40,000			
Dryden - Automate Irrigation - Const. - Phase I		250,000			
Muni - Post & Cable Fencing		17,000			
Muni - Cart Path Improvement			75,000		
Dryden - Cart Path Improvement - Phase I			50,000		
Dryden - Automate Irrigation - Const. - Phase II			250,000		
Creekside - Cart Path Improvement			50,000		
Dryden - Tees & Greens Replacement - Phase I				100,000	
Dryden - Cart Path Improvement - Phase II				50,000	
Dryden - Automate Irrigation - Const. - Phase III				250,000	
Muni - Tees & Greens Replacement				90,000	
Dryden - Automate Irrigation - Const. - Phase IV					250,000
Dryden - Clubhouse Renovation					400,000
Muni - Clubhouse Renovation					100,000
TOTAL	90,000	307,000	425,000	490,000	750,000

TOTAL FIVE-YEAR CAPITAL IMPROVEMENT PLAN - 2,162,000

MODESTO CITY COUNCIL
RESOLUTION NO. 91-524

A RESOLUTION DENYING THE REQUEST OF MODESTO CITY SCHOOLS FOR DEFERRAL OF CAPITAL FACILITIES FEES ON AN OFFICE BUILDING LEASED BY MODESTO CITY SCHOOLS AND LOCATED ON RENO AVENUE.

WHEREAS, the Council of the City of Modesto adopted Ordinance No. 2521-C.S., effective August 6, 1987, which enacted on a permanent basis Sections 8-1.904 et seq. of the Modesto Municipal Code relating to creating and establishing the authority for imposing and charging Capital Facilities Fees, and

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the council by resolution to establish the amount of Capital Facilities Fees to be charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development, and

WHEREAS, Capital Facilities Fees are currently set forth in Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, and Resolution No. 91-90, and

WHEREAS, Modesto City Schools is working with a private developer to design an office building on Reno Avenue specifically to house District functions, and

WHEREAS, the office building is being designed with the District's specific needs in mind but will be constructed for general office use, and

WHEREAS, Modesto City Schools anticipates leasing the building for five years with a possible five year extension, and

WHEREAS, by letter to Planning Department staff on March 6, 1991, Deborah S. Bailey, Director of Planning and Research at Modesto City Schools, requested a deferral of Capital Facilities Fees as long as the office building is in public use, and

WHEREAS, by letter dated April 29, 1991, City staff advised Deborah S. Bailey that the Infrastructure Task Force had reviewed her letter requesting deferral of Capital Facilities Fees and that a determination had been made that a deferral could not be granted since there was no provision in the Capital Facilities Fees Resolution for fee deferral, and

WHEREAS, by letter dated July 31, 1991, Deborah S. Bailey appealed the staff decision to assess Capital Facilities Fees on said office project, and

WHEREAS, said request for deferral of Capital Facilities Fees was before the City Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., at its meeting of August 13, 1991, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby deny the request of Deborah S. Bailey for a deferral of Capital Facilities Fees for the office building to be leased by Modesto City Schools on Reno Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-525

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE AIRPORT TERMINAL APRON RECONSTRUCTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Airport terminal apron 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 September 12, 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 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


for NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-526

A RESOLUTION ACCEPTING THE BID OF C.W. DELTA ROOFING, INC. FOR THE REROOFING OF FIRE STATION NO. 5

WHEREAS, Resolution No. 91-446 , adopted by the Council of the City of Modesto on July 2 , 1991 , approved the plans and specifications for the reroofing of Fire Station No. 5

and authorized the calling for bids; and

WHEREAS, the bids received for the reroofing of Fire Station No. 5 were opened at 11:05 a.m. on July 25, 19 91, 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 C.W. Delta Roofing, Inc. in the amount of \$45,162.88

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of C.W. Delta Roofing, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August , 19 91, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


for NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-527

A RESOLUTION APPROVING 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 1991-1992

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 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-528

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES 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 Center for Senior Employment/ Senior Aides Program for a grant under the Community Development Block Grant Program for fiscal year 1991-92

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

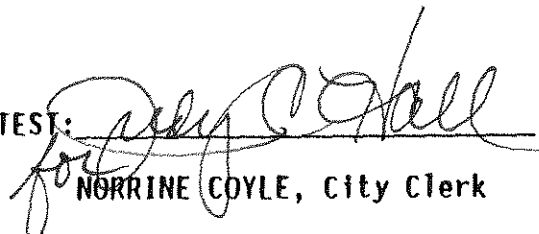
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-529

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HORN CONSTRUCTION COMPANY FOR REIMBURSEMENT FOR A SEWER LATERAL EXTENSION FOR PINE TREE VILLAGE NO. 3 SUBDIVISION AT ROBERTSON ROAD AND MARLOW STREET

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Horn Construction Company for reimbursement for a sewer lateral extension for Pine Tree Village No. 3 Subdivision at Robertson Road and Marlow 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 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-530

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORANGEBURG PARK, INC. FOR REIMBURSEMENT FOR INCREASED COSTS TO INSTALL A SANITARY SEWER LIFT STATION AT THE ORANGEBURG PARK SUBDIVISION ON E. ORANGEBURG AVENUE AND CITRUS DRIVE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Orangeburg Park, Inc. for reimbursement for increased costs to install a sanitary sewer lift station at the Orangeburg Park Subdivision on E. Orangeburg Avenue and Citrus Drive

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

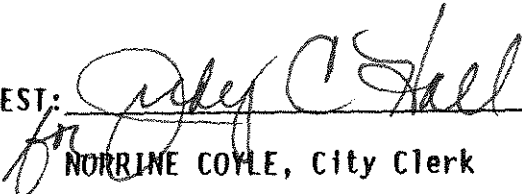
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-531

A RESOLUTION ACCEPTING IMPROVEMENTS IN RIVER BEND ESTATES SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Daniel and Joan Dickey, subdividers of River Bend Estates, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 547,100.00 and \$ 273,550.00 respectively to guarantee improvements in River Bend Estates Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated August 2, 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 Bend Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 547,100.00 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 \$ 273,550.00 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 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
for MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-532

A RESOLUTION APPROVING COMPREHENSIVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND MODESTO CITY FIREFIGHTERS ASSOCIATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and Modesto City Firefighters Association be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-533

A RESOLUTION AGREEING TO BECOME A MEMBER OF STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO).

WHEREAS, the City Council has declared that affordable housing in the City of Modesto is a priority concern, and

WHEREAS, at the City Council meeting of August 13, 1991, a presentation was made by representatives of the Stanislaus County Affordable Housing Corporation (STANCO), a non-profit housing development corporation, explaining its services and how it could assist the City of Modesto with the City's housing concerns, and

WHEREAS, affordable housing is an eligible activity under the Community Development Block Grant Program and funds are budgeted for the Fiscal Year 1991-92 for said Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby agrees to become a member of the Stanislaus County Affordable Housing Corporation (STANCO), a non-profit housing development corporation.

BE IT FURTHER RESOLVED that payment of Five Hundred and no/100ths (\$500.00) Dollars is hereby authorized through the Community Development Block Grant Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

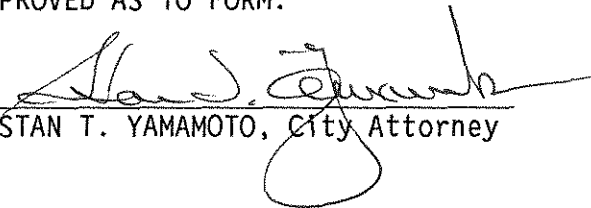
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-534

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM BY JACK M. JACOBSON, LAWYER, ON BEHALF OF MODESTO CITY SCHOOLS, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim by Jack M. Jacobson, Lawyer, on behalf of Modesto City Schools, against the City of Modesto, was received on August 6, 1991, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim by Jack M. Jacobson, Lawyer, on behalf of Modesto City Schools, against the City of Modesto, received on August 6, 1991, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-535

A RESOLUTION APPROVING ^{AMENDED} AGREEMENT BETWEEN THE CITY OF MODESTO AND PARSONS BRINCKERHOFF QUADE & DOUGLAS TO PROVIDE ARCHITECTURAL SERVICES FOR THE TRANSPORTATION CENTER PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Parsons Brinckerhoff Quade & Douglas to provide architectural services for the Transportation Center project which were not included in the scope of work of the original agreement

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-536

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER FOUR THOUSAND THREE HUNDRED FOURTEEN (\$4,314) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Four Thousand Three Hundred Fourteen (\$4,314) 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 photo processor and a paper shredder,

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	\$4,314
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Expenditure

010-190-1901-5011	Photo Processor	\$1,201
010-190-1901-5012	Paper Shredder	\$3,113

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 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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. 91- 537

A RESOLUTION APPROVING 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 20th day of August , 1991, by
Councilmember Patterson, who moved its adoption, which motion being duly
seconded by Councilmember Martin , was upon roll call carried and the
resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

8

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 538

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT FOR AN ELECTRICAL SERVICE EASEMENT NEEDED TO OPERATE CITY WATER TANK ON CROWS LANDING ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Turlock Irrigation District for an electrical service easement needed to operate City water tank on Crows Landing Road be, and it is hereby approved.

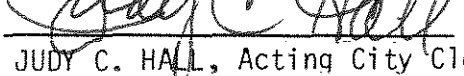
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August , 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 539

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE LEASE OF MANCINI BAND HALL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus for the lease of the property the Mancini Band Hall is located on

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August , 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-540

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE CITY OF MODESTO AND HOUSING AUTHORITY OF STANISLAUS COUNTY FOR THE RENTAL REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding agreement between the City of Modesto and the Housing Authority of Stanislaus County for the Rental Rehabilitation Program be, and it is hereby approved.

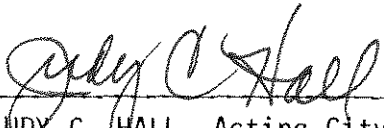
BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

11

MODESTO CITY COUNCIL
RESOLUTION NO. 91-541

A RESOLUTION ADOPTING THE CITY OF MODESTO RENTAL REHABILITATION PROGRAM
TENANT ASSISTANCE POLICY

WHEREAS, the Department of Housing and Urban Development requires an adopted written Tenant Assistance Policy and will require one as a condition for considering the City of Modesto's request for funds under the Rental Rehabilitation Program; and

WHEREAS, the policy will be the vehicle for stating how the City will assist tenants who are currently living in units rehabilitated with Rental Rehabilitation funds, and must be consistent with Rental Rehabilitation Program and Uniform Relocation Act and any other regulations such as the Barney Frank Amendment.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "City of Modesto Rental Rehabilitation Program Tenant Assistance Policy (TAP)", a copy of which is attached hereto.

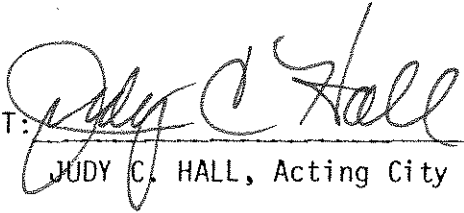
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JUDY C. HALL, Acting City Clerk

CITY OF MODESTO RENTAL REHABILITATION PROGRAM
TENANT ASSISTANCE POLICY (TAP)
Equal Housing Opportunity

Prepared by Housing Program Office Staff
March, 1991

Housing Program Office
401 "H" Street
Modesto, CA. 95351
(209) 577-5245

In order to comply with the Rental Rehabilitation Program (RRP) regulations, 24 CFR 511.14 (a)(4), the City of Modesto is required to adopt a written Tenant Assistance Policy (TAP). The policy is the vehicle for stating how the city will assist tenants who are currently living in units rehabilitated with RRP funds. It must also be consistent with Rental Rehabilitation Program and Uniform Relocation Act (URA) and any other regulations, such as the Barney Frank Amendment. Additionally, the city must define its strategy for assisting tenants who are affected by rehabilitation when RRP funds are used.

The following information is provided to inform the citizens of the City of Modesto of its Tenant Assistance Policy (TAP):

I. WHAT RELOCATION ASSISTANCE IS AVAILABLE TO PERSONS DISPLACED BY A RENTAL REHABILITATION PROGRAM PROJECT?

The information on the relocation assistance available to persons displaced by Rental Rehabilitation Projects is described in the HUD Informational Brochure entitled "Relocation Assistance to Tenants Displaced from Their Homes." In the case of businesses being displaced, a brochure is available entitled, "Relocation Assistance to Displaced Business, Nonprofit Organizations and Farms." Copies of these brochures are available at the Housing Program Office, 401 "H" Street, (4th and "H" Streets), Modesto, California, 95351, (209) 577-5245.

The Section 8 Renter's Assistance Voucher/Certificate Program is administered by the Housing Authority of the County of Stanislaus, 1701 Robertson Road, Modesto Ca, 95351, (209) 523-0705. This program assists low income tenants by subsidizing their rent down to 35% of their adjusted income. It may assist a qualified tenant after he/she has been temporarily relocated or permanently displaced as a result of housing rehabilitation which is funded by the City of Modesto's Rental Rehabilitation Program.

II. WHAT ARE THE CONDITIONS OF ELIGIBILITY FOR RELOCATION ASSISTANCE?

- a. The unit must be within the City of Modesto city limits.
- b. The rehabilitation work to be performed must be to eliminate health and safety hazards cited by the City of Modesto Building Inspector and/or the City of Modesto Housing Rehabilitation Specialist.
- c. The rehabilitation is financed by Community Development Block Grant (CDBG) and/or Rental Rehabilitation Program (RRP) funds. In addition, please refer to HUD Information Brochure entitled "Relocation Assistance to Tenants Displaced from Their Homes" and/or the brochure directed towards Business/Farms. This document can be reviewed or obtained at the Housing Program Office.

III. WHEN AND HOW ARE TENANTS NOTIFIED?

The appropriate written notices that a household to be temporarily or permanently displaced include the following which are available at the Housing Program Office:

- a. At the time the property owner applies for Community Development Block Grant funds and/or Rental Rehabilitation Program funds, the Housing Program Office staff presents the "Temporary Relocation Handout" for owner-occupants or tenants in person or by sending it by certified or registered first-class mail with a return receipt requested.
- b. At the time of execution of the agreement to rehabilitate the property, Housing Program Office staff presents a "Guideform Notice of Relocation Eligibility" to any permanently displaced household either in person or by certified or registered first-class mail with a return receipt requested.
- c. Or, at the time of execution of the agreement to rehabilitate the property, Housing Program Office staff presents a "Notice of Non-displacement." The notice explains the reasonable terms and conditions under which the person(s) can occupy and lease the property upon completion. Households are notified either in person or by certified or registered first-class mail.

IV. WHAT RESOURCES ARE AVAILABLE TO ASSIST TENANTS?

Basic relocation assistance includes the following:

- a. Free advisory services.
- b. Free timely informational notices.
- c. Free counseling and referrals to comparable replacement dwellings and suitable replacement business locations for businesses being relocated.
- d. Payment of reasonable moving expenses, including packing and insurance, if authorized in advance of the move.
- e. Free explanation or referral for explanation of rights under Fair Housing Act and replacement housing opportunities.
- f. A choice between relocating within tenants' neighborhood and other neighborhoods depending on availability of desired housing units.
- g. Payment of utility transfer charges if authorized in advance of the transfer.

- h. Payment of relocation allowance and moving allowance if authorized in advance of the relocation.
- i. For tenants who elect to obtain a cash replacement housing assistance, provision of sufficient financial assistance to enable tenants to rent or buy a dwelling on a long term basis, if circumstances of the tenants displaced warrant this cash settlement. This assistance is subject to advance approval by the Rehabilitation Loan Pool Subcommittee, based upon Rules and Regulations set by and periodically amended by HUD.
- j. Free one time subscription to rental referral service.
- k. Free assistance with obtaining professional movers to move tenant to temporary relocation unit and back to permanent unit when rehabilitation is completed.

V. WHO WILL PERFORM WHAT FUNCTIONS?

The Stanislaus County Housing Authority will perform the following functions:

- a. In conjunction with City staff, conduct initial inspection of units proposed for Rental Rehabilitation Program.
- b. Determine family eligibility with respect to family size, need and income.
- c. Calculate Tenant Rent, Housing Assistance Payment and prepare Lease Agreement, Housing Assistance Payment (HAP) Contract and related documents.
- d. In instances where a family is determined to be ineligible, render a determination jointly with the Housing Program Office staff regarding assistance to the family and whether or not to continue with the proposed rehabilitation of the unit.
- e. Conduct annual review of tenant eligibility and provide continued processing of Section 8 Certificates or vouchers and assistance.

The City, through its Housing Program Office (HPO) Staff, will perform the following functions:

- a. Contact owners, lenders and contractors with whom it has previously established a relationship through the existing Housing Maintenance Program (HMP).
- b. In conjunction with the Housing Authority staff, conduct initial inspection of units proposed for the Rental Rehabilitation Program.

- c. Perform preliminary feasibility analysis of submitted proposals, to include a listing of deficiencies and preparation of a rough cost estimate of rehabilitation work necessary to bring the project up to existing Section 8 Housing Quality Standards (HQS) and applicable municipal codes.
- d. Prepare and review of Work Write-ups and Cost Estimates.
- e. Provide assistance to owners in solicitation of bids.
- f. Review, rank and select proposals for which Rental Rehabilitation funds are to be used.
- g. Provide assistance to owners in the selection of a contractor.
- h. Determine amount of rehabilitation funds to be provided by the City under the program.
- i. Inform tenants of work to be done and relocate them as needed.
- j. Provide assistance to the owner in obtaining financing through the Housing Program Office.
- k. Provide assistance to tenants with moving and storing their household items from their unit when the extent of rehabilitation of the project requires it.
- l. Provide assistance to tenants with moving their household items from their unit when permanent relocation is required.
- m. Conduct inspections during rehabilitation, monitor construction contract compliance, and review change order requests.
- n. Conduct final inspections in conjunction with Housing Authority staff.
- o. Set up and maintain a Cash Management and Information System for each approved project.
- p. Receive and review acceptable completion documents and final acceptance of rehabilitation work.
- q. Process and approve progress and final payments to contractors.
- r. Provide assistance to tenants in moving back into rehabilitated units from which they moved.
- s. Provide assistance to permanently displaced tenants through monitoring and referrals to social service agencies.

- t. Provide on-going monitoring of owner's responsibilities under the Rental Rehabilitation Program, as well as continued compliance with grant conditions during the ten (10) year period following the completion of rehabilitation of the project.

VI. UNDER WHAT CIRCUMSTANCES WILL SECTION 8 EXISTING RESOURCES BE MADE AVAILABLE?

The Housing Authority shall be obligated to issue a Section 8 certificate or housing voucher to any very low income family using the HUD guidelines:

- a. Who is living in a Rental Rehabilitation Project.
- b. Who is physically displaced because of rehabilitation activities, overcrowding, a change in the use of the unit, or;
- c. Who has a post-rehabilitation rent burden in excess of thirty-five (35) percent of the adjusted household income and who might not otherwise be entitled to a Federal Preference.

Where necessary and to the extent deemed appropriate, the Housing Authority shall utilize its ten (10) percent discretionary authority for providing assistance to non-Federal Preference families (this information is agreed to in the current Memorandum of Understanding that was executed between the City and the Housing Authority).

Note: The Housing Authority will determine tenant eligibility and calculate tenant rent and Housing Assistance Payment based on its current Administrative Plan which is available at the Housing Authority office at 1701 Robertson Road, Modesto, Ca. 95351.

VII. WHAT ARE THE POLICIES GOVERNING TEMPORARY RELOCATION OF PERSONS NOT DISPLACED?

Any family is entitled to be temporarily relocated if the following criteria are met:

- a. The family is living in a dwelling undergoing extensive repairs financed by Rental Rehabilitation program funds;
- b. Families living in the dwelling with loss of electrical and/or plumbing, or sanitary living conditions during the course of the rehabilitation financed by the Rental Rehabilitation Program.

Housing Program Office staff will make recommendations to the Rehabilitation Loan Pool Subcommittee who will make the final determination. Further policies about temporary relocation are set out in the Temporary Relocation handouts that are given to participants at the beginning of the application process.

VIII. WHAT IS THE POLICY ON NON-DISCRIMINATION?

The City of Modesto will comply with Equal Housing Opportunity and Nondiscrimination requirements under the Fair Housing Act, Section 301 of the Housing and Urban Development Rural Recovery Act of 1983, Pub. Law No. 98-181, Statute No. 1153. The City will comply with the statement of nondiscrimination in providing information, counseling, referrals or other relocation services to persons displaced by rental rehabilitation activities. The City actively supports Equal Housing Opportunity and it will not participate in displacement of persons because of their race, creed, color, religion, sex, age, handicap, familial status or national origin.

IX. WHAT INFORMATION AND COUNSELING IS AVAILABLE FOR TENANTS IN PROJECTS TO BE REHABILITATED WITH RENTAL REHABILITATION PROGRAM FUNDS?

Information and counseling is available for tenants in projects to be rehabilitated with Rental Rehabilitation Program funds in the following areas:

- a. Opportunity to select a replacement dwelling from a full range of available choices assisted by Housing Program Office staff.
- b. Rights under Federal Fair Housing Law assisted by California Rural Legal Assistance (CRLA), Equality Council for Housing Opportunity of Stanislaus County (ECHOS) and the Human Relations Commission.
- c. Assistance in the search for suitable replacement housing by Housing Program Office staff.
- d. Rental Assistance Programs assisted by Housing Authority of Stanislaus County staff and Housing Program Office staff.

X. WHAT RESOURCES ARE AVAILABLE FOR TENANTS AND HOW CAN THEY BE USED?

The following is a list of some of the resources that are available for tenants and how they can be used:

- a. Community Development Block Grants (CDBG) funds - may be used for moving and relocation expenses as needed as approved by the Rehabilitation Loan Pool Subcommittee (RLPS) and provided for in the Rules and Regulations.
- b. Section 8 Certificates and Vouchers - an eligible tenant living in a unit where the owner has applied for and will be receiving Rental Rehabilitation Program funds, may qualify for and receive Section 8 rental assistance.

- c. Owner Resources - The owner of a unit undergoing rehabilitation using CDBG and/or RRP funds is required to provide financial assistance to an eligible tenant in case of permanent relocation.
- d. Rental Rehabilitation Program Income - funds may be used for moving and relocation expenses as needed, as approved by the Rehabilitation Loan Pool Subcommittee (RLPS) and provided for in the Rules and Regulations.
- e. Other Resources - tenants in need will be referred to other available community service organizations, such as Salvation Army, Community Temporary Shelter Service, Sunshine Place, etc. which may provide some relief.

XI. WHO WILL PERFORM THOSE FUNCTIONS LISTED ABOVE?

The Housing Authority of the County of Stanislaus and rental property owners have primary responsibility. The City and Housing Authority functions are already spelled out throughout this manual. However, the property owner's functions are not covered and are therefore listed below:

- a. The owner will provide a copy of the existing Rental Agreement and a completed Tenant Beneficiary Profile for each household involved in the rehabilitation when the initial loan package is submitted to the City's Housing Program Office.
- b. When necessary, the owner will serve the tenants with the proper legal notices, i.e. "30 Day Notice," etc. and will forward a copy to the Housing Program Office staff.
- c. The owner will notify Housing Program Office staff of any back due rent owed by the household. The City of Modesto strongly discourages permanent displacement and, depending on the particular circumstance, the property owner will be responsible for all costs associated with permanent displacement.

XII. WHO CAN OBTAIN COPIES OF THE TENANT ASSISTANCE POLICY (TAP)?

Each tenant living in a project funded in part with Rental Rehabilitation Program funds will receive and sign for a copy of this policy. A copy of this policy also shall be made available to members of the general public upon request to the Housing Program Office, 401 "H" Street, Modesto, California, 95351.

XIII. HOW CAN RECOMMENDATIONS FOR CHANGES TO THE TENANT ASSISTANCE POLICY (TAP) BE PRESENTED?

Recommendations for changes to this Tenant Assistance Policy (TAP) may be made in writing to the Housing Program Office, 401 "H" Street, Modesto, California, 95351.

ACKNOWLEDGMENT OF RECEIPT OF A COPY OF THE TENANT ASSISTANCE POLICY:

By signing below I (we) certify that I (we) have received a copy of this Tenant Assistance Policy (TAP) and have been encouraged and offered the opportunity to ask questions about its contents. I (we) have also been advised to review it with any person of my (our) choice if necessary.

Address: _____

Printed Name: _____

Signature: _____ Date: _____
Tenant

Printed Name: _____

Signature: _____ Date: _____
Tenant

Printed Name: _____

Witness: _____

MODESTO CITY COUNCIL
RESOLUTION NO. 91-542

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR \$250,000 FOR THE RENTAL REHABILITATION PROGRAM FOR THE CITY'S HOUSING PROGRAM OFFICE FOR 1991-92

BE IT RESOLVED by the Council of the City of Modesto that the submission of an application for \$250,000 of Rental Rehabilitation Grant funds for fiscal year 1991-92 for the rehabilitation of low-income rentals is hereby approved.

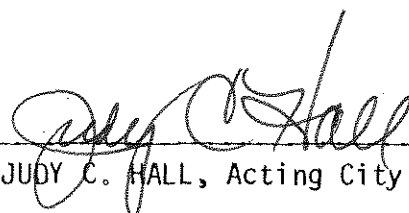
BE IT FURTHER RESOLVED that the execution of the application by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-543


A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN APPEAL FROM RIDGE SUTTER, SUTCO CONSTRUCTION, TO A DECISION OF THE CHIEF BUILDING OFFICIAL CONCERNING PAYMENT OF PLAN CHECK FEES FOR PROMENADE PARK TOWNHOUSE PROJECT

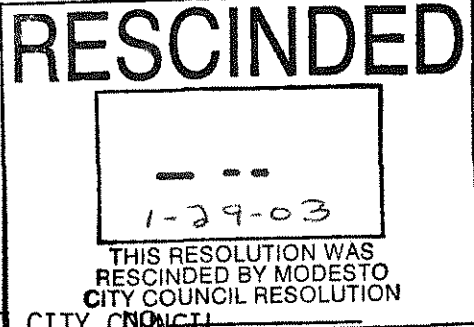
BE IT HEREBY RESOLVED by the Council of the City of Modesto that September 10, 1991, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal from Ridge Sutter, Sutco Construction, to a decision of the Chief Building Official concerning payment of plan check fees for Promenade Park Townhouse Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST:


JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 91-544

A RESOLUTION AMENDING EXHIBIT "B" OF MODESTO CITY COUNCIL RESOLUTION NO. 86-1184 TO REVISE RENTAL RATES AT THE MODESTO CENTRE PLAZA, AND RESCINDING RESOLUTION NO. 90-546. 2003-59

WHEREAS, on October 14, 1986, the Council by Resolution No. 86-1184 approved the Modesto Community Center Policies and Rental Rates, and

WHEREAS, on May 22, 1990, the Council by Resolution No. 90-546 Amended Exhibit "B" of Council Resolution No. 86-1184, and

WHEREAS, City staff has recommended a revised rate schedule for all persons to whom a license for Modesto Centre Plaza use is issued after September 1, 1991, and

WHEREAS, a public hearing was set for August 13, 1991, which was continued to August 27, 1991, at 4:00 p.m. in the Council Chambers, 801 11th Street, Modesto, California, for the purpose of considering revising the rental rates for the Modesto Centre Plaza, and

WHEREAS, said public hearing was held at which time said matter was considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Exhibit "B" of Modesto City Council Resolution No. 86-1184 is hereby amended and that the revised rental rates for use of the Modesto Centre Plaza are hereby approved as set forth on Exhibit "B" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that all other provisions of Modesto City Council Resolution No. 86-1184 not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED that Resolution No. 90-546 adopted on May 22, 1990, is hereby rescinded effective August 31, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

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

Proposed Modesto Centre Plaza Rental Rates

7/8/91

Exhibit "B"

SPACE	PRIVATE FULL DAY	PRIVATE HALF DAY	NONPROFIT FULL DAY	NONPROFIT HALF DAY	REHEARSAL DAY PRIVATE/ NONPROFIT	OVERTIME
UPPER LEVEL						
Harvest Hall 16,000 SF (Includes Tuolumne, Stanislaus, and San Joaquin Rooms)	\$1,535	\$1,150	\$960	\$715	\$780/ \$480	\$120/hr.
Tuolumne Room 9,600 SF	\$925	\$690	\$575	\$425	\$460/ \$290	\$70/hr.
Stanislaus Room 3,400 SF	\$325	\$245	\$205	\$150	\$160/ \$100	\$30/hr.
San Joaquin Room 2,000 SF	\$190	\$150	\$120	\$100	\$95/ \$60	\$30/hr.
Arbor Theatre 4,000 SF 400 Seats	\$385	\$290	\$240	\$180	\$190/ \$120	\$30/hr.
Grand Lobby* 6,300 SF	\$1,535/ \$660	\$1,150/ \$450	\$960/ \$380	\$715/ \$280	\$770/ \$480	\$60/hr.
Park Plaza*	\$1,535/ \$660	\$1,150/ \$450	\$960/ \$380	\$715/ \$280	\$770/ \$480	\$70/hr.

*The higher rate applies for those that are not renting the Harvest Hall.

(Cont.)

SPACE	PRIVATE FULL DAY	PRIVATE HALF DAY	NONPROFIT FULL DAY	NONPROFIT HALF DAY	REHEARSAL DAY PRIVATE/ NONPROFIT	OVERTIME
LOWER LEVEL						
All Lower Level Meeting Rooms 4,000 SF (Includes Pistache, Ginkgo, Ash, and Magnolia Rooms)	\$510	\$380	\$300	\$228	\$250/ \$150	\$30/hr.
Pistache AND Ginkgo Rooms 2,400 SF	\$360	\$270	\$215	\$160	\$180/ \$110	\$30/hr.
Pistache Room 1,200 SF	\$180	\$150	\$105	\$100	\$100/ \$60	\$30/hr.
Ginkgo Room 1,200 SF	\$180	\$150	\$105	\$100	\$100/ \$60	\$30/hr.
Ash AND Magnolia Rooms 1,600 SF	\$240	\$180	\$145	\$105	\$120/ \$70	\$30/hr.
Ash Room 800 SF	\$150	\$150	\$100	\$100	\$90/ \$60	\$30/hr.
Magnolia Room 800 SF	\$150	\$150	\$100	\$100	\$90/ \$60	\$30/hr.

1. All those that use the Modesto Centre Plaza caterer to provide a full meal will receive a rental discount equal to 10% of their catering cost before taxes and gratuities.
2. Those holding ticketed events will be charged the listed rental rate or 10% of gross ticket sales, whichever is greater.
3. All events with commercial booths will be charged the listed rental rate or \$.22 per net square foot, whichever is greater.
4. Half-day rates are not available on Friday, Saturday, or Sunday.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-545

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF PERMITS TO
OPERATE AMUSEMENT MACHINES AND LOCATION PERMITS.

WHEREAS, Sections 4-1.100 through 4-1.111 of the Modesto Municipal
Code regulate the issuance of permits for amusement devices in the City of
Modesto, and

WHEREAS, Section 4-1.105 of the Modesto Municipal Code requires a
Permit to Operate Amusement Machines, and

WHEREAS, application for Permits to Operate Amusement Machines shall
be filed with the Finance Director accompanied with a required filing fee
therefor, and

WHEREAS, pursuant to Section 4-1.105 of the Modesto Municipal Code
the filing fee for a Permit to Operate Amusement Machines shall be in an
amount established by resolution adopted from time to time by the Council of
the City of Modesto, and

WHEREAS, Section 4-1.106 of the Modesto Municipal Code requires a
Location Permit to allow installation of Amusement Machines, and

WHEREAS, pursuant to Section 4-1.106 of the Modesto Municipal Code
applications for Location Permits shall be filed with the Finance Director and
shall be accompanied with a filing fee therefor, and

WHEREAS, the filing fee for a Location Permit shall be in an amount
to be established by resolution adopted from time to time by the Council of
the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:

SECTION 1. FEES. The fee for filing an application for a permit to Operate Amusement Machines shall be in the amount of \$60.00, and the fee for filing an application for a Location Permit shall be in the amount of \$10.00.


SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after the effective date of Ordinance No. 2783 -C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-546

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF TAXICAB
DRIVER'S PERMITS.

WHEREAS, Sections 4-6.701 through 4-6.709 of the Modesto Municipal
Code regulate the issuance of permits for Taxicab Drivers in the City of
Modesto, and

WHEREAS, Section 4-6.702 of the Modesto Municipal Code provides that
a filing fee for a permit to drive a taxicab shall be in an amount established
by resolution adopted from time to time by the Council of the City of Modesto,


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:

SECTION 1. FEES. The fee for filing an application for a permit to
drive a taxicab shall be in the amount of \$30.00.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after the effective date of Ordinance No. 2782-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-547

A RESOLUTION ESTABLISHING APPLICATION PERMIT FEES FOR
PRIVATE PATROL SERVICE.

WHEREAS, Sections 6-8.101 through 6-8.110 of the Modesto Municipal
Code regulate Private Patrol Service in the City of Modesto, and

WHEREAS, Section 6-8.104 requires a permit to commence a business of
a private police patrol service or for any employee of a private police patrol
service to act as a watchman, guard, patrolman or private policeman without
first obtaining a permit from the Police Chief to do so, and

WHEREAS, Section 6-8.107 of the Modesto Municipal Code provides that
a filing fee for an application to obtain a permit to own or operate a Private
Patrol Service shall be established by resolution adopted from time to time by
the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:

SECTION 1. FEES. The filing fee for an application to obtain a
permit to own or operate a Private Patrol Service shall be in the amount of
\$36.00.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after the effective date of Ordinance No. 2781-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-548

A RESOLUTION DESIGNATING THE MODESTO POLICE DEPARTMENT AS THE LICENSING AUTHORITY FOR LICENSES TO SELL CONCEALABLE WEAPONS IN THE CITY OF MODESTO AND ESTABLISHING FEES THEREFOR AND RESCINDING RESOLUTION NO. 87-629.

WHEREAS, Section 12070 of the Penal Code requires that, before any person may engage in the business of selling or otherwise transferring or advertising for sale any pistol, revolver, or other firearm capable of concealment upon the person, a license permitting such sales shall be obtained from the duly constituted licensing authorities of a city or county, and

WHEREAS, Section 12071 of the Penal Code of the State of California establishes procedures whereby retail sellers of concealable firearms may obtain licenses to sell such firearms, and

WHEREAS, inasmuch as retail sales licenses for concealable firearms may be granted by a licensing authority only after proper screening of applicants, the City Council has determined that the Police Department is the appropriate department to issue such licenses in the City of Modesto, and

WHEREAS, by a letter dated February 28, 1977, the Attorney General of the State of California has ruled that the City of Modesto may impose fees for processing applications and issuing licenses to qualified applicants to sell concealable firearms,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby designates the Police Department of the City of Modesto as the duly constituted licensing authority in the City of Modesto for the issuance of the above described licenses and hereby authorizes the Police Department to issue licenses for the sale or transfer or advertising for sale of any pistol,

revolver, or other firearm capable of concealment upon the person in accordance with the provisions of California Penal Code Sections 12070 and 12071 and other applicable law.

BE IT FURTHER RESOLVED that the Council hereby establishes that the fees to be charged by the Police Department of the City of Modesto to cover the costs incurred for processing applications and issuing licenses pursuant to California Penal Code Sections 12070 and 12071 shall be \$30.00 for the initial screening and issuance of a license and \$20.00 for each license renewal.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 87-629 adopted by the City Council on the 21st day of July, 1987.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-549

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF TOWING SERVICE OPERATOR AND ATTENDANT APPLICATIONS, AND RESCINDING RESOLUTION NO. 85-102.

WHEREAS, Section 3-10.07 of the Modesto Municipal Code authorizes the Council to establish a processing fee for towing service operator applications from time to time by resolution, and

WHEREAS, Section 3-10.16 of the Modesto Municipal Code authorizes the Council to establish a processing fee for towing service attendant applications from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees for processing towing service operator and attendant applications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

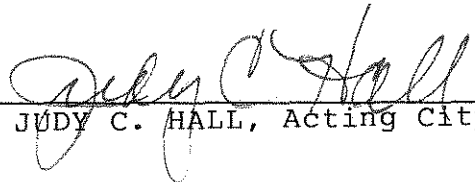
SECTION 1. FEES. The fee for processing towing service operator applications shall be in the amount of \$90.00.

SECTION 2. FEES. The fee for processing towing service attendant applications shall be in the amount of \$30.00.

SECTION 3. REPEALS. Resolution No. 85-102 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-550

A RESOLUTION ESTABLISHING FEES FOR FINGERPRINTING, AND
RESCINDING RESOLUTION NO. 80-679.

BE IT RESOLVED by the Council of the City of Modesto that the following fees are hereby established for fingerprinting service by the Modesto Police Department, except where fingerprints are required in conjunction with obtaining a City permit:

\$5.00 for the first fingerprint card

\$5.00 for each additional card

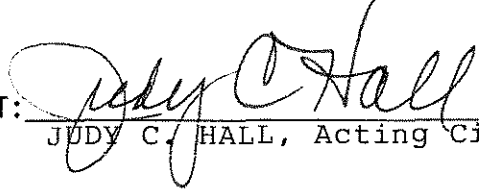
BE IT FURTHER RESOLVED that Resolution No. 80-679 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

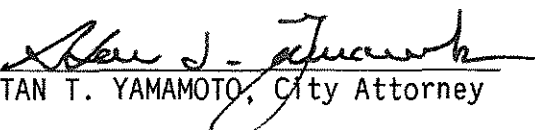
NOES: Councilmembers: None

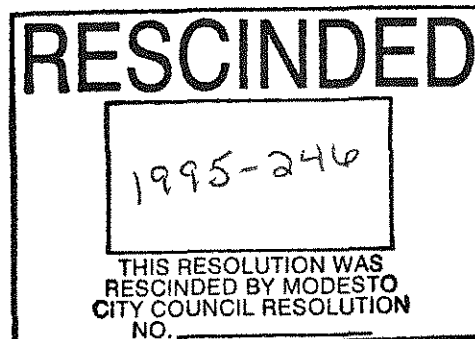
ABSENT: Councilmembers: None

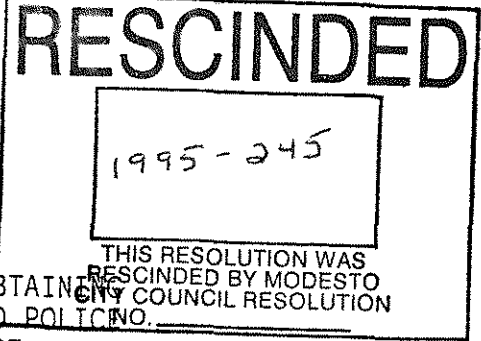
ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney





MODESTO CITY COUNCIL
RESOLUTION NO. 91-551

A RESOLUTION ESTABLISHING FEES TO BE PAID FOR OBTAINING COPIES OF OFFICIAL POLICE DEPARTMENT REPORTS AND PHOTOGRAPHS, AND RESCINDING RESOLUTION NO. 87-627.

WHEREAS, Section 6257 of the Government Code provides that except with respect to public records exempt by express provisions of law from disclosure, each state or local agency, upon any request for a copy of records, which reasonably describes an identifiable record, or information produced therefrom, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following fees are hereby established and shall be collected for preparation of copies of any official police department report and photograph on file in the office of the Police Department.

Copy of Official Police Report - \$8.00 per report

Copy of Official Police Photograph - \$10.00 for processing and retrieval plus \$1.10 per each print

These fees shall not apply to any governmental agency.

SECTION 2. The Police Chief shall cause a fee book to be kept by his department. All fees collected by his department for copies of these reports and photographs shall be entered in the book with the date, the name of the person making the payment, and the nature of the service in each case. At least weekly, these fees shall be paid into the City treasury.

SECTION 3. Council Resolution No. 87-627 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-552

A RESOLUTION ESTABLISHING A PARADE APPLICATION PROCESSING FEE, AND RESCINDING RESOLUTION NO. 87-676.

WHEREAS, Sections 4-8.01 through 4-8.11 of the Modesto Municipal Code regulate parades in the City of Modesto, and

WHEREAS, Section 4-8.04 of the Modesto Municipal Code provides that a parade application processing fee shall be established by resolution adopted from time to time by the Council of the City of Modesto, and

WHEREAS, an application must be filed with the Police Chief of the City of Modesto to conduct or manage a parade, and

WHEREAS, the Police Department of the City of Modesto shall process said applications for parade permits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Modesto Municipal Code Section 4-8.04, a parade application processing fee in the amount of \$35.00 shall be charged all applicants to cover the costs of processing the application and issuing the parade permit.

BE IT FURTHER RESOLVED that Resolution No. 87-676 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 91-553

A RESOLUTION ESTABLISHING FEES FOR PUBLIC DANCE HALL
PERMIT AND PUBLIC DANCE PERMIT.

WHEREAS, Section 4-1.405 of the Modesto Municipal Code authorizes
the Council to fix a public dance hall permit fee and a public dance permit
fee from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the public dance
hall permit fee and the public dance permit fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:

SECTION 1. FEES. The fee for a public dance hall permit shall be
in the amount of \$34.00.

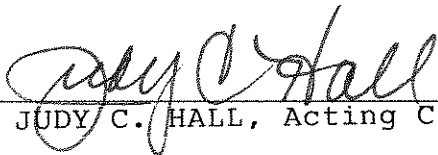
SECTION 2. FEES. The fee for a public dance permit shall be in the
amount of \$20.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-554

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR MISCELLANEOUS STORM DRAIN REPAIRS - 3RD AND I;
4TH AND F STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for miscellaneous storm drain
repairs - 3rd and I; 4th and F 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 September 19, 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 23rd day of August, 1991,
by Councilmember Martin, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-555

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR WATER WELL CONSTRUCTION AND TESTING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for water well construction and testing services

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 23, 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 23rd day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-556

A RESOLUTION AMENDING AND RESTATING THE MANDATORY DEFERRED COMPENSATION PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 88-490B.

WHEREAS, this Council by Resolution Nos. 86-628 and 88-490B amended and restated the Mandatory Deferred Compensation Plan for certain employees of the City of Modesto, and

WHEREAS, the Council desires to amend the Mandatory Deferred Compensation Plan and to restate the Plan in full, as amended hereby,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto's Mandatory Deferred Compensation Plan for certain employees of the City of Modesto is hereby amended and restated in its entirety as follows:

SECTION 1. There is hereby established a Mandatory Deferred Compensation Plan (herein referred to as the "Plan") for the hereinafter designated employees of the City of Modesto. Except as otherwise provided herein, said Plan became operative effective July 4, 1978, and thereafter has been amended.

SECTION 2. Effective July 2, 1991, all employees of the City of Modesto who hold salaried positions of employment, except sworn fire and police officers and employees classified as Management or Confidential, shall have two (2) percent of their gross regular salary each pay period deferred until said employee retires or otherwise terminates employment with the City of Modesto. In addition thereto, the City of Modesto shall pay into said Mandatory Deferred Compensation Plan, each pay period for each such employee, an amount equal to one (1) percent of each such employee's gross regular

salary. Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

SECTION 3. Effective June 30, 1981, the City of Modesto shall also pay into said Mandatory Deferred Compensation Plan each pay period for each employee of the City of Modesto who holds a salaried position of employment and who does not subscribe for health insurance coverage for said employee's dependents, an amount as determined by agreement with the respective employee organization or, for Management or Confidential employees, as approved by Council. Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

SECTION 4. Effective on June 24, 1986, and each year thereafter at the start of the first full payroll period closest to July 1st, the City of Modesto shall also pay into the Mandatory Deferred Compensation Plan of all employees of the City of Modesto who hold salaried positions of employment, except sworn fire and police officers and Management and Confidential employees, and who have been continuously employed with the City of Modesto, on or before June 30th of that year, for fifteen (15) or more years, an amount equal to one (1) percent of each such employee's gross regular salary. Said amount shall be in addition to any other amounts to be paid into each such employee's Mandatory Deferred Compensation Plan pursuant to any other provision of the Plan.

SECTION 5. Except as provided in Section 6 hereof, the maximum permitted deferral of includable compensation in any one taxable year for any

employee shall not exceed the lesser of (a) \$7,500, or (b) 33 1/3% of the employee's includable compensation as that term is defined by the Internal Revenue Service Regulations governing deferred compensation plans.

SECTION 6. During the last three (3) taxable years before the employee reaches the following applicable age:

- A. All Fire Department and Police
Department employees with
safety membership in the Public
Employee's Retirement System - age 50
- B. All other employees - age 60

or at the employee's option in any three taxable years thereafter, the maximum permitted deferral of includable compensation in any one (1) taxable year shall be the lesser of (a) \$15,000 or (b) the sum of \$7,500 and so much of the maximum permitted deferral established for taxable years before the three (3) taxable years as has not been previously deferred. The years in which this provision is to apply shall be designated in advance by a written request from the employee to the Finance Director.

SECTION 7. Each employee covered by the Plan shall be deemed to have agreed to each of the provisions hereof, and specifically to the deferral of salary as provided by the Plan. Deferral of salary for employees hired subsequent to the adoption of this Plan shall begin immediately upon hire of said employees.

SECTION 8. There is hereby established a Mandatory Deferred Compensation Committee to administer the Plan established hereby. The Committee shall consist of three (3) persons to be appointed by and serve at

the pleasure of the City Manager, one of whom shall be appointed by the City Manager to be its Chairman. The Committee shall have such powers and duties as may be given to it by this resolution, or as may be necessary in order to carry out the provisions of agreements with depositories entered into from time to time. It shall also have such further powers and duties as may be delegated to it from time to time by the City Council.

Persons who are currently members of the Mandatory Deferred Compensation Committee as established by previous Resolutions, shall continue in office, and shall serve at the pleasure of the City Manager as though appointed pursuant to this section.

SECTION 9. The Committee is hereby authorized and empowered to make such determinations regarding investment of money, and payment and distribution of funds to an employee covered by the Plan as may be necessary in order to carry out the provisions of the Plan established hereby.

SECTION 10. All funds and assets held in or credited to the Mandatory Deferred Compensation Plan for the benefit of an employee shall be paid and distributed as herein provided to the employee, or the employee's beneficiary, as the case may be.

A. Distribution upon retirement or disability of employee or other termination of employment. In the event an employee retires from the City or becomes permanently disabled from continuing regular employment with the City, the City will distribute to such employee the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the employee's life expectancy.

B. Distribution upon death of employee. In the event of the death of an employee, the City will distribute to the employee's beneficiary the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the beneficiary's life expectancy. In the event of the death of the beneficiary while receiving installment payments, any remaining balance in the employee's Mandatory Deferred Compensation account shall be deemed to be the property of the beneficiary at the time of the beneficiary's death, and shall be distributed to the persons legally entitled thereto.

C. Distribution prior to one (1) year of employment. In the event that any employee becomes entitled to the distribution of the amounts deferred for his or her benefit prior to one (1) year of employment with the City of Modesto, distribution of the amounts deferred from the employee's gross regular salary shall be made as provided in this section; however, no distribution shall be made to the employee or his beneficiary of the amounts paid into the Plan by the City of Modesto. In such event, such amounts shall be returned to the appropriate fund of the City of Modesto.

SECTION 11. The City Manager is hereby authorized and directed from time to time to execute, on behalf of the City of Modesto, Custodial Agreements for the City of Modesto's Mandatory Deferred Compensation Plan with depositories as approved from time to time by the City Council.

SECTION 12. Except as otherwise herein provided, all prior actions and agreements of the City of Modesto relating to the Mandatory Deferred Compensation Plan are hereby ratified and are continued in full force and effect.

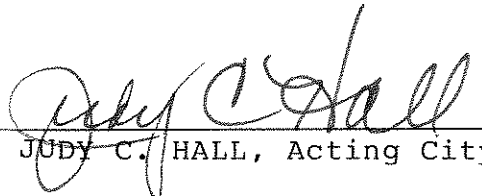
BE IT FURTHER RESOLVED that Resolution No. 88-490B adopted June 28, 1988, is superseded by this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-557

A RESOLUTION AMENDING AND RESTATING THE VOLUNTARY DEFERRED
COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF
MODESTO, AND SUPERSEDING RESOLUTION NO. 83-211.

WHEREAS, this Council by Resolution No. 83-211, adopted on April 12,
1983, amended and restated the Voluntary Deferred Compensation Plan for the
employees of the City of Modesto, and

WHEREAS, the Council desires to amend the Voluntary Deferred
Compensation Plan and to restate the Plan in full, as amended hereby,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto, that the City of Modesto's Voluntary Deferred Compensation Plan is
hereby amended and restated in its entirety as follows:

SECTION 1. There is hereby established a Voluntary Deferred
Compensation Plan (hereinafter referred to as the "Plan"), pursuant to which
the officers and employees of the City of Modesto who hold salaried positions
of employment or who receive compensation for the performance of their duties
may voluntarily elect to defer payment of a portion of their salary or
compensation to be paid over to them at a later time.

SECTION 2. That the City Manager or his designee is hereby
authorized from time to time to execute counterparts for and on behalf of the
City of Modesto of a "Voluntary Deferred Compensation Agreement" in a form
approved from time to time by the City Council as the agreement to be entered
into by and between the City of Modesto and those of its officers and
employees who voluntarily elect to participate in the Plan.

SECTION 3. Employees who desire to participate in the Plan may
elect to do so at any time prior to the 15th day of the month before such

deferral is to begin. The deferral will then commence in the first bi-weekly pay period commencing the month after the election.

SECTION 4. There is hereby established a Voluntary Deferred Compensation Committee to administer the Plan established hereby. The Committee shall consist of three persons to be appointed by and serve at the pleasure of the City Manager, one of who shall be appointed by the City Manager to be its Chairman. The Committee shall have such powers and duties as may be given to it by this resolution, or as may be necessary in order to carry out the provisions of agreements with depositaries entered into from time to time by the City. It shall also have such further powers and duties as may be delegated to it from time to time by the City Council. No member of the Committee shall be a participant in the Plan. Persons who are currently members of the Voluntary Deferred Compensation Committee as established by Resolution No. 72-800, shall continue in office, and shall serve at the pleasure of the City Manager as though appointed pursuant to this section.

SECTION 5. The Committee is hereby empowered to make the determinations regarding the investment of money, and payment and distribution of funds by City under the Voluntary Deferred Compensation Agreement referred to in Section 2 above.

SECTION 6. The City Clerk is hereby authorized and directed to certify to depositaries, and such other persons, firms or organizations with whom the City may have entered into contracts regarding the Plan established hereby, the names of the incumbent members of the Committee, and from time to time the names of such other persons who may be appointed to said offices.

SECTION 7. Except as otherwise provided in this Resolution, the maximum deferral in any one taxable year for a given employee shall be the lesser of (a) \$7,500.00, or (b) 33 1/3 percent of the employee's includable compensation as that term is defined by the Internal Revenue Service regulations governing deferred compensation plans.

SECTION 8. During the last three taxable years before an employee reaches the following applicable age:

- A. All Fire and Police Department employees with safety membership in the Public Employee's Retirement System - age 50
- B. All other employees - age 60

or at the employee's option in any three taxable years thereafter, the maximum deferral of includable compensation in any one taxable year shall be the lesser of (a) \$15,000 or (b) the sum of \$7,500 and so much of the maximum permitted deferral established for taxable years before the three taxable years as has not been previously deferred. The years in which this provision is to apply shall be designated in advance by a written request from the employee to the Finance Director.

Provided that, in computing the maximum deferral permitted under the Plan, any compensation deferred under the City of Modesto Mandatory and/or Optional Deferred Compensation Plan, established by City Council Resolution No. 83-209, adopted April 12, 1983, and Resolution No. 91-463 adopted July 9, 1991, as they now exist or may hereafter be amended shall be treated as though compensation had been deferred under this Voluntary Deferred Compensation Plan.

SECTION 9. The City Manager is hereby authorized and directed from time to time to execute, on behalf of the City of Modesto, Custodial Agreements for the Voluntary Deferred Compensation Plan with depositories as approved from time to time by the City Council.

SECTION 10. Except as otherwise herein provided, all prior actions and agreements of the City of Modesto relating to the Voluntary Deferred Compensation Plan, other than the form and content of Voluntary Deferred Compensation Agreements referred to in Section 2 hereof between employees and the City of Modesto, are hereby ratified and are continued in full force and effect.

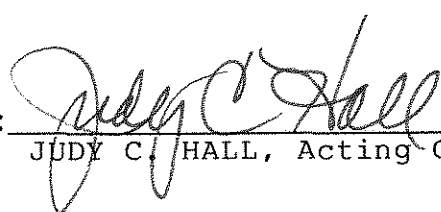
BE IT FURTHER RESOLVED that Resolution No. 83-211, adopted on April 12, 1983, is superseded by this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

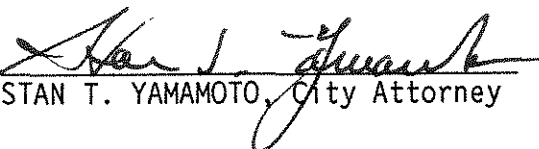
NOES: Councilmembers: None

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. 91-558

A RESOLUTION ACCEPTING IMPROVEMENTS IN ADOBE ABODE SUBDIVISION
AND AUTHORIZING RELEASE OF SAVINGS ACCOUNT ASSIGNMENT

WHEREAS, Leon Johnson, subdividers of Adobe Abode Subdivision, have filed a Savings Account Assignment for faithful performance and labor and materials in the amount of \$ 10,000 and \$ 5,000 respectively to guarantee improvements in Adobe Abode Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated August 15, 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 Time Deposit upon expiration of the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Adobe Abode Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the portion of the Time Deposit for faithful performance in the amount of \$ 10,000 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the portion of the Time Deposit for labor and materials in the amount of \$ 5,000 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 August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-559

A RESOLUTION APPROVING PROGRAM SUPPLEMENT NO. 95 TO THE MASTER AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE COFFEE ROAD/ORANGEBURG AVENUE TRAFFIC SIGNAL MODIFICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Program Supplement No. 95 to the Master Agreement with the State of California for the Coffee Road/Orangeburg Avenue traffic signal modification be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

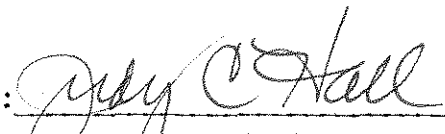
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-560

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT D. MANGUM FOR CONTRACT SUBDIVISION INSPECTION SERVICES


BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Robert D. Mangum for contract subdivision inspection services

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August , 1991, by Councilmember Martin , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-561

A RESOLUTION GRANTING APPROVAL FOR FESTIVAL '91 TO BE HELD SATURDAY, OCTOBER 5, 1991, AND SUNDAY, OCTOBER 6, 1991, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Amy R. Wolfe, Chairperson, Festival '91 (hereinafter referred to as the Committee) has requested assistance from the City of Modesto (hereinafter referred to as City) with the Festival '91 activities, an international and ethnic cultural event celebrating diversity in the community, to be held on Saturday, October 5, 1991, and Sunday, October 6, 1991, and

WHEREAS, said Festival '91 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 \$3,341 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, at its meeting of August 27, 1991, the Council considered the request for City assistance with the Festival '91 activities to be held on Saturday, October 5, 1991, and Sunday, October 6, 1991, 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 Festival '91 activities to be held on Saturday, October 5, 1991, and Sunday, October 6, 1991:

1. As a requirement of the proposed parade, the Committee shall receive a permit from the California Department of Transportation authorizing closure of certain streets in the City of Modesto: Closure of K Street from 9th Street to 11th Street on Friday, October 4, 1991, from 3:00 p.m. until Sunday October 6, 1991, 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 5, 1991. 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 Festival '91.
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 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 and appropriate permits shall be issued.
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 within one week of Council approval of 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 Festival '91.
19. All private and public property used as a result of Festival '91, 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. on Sunday October 6, 1991.

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 '91 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 prior to the date of October 4, 1991. 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 27th day of August, 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, Dobbs, Irizarry, Martin, 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

FESTIVAL 1991

Estimated cost by the Modesto Police Department for Festival 1991.

These are maximum costs and could be reduced by volunteer assistance provided by the Festival 1991 Committee. The request for Reserve Police Officers for security for the Beer Garden should be denied. The establishment should hire private security.

PARADE

25 Reserve Officers @ \$16.00 per our for 3 hours	\$1,200
60 Barrcades @ \$.60 each	36
1 City employee to place and retrieve barricades @ \$16.00 per hour for 3 hours	<u>48</u>
Subtotal	\$1,284

STREET FAIRE

6 Reserve Officers @ \$16.00 per hour for 16 hours	<u>1,536</u>
Subtotal	\$2,820

BEER GARDEN

2 Reserve Officers @ \$16.00 per hour for 16 hours	<u>521</u>
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TOTAL \$3,341

Sgt. Steve Hinkley 8-16-91
Sergeant Steve Hinkley
Administrative Aide
Field Operations Division

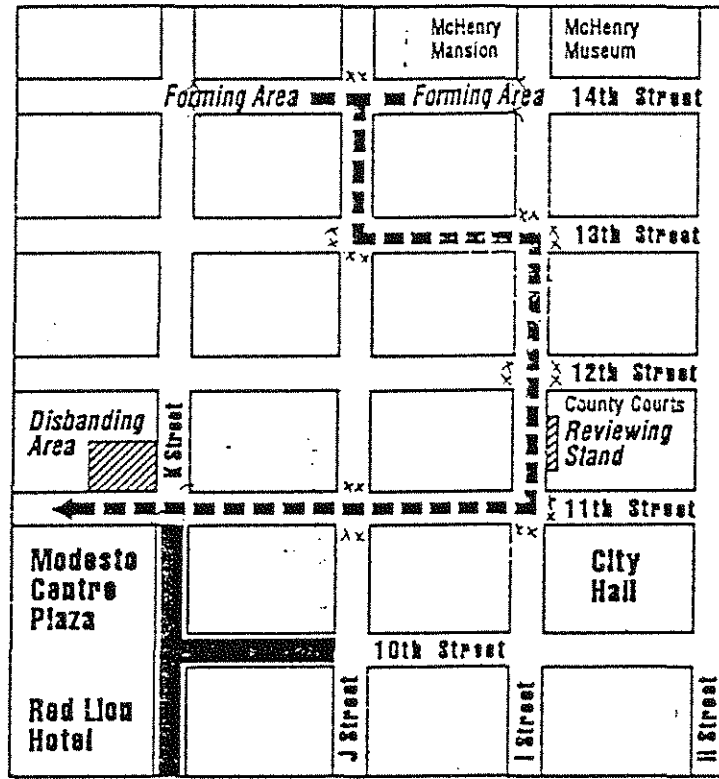


FESTIVAL '91

First annual ethnic and cultural celebration in Modesto
Saturday and Sunday, October 5, 6, 1991

DIVERSITY PARADE

Saturday October 5, 10:00 a.m.



3 PARADES - 1 PLACE

Page 22

*Close K from 9-11
10th from 3-5*

ARCHIVE TO CREDIT 40.500000

STREET FAIR

Saturday, October 5, 11:00 a.m. - 7:00 p.m.

Sunday, October 6, 10:00 a.m. - 5:00 p.m.

10th & K Streets, Modesto Centre Plaza

Featuring

International Foods and Crafts

Ongoing Music & Dance Entertainment

Children's Activities & Entertainment

(Free Admission)

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 91-561 pertaining to the 1991 Festival '91 activities.

Dated: _____

FESTIVAL '91

By _____
(Name & Title)

By _____
(Name & Title)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-562

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (ENCINA, COLFAX, HADDON, EL VISTA, MAMILANE, COFFEE AND EL VECINO)

WHEREAS, Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council, did on April 23, 1991, adopt its motion directing staff to proceed with the installation of certain improvements along certain streets in the City of Modesto, as provided therein; and

WHEREAS, the superintendent of Streets has caused notices to be given as directed by the Streets and Highways Code; and

WHEREAS, the City Clerk did by said notice, set the 3rd day of September, 1991, 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, at the time set for hearing the protests and objections, if any, 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 and incorporated by reference therein, 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 said 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 3rd day of September, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

- a. Sidewalk along Encina Avenue at 437 Parry Avenue (George Sartor)
- b. Sidewalk at 2104 Encina Avenue (Florence Correa)
- c. Sidewalk along Encina Avenue at 431 Fortuna Avenue (Roy Correa)
- d. Sidewalk at 2036 Encina Avenue (Maria Arenas)
- e. Sidewalk at 130 Colfax Avenue (Harpal Gill)
- f. Curb and sidewalk at 340 Colfax Avenue (Bud Smith, Jr.)
- g. Sidewalk along Haddon Avenue at 310 El Vista Avenue (Michael Rosenke)
- h. Sidewalk along Haddon Avenue at 304 Colfax (Donald Breck)
- i. Sidewalk at 2313 Haddon Avenue (Olga Martinez)
- j. Sidewalk along Haddon Avenue at 233 Renee Drive (Robert Dotry)
- k. Sidewalk at 2317 Haddon Avenue (Corlee Willey)
- l. Sidewalk along Haddon Avenue at 233 Trask Lane (Tedford Gilton)
- m. Sidewalk at 2425 Haddon Avenue (Dee Gonzales)
- n. Sidewalk at 328 El Vista Avenue (Frank Bell)
- o. Sidewalk at 439 Coffee Road (William Salter)
- p. Sidewalk at 519 Coffee Road (Downey Park Medical)
- q. Sidewalk at 527 Coffee Road (Horace Brooks)
- r. Sidewalk along Mamilane at 1709 Rouse Avenue (Augustine Andrade)
- s. Sidewalk at 630 Mamilane (Larry Swier)
- t. Sidewalk along Mamilane at 1700 Tonilane (Martin Rico)
- u. Curb at 316 E. Coolidge Avenue (Orangeburg Baptist Church)
- v. Curb at 236 E. Coolidge Avenue (Gus Constantinou)
- w. Curb at 320 E. Coolidge Avenue (Anne Hughes)
- x. Drive approach along E. Coolidge Avenue at 1444 Casa Blanca (Wendell Thompson).
- y. Curb and sidewalk along El Vecino Avenue at 1000 Betty Lane (Edward Adams).

MODESTO CITY COUNCIL
RESOLUTION NO. 91-563

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF ZORA ZIPSER TO THE DECISION OF THE PLANNING COMMISSION RELATING TO CONDITIONS IMPOSED BY THE PLANNING COMMISSION UPON APPROVAL OF A VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED ON THE EAST SIDE OF RENO AVENUE NORTH OF KANSAS AVENUE.

WHEREAS, the vesting tentative parcel map of property on the east side of Reno Avenue north of Kansas Avenue was filed in the office of the Secretary of the Planning Commission on July 5, 1991, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative parcel map have been sent to the Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

WHEREAS, city services, including sanitary sewer and water facilities, are available, and

WHEREAS, a public hearing was held by the Planning Commission on August 5, 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 the Planning Commission, by Resolution No. 91-49, found and determined that the vesting tentative parcel map of property on the east side of Reno Avenue north of Kansas Avenue accepted for filing in the office of the Secretary of the Planning Commission on July 5, 1991, should be approved as submitted and as shown in red on the face of the map subject to compliance with the conditions set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission approving said vesting tentative parcel map subject to the imposition of a requirement that prior to the recordation of the parcel map, a portion of Reno Avenue located south of Franzia Court and north of Kansas Avenue shall be abandoned (Condition 8 of Planning Commission Resolution No. 91-49) was filed with the City Clerk by Mid-Valley Engineering on behalf of Zora Zipser, by letter dated August 8, 1991, and

WHEREAS, by letter dated August 27, 1991, Mid-Valley Engineering filed with the City Clerk an amendment to the August 8, 1991, appeal letter to further appeal the imposition of the requirement that fences or walls shall be constructed prior to recordation of the parcel map (Condition 9 of Planning Commission Resolution No. 91-49) and shall be as follows:

- a. An eight-foot-high wood fence with decorative masonry pilasters at 16 foot on centers located adjacent to neighboring residential parcels along the south and southeast boundaries of the proposal.
- b. An eight-foot-high decorative masonry wall along the north property lines, 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, at 7:30 p.m. on September 3, 1991, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Mid-Valley Engineering on behalf of Zora Zipser to the decision of the Planning Commission relating to Conditions 8 and 9 of Planning Commission Resolution No. 91-49, should be granted for the following reasons:

1. The requirement for a street abandonment is more appropriate at time of development of a parcel than prior to recordation of a parcel map.

2. The installation of a fence or wall is more reasonable to be required at the time development plans are submitted than prior to the recordation of a parcel map.

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Mid-Valley Engineering on behalf of Zora Zipser to the decision of the Planning Commission relating to Condition 8 and Condition 9 of Planning Commission Resolution No. 91-49 is hereby granted.

SECTION 2. MODIFICATION OF CONDITIONS OF PLANNING COMMISSION RESOLUTION NO. 91-49. The conditions of Planning Commission Resolution No. 91-49 are hereby modified to read as follows:

1. That street dedication shall be provided and street improvements constructed in accordance to the City of Modesto Standard Specifications including 20 foot radius corner cutoffs at Reno Avenue as required by the Public Works and Transportation Director.
2. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Public Works and Transportation Director. All improvements shall be constructed in accordance with the approved plans.
3. That street improvements shall be completed as required by the Municipal Code in conjunction with property development or within two years of parcel map recordation, whichever occurs first.
4. That a certificate giving notice that street improvements are required along the Kansas Avenue and Reno Avenue frontages of the property shall be placed on the parcel map.
5. That public utility easements shall be dedicated as required by utility companies prior to parcel map recordation.
6. That existing irrigation pipelines shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director.
7. That a release of irrigation rights for parcel APN 29-12-3 shall be executed as required by the Modesto Irrigation District.

8. Prior to the issuance of a building permit, Reno Avenue located south of Franzia Court and north of Kansas Avenue shall be abandoned.
9. Prior to the issuance of a building permit for the development of a lot, fences or walls shall be constructed along adjacent properties as follows:
 - a. An eight-foot-high wood fence with decorative masonry pilasters at 16 foot on centers located adjacent to neighboring residential parcels along the south and southeast boundaries of the proposal.
 - b. An eight-foot-high decorative masonry wall along the north property lines.
10. That prior to the recording of a parcel map the property owner shall secure certification by the Chief Building Official that existing buildings will comply with all provisions of the Uniform Building Code pertaining to the location of buildings adjacent to property lines.
11. That all structures which extend across proposed parcel lines or into street rights-of-way shall be removed or relocated to comply with applicable zoning regulations prior to recordation of the parcel map.
12. That the property owner shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a parcel map, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the property owner 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.
13. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this parcel map shall be based on the rates in effect at time of issuance of the building permit.

SECTION 3. OTHER PROVISIONS OF PLANNING COMMISSION RESOLUTION NO.

91-49. All other provisions of Planning Commission Resolution No. 91-49 not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED by the Council that, at such time as an abandonment proposal is submitted to the City for Reno Avenue, the Council would be favorable to such a proposal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-564

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(485). (RAMAN PATEL)

WHEREAS, the City Council, by Ordinance No. 2429-C.S. which was introduced on May 27, 1986, finally adopted on June 10, 1986, and which became effective on July 10, 1986, amended Sections 3-3-8 and 10-3-8 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(404), property located between Salida Boulevard and Freeway 99 south of Pelandale Avenue, to allow a motel, restaurant and convenience mart complex, and

WHEREAS, City Council Resolution No. 86-507 was adopted on June 10, 1986, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in two phases, and

WHEREAS, the City Council, by Ordinance No. 2544-C.S. which was introduced on September 15, 1987, finally adopted on September 22, 1987, and which became effective on October 22, 1987, amended Sections 3-3-8 and 10-3-8 of the Zoning Map to reclassify from Planned Development Zone, P-D(404), to Planned Development Zone, P-D(431), property located between Salida Boulevard and Freeway 99 south of Pelandale Avenue, to allow a recreational vehicle sales and service facility, and

WHEREAS, City Council Resolution No. 87-1049 was adopted on September 15, 1987, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in one phase, and

WHEREAS, a verified application for an amendment to Sections 3-3-8 and 10-3-8 of the Zoning Map was filed by Raman Patel on September 11, 1990, to rezone from Planned Development Zone, P-D(431), to a new Planned Development Zone, to allow a motel and other Highway Commercial, C-3, Zone uses, property located on the northeast side of Salida Boulevard, south of Pelandale Avenue, described as follows:

P-D(431) to P-D

All that certain real property situate in a portion of the Northeast one-quarter of the Northeast one-quarter of Section 10 and the Southeast one-quarter of the Southeast one-quarter of Section 3, both in Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of said Section 10; thence along the East line of said Section 10, South 0°13'29" East 477.34 feet to the West right-of-way line of State Highway 99; thence northwesterly along said West line 293.58 feet to the True Point of Beginning; thence continuing along said West line, North 27°27'31" West, 539.71 feet more or less; thence leaving said west line and at right angles, Southwesterly 50.00 feet; thence at right angles Northwesterly 50.00 feet; thence at right angles Northeasterly 50.00 feet to the aforementioned west line; thence continuing along the west right-of-way line of said State Highway 99, North 27°27'31" West, 40.00 feet; thence continuing along said west line, North 43°07'15", West 350.29 feet; thence continuing along said west line, North 56°57'22" West, 448.08 feet; thence continuing along said west line on a tangent curve concave to the Northeast, moving a radius of 860.00 feet, 60.00 feet to the intersection with the West right-of-way line of Salida Boulevard; thence along said East line, Southeasterly, 506.07 feet; thence continuing along said East line Southeasterly 950.00 feet to the Point of Beginning.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on August 5, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on August 5, 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. 91-48, that rezoning of the property 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 commercial development on certain established commercial strips.
2. The proposed P-D zone will further traffic mitigation for this area surrounding a freeway on-off ramp.
3. The proposed P-D zone is similar to a previously approved P-D(404) zone for the property.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September, at 3rd p.m., and

WHEREAS, after said public hearing held on Sept. 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Raman Patel 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. 91-48 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2784-C.S. on the 3rd day of September, 1991, reclassifying the above-described property from Planned Development Zone, P-D(431), to Planned Development Zone, P-D(485).

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(485), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Comfort Inn" as amended in red, stamped approved by the Planning Commission on August 5, 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 state right-of-way line. 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 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.
5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
7. The developer shall provide CEQA traffic mitigation measures as outlined in the City Transportation Planners' memo dated June 12, 1991, written in response to the applicants traffic analysis by Omni-Means and included as follows:
 - a. The developer shall improve Salida Boulevard to collector street standards per Standard Specifications Drawing 3A along the project's frontage.

- b. The driveways on Salida Boulevard shall be located in accordance with Standard Specifications Section 3.13.
- c. The developer shall enter into an agreement with the City and Stanislaus County for the reimbursement of some or all of the off-site improvement costs required by condition D, which follows. Subject to agreement by all parties, such reimbursement may consist of a credit against the City and County fees for roadway capital facilities which the developer would otherwise be required to pay.
- d. The developer shall construct the "mitigated existing" intersection and traffic signal improvements at the Pelandale/SR99 southbound ramps intersection and the Pelandale/SR99 northbound ramps intersection as described in concept in the May 31, 1991, traffic analysis prepared by Omni-Means, Ltd. If it is determined by the City, in consultation with the other agencies involved, that something less than the full extent of the improvements identified by the Traffic Analysis should be constructed in the interest of public safety or the attainment of the best traffic operations, then only those improvements will be required of the developer. To the extent that these improvements are eligible for CFF funding, the developer will be reimbursed in accordance with the agreement required by condition C, above.
- e. All work required by condition D, above, shall be done to the satisfaction of Caltrans and in a manner which is compatible with the mitigation concepts presented in the May 31, 1991, Omni-Means, Ltd. Traffic Analysis.
- f. Prior to issuance of a building permit, the developer shall submit engineering plans to the Public Works and Transportation Director and obtain his approval. All street, intersection, and traffic signal improvements and modifications are to be done only in accordance with these approved plans.
- g. All street, intersection, and traffic signal improvements and modifications shall be funded and constructed by the developer in accordance with City of Modesto Standard Specifications prior to issuance of any occupancy permits, or earlier when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
- h. If, due to administrative requirements imposed by the public agencies involved, the off-site improvements at the freeway ramp intersections (required by condition D,

above) cannot be installed prior to when the developer desires issuance of the first occupancy permit, then the developer shall pay to the City 100% of the estimated cost of these required improvements. The cost estimates for these improvements are to be approved by the Public Works and Transportation Director.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
9. 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.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
12. All signs shall comply with the sign requirements of the C-3 Zone.
13. 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, 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(485):

The entire construction program be accomplished in one phase, construction to begin on or before August 5, 1993, and completion to be not later than August 5, 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(485), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 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, Dobbs, Irizarry, Martin, 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 Shields
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 91-565

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 3-3-8 AND 10-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(431) TO P-D(485). (RAMAN PATEL)

WHEREAS, on September 3, 1991, the City Council introduced Ordinance No. 2784 -C.S. giving approval to a project relating to an amendment to Sections 3-3-8 and 10-3-8 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(431), to Planned Development Zone, P-D(485), property located on the northeast side of Salida Boulevard, south of Pelandale 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 Sections 3-3-8 and 10-3-8 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(431), to Planned Development Zone, P-D(485), property located on the northeast side of Salida Boulevard, south of Pelandale Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 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, Dobbs, Irizarry, Martin, 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. 91-566

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(486). (P & R ENTERPRISES)

WHEREAS, a verified application for an amendment to Section 24-3-9
of the Zoning Map was filed by P & R Enterprises on July 3, 1991, to
reclassify from Medium Density Residential Zone, R-2, to Planned Development
Zone, P-D, to allow a senior housing complex, property located on the north
side of East Orangeburg Avenue and West of Claus Road, described as follows:

R-2 to P-D(486)

All that certain real property situate in a portion of the northeast
quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo
Base an Meridian, in the City of Modesto, County of Stanislaus,
State of California, described as follows:

Being all of Orangeburg Terrace as shown on the map filed in Volume
34 of Maps, at Page 52, recorded on November 8, 1989, Stanislaus
County Records.

Including also the northern 30.00 feet of 60.00 foot wide East
Orangeburg Avenue located immediately adjacent to the above
described property.

and

WHEREAS, after a public hearing held on August 5, 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. 91-50,
that rezoning of the property as requested is required by public necessity,
convenience, and general welfare for the following reasons:

1. That the proposed rezoning is in accordance with community
objectives as set forth in the General Plan, which provides for
higher density residential developments near major circulation
systems.

2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated February 13, 1991 should be certified as adopted.

and

WHEREAS, after a public hearing held on September 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of P & R Enterprises 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. 91-50 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2785-C.S. on the 3rd day of September, 1991, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(486).

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(486), is hereby approved subject to the following conditions:

1. All development shall conform to plot plans and floor plans titled "Orangeburg Terrace Senior Apartments" as amended in red, stamped approved by the Planning Commission on August 5, 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 north and west property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

- a. Along the west property line, a six-foot high fence constructed of either a wood with decorative masonry pilaster at 16-foot on center, stucco wall with unexposed metal support post at 16-foot on center, or solid masonry wall. There shall be double-sided board adjacent to the parking area if a wood/pilaster fence is installed.
- b. Six-foot-high, wrought-iron fence along Orangeburg Avenue at least five feet from the property line and consistent with the clear vision triangle. The fence may be set back to between the buildings and around the patios. In which case, the patio fencing along Orangeburg Avenue would have 3.5 of solid fencing and wrought-iron above it up to a height of six feet.

There may be the option to install entry security gates across Sandy Court subject to approval by the Fire and Planning and Community Departments.

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. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
12. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
13. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.
14. All utilities shall be underground and cable television service shall be stubbed into all units.
15. All signs shall comply with the sign requirements of the R-3 Zone.
16. Prior to the issuance of a building permit for any structure, street abandonment of Sandy Court shall be completed.
17. 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.
18. 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.
19. 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 subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

20. Prior to issuance of a building permit for the elderly housing facilities, to the extent that the elderly housing portion of the development falls within the limitations of Chapter 3 of Title X of the Modesto Municipal Code, 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 said Code.

21. Prior to the issuance of a building permit for any structure, a map shall be recorded to merge all the lot lines.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(486):

The entire construction program be accomplished in one phase, construction to begin on or before August 5, 1992, and completion to be not later than August 5, 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(486), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 L. Sivola
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 91-567

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 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(486). (P & R ENTERPRISES)

WHEREAS, on September 3, 1991, the City Council introduced Ordinance No. 2785-C.S. giving approval to a project relating to an amendment to Section Map 24-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(486), property located on the north side of East Orangeburg Avenue and west of Claus 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 24-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(486), property located on the north side of East Orangeburg Avenue and west of Claus Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-568

A RESOLUTION ACCEPTING THE TRAFFIC SIGNALS, STREET IMPROVEMENTS AND STRIPING MODIFICATIONS AT BRIGGSMORE AT LAKEWOOD; CARPENTER AT KANSAS; COFFEE AT NORWEGIAN; COFFEE BETWEEN BRIGGSMORE AND SCENIC; AND COFFEE BETWEEN ENSENADA AND SPANOS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the traffic signal construction and striping modifications at
various locations

has been completed by Collins Electrical Company, Inc.

in accordance with the contract agreement dated August 28, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the traffic signal construction
and striping modifications at various locations

be accepted from said contractor, Collins Electrical Company, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$412,539.20 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 3rd day of September,
1991, by Councilmember Dobbs, who moved its adoption, which
motion being duly seconded by Councilmember Muratore, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-569

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING AND INSTALLING A 100 FOOT MICROWAVE
TOWER AT FIRE HOUSE NO. 9

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing and installing
a 100 foot microwave tower at Fire House No. 9
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, 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 3rd day of September, 1991,
by Councilmember Bird, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-570

A RESOLUTION ACCEPTING THE WESSON RANCH PARK RESTROOM AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Wesson Ranch Park restroom

has been completed by Ireland's
in accordance with the contract agreement dated February 5, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Wesson Ranch Park restroom
be accepted from said contractor, Ireland's ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$77,990 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 September,
1991, by Councilmember Bird, who moved its adoption, which
motion being duly seconded by Councilmember Martin, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-571

A RESOLUTION ACCEPTING THE EIGHT-INCH SANITARY SEWER REHABILITATION AT LA LOMA AND DRY CREEK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the eight-inch sanitary sewer rehabilitation at LaLoma and Dry Creek has been completed by Gelco Insituform West in accordance with the contract agreement dated May 21, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the eight-inch sanitary sewer rehabilitation at LaLoma and Dry Creek

be accepted from said contractor, Gelco Insituform West ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$27,961.14 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 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-572

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF PUBLIC OFFICIALS FIDELITY BONDS AND PUBLIC EMPLOYEE BLANKET BOND FOR POLICY YEAR SEPTEMBER 10, 1991 TO SEPTEMBER 10, 1994

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 Public Officials Fidelity Bonds and Public Employee Blanket Bond be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-573

A RESOLUTION APPROVING ACCEPTANCE OF A \$125,000 FEDERAL GRANT FROM THE FEDERAL TRUST FUND IN THE PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA) TO CARRY OUT A NEW PROJECT TO UPDATE EIGHT SIGNALIZED INTERSECTIONS ON I AND J STREETS IN MODESTO, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Assembly Bill 1145, Chapter 1648 (Statutes of 1990) appropriated \$125,000 from the Federal Trust Fund in the Petroleum Violation Escrow Account to the Department of Transportation for financing transportation demonstration projects, and

WHEREAS, the Department of Transportation seeks to allocate \$125,000 to the City of Modesto to carry out development of the Modesto Traffic Activated Signal Conversion Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The Council of the City of Modesto does hereby approve acceptance of a \$125,000 Federal Grant to carry out a new project to update eight signalized intersections on I and J Streets in Modesto, said grant will pay for 100% of the project costs (including consultant services) up to \$125,000.


2. The Council does hereby authorize the City Manager to execute and the City Clerk to attest that certain Agreement between the City of Modesto and the State of California, Department of Transportation, to replace eight traffic signal controllers along I and J Streets in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-574

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE NEW FEDERAL REVENUE FOR A TRAFFIC SIGNAL PROJECT.

WHEREAS, the City is eligible to receive funds from a new Federal revenue source, the Petroleum Violation Escrow Account (PVEA), and

WHEREAS, the PVEA funding is derived from negotiated settlements and legal judgments against oil companies by the Federal government for price overcharges on crude oil and refined petroleum products during the period of price control regulations from September 1973 through January 1981, and

WHEREAS, the PVEA grant requires no City match, and

WHEREAS, the proposed City project will replace eight fixed-time single dial traffic signal controllers with solid state, "State of the Art" controllers, and

WHEREAS, the work is to include rewiring the signals and installation of inductive loop detectors on the minor street to provide semi-actuated signal operation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1991-92.

GAS TAX FUND (070)

<u>Fund/Agy/Org-Rev</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>	
070-510-9150-3504 Federal Share of Street Projects (PVEA)	\$125,000
<u>Expenditures</u>	
070-160-B950-6000 PVEA T/S Controller Replacement (8)	\$125,000

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 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-575

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FOR PROVIDING CONSULTANT SERVICES FOR THE PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA).

WHEREAS, in August 1990, Assemblyman Sal Cannella's staff contacted the City of Modesto and indicated that the City of Modesto might be eligible to receive funds from the Petroleum Violation Escrow Account (PVEA), and

WHEREAS, PVEA funding is derived from negotiated settlements and legal judgments against oil companies by the Federal Government for price overcharges on crude oil and refined petroleum products during the period of price control regulations from September 1973 through January 1981, and

WHEREAS, over the next five years, up to \$50 million in additional PVEA funds are likely to be disbursed to the State of California, and

WHEREAS, PVEA funds allocated to states are to be used for general restitution to those who have been overcharged but who have not been identified as specific harmed parties in the litigation, and

WHEREAS, PVEA expenditures are to supplement and not supplant current funding otherwise available for such programs, and

WHEREAS, the projects need to provide energy savings and to also provide indirect benefits to injured consumers, and

WHEREAS, the project proposed by the City of Modesto is to replace eight fixed-time single dial traffic signal controllers with solid - "State of the Art" controllers; and, in addition, the work is to include rewiring the signals and installation of inductive loop detectors on the minor street to provide semi-actuated signal operation, said project to be completed by June 30, 1992, and

WHEREAS, by companion Resolution No. 91-573 adopted on September 4, 1991, the Council approved acceptance of a \$125,000 Federal Grant from the Federal Trust Fund in the Petroleum Violation Escrow Account (PVEA) to carry out a new project to update eight signalized intersections on I and J Streets in Modesto, said grant will pay for 100% of the project costs (including consultant services) up to \$125,000, and authorized the City Manager to execute the agreement, and

WHEREAS, the Council of the City of Modesto desires to authorize City staff to request proposals from Traffic Engineering Consultants to collect data for intersections on 9th Street (SR132), I, and J Streets and to simulate and optimize the signal network timing using computer models,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from Traffic Engineering Consultants to collect data for intersections on 9th Street (SR132), I, and J Streets and to simulate and optimize the signal network timing using computer models.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-576

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION
OF THE 20-FOOT ALLEY IN BLOCK 88 IN THE CITY OF MODESTO
PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Mid Valley Engineering, representing the First Baptist Church, to abandon a portion of the 20-foot alley in Block 88 of the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate alleys, and

WHEREAS, said portion of the 20-foot alley is located in Block 88 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Section 8330(a) of the California Streets and Highways Code.
2. Section 8330(a) of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation.
3. The abandonment will not cut off access to a person's property which, prior to relocation, adjoined the street or highway.
4. The abandonment will terminate a public service easement, unless the easement satisfies the requirements of Section 8333.
5. That from and after the date of this resolution is recorded, the portion of the 20-foot alley vacated will no longer constitute an alley.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the 20-foot alley located in Block 88 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 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. Chustava
PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT, Engineering

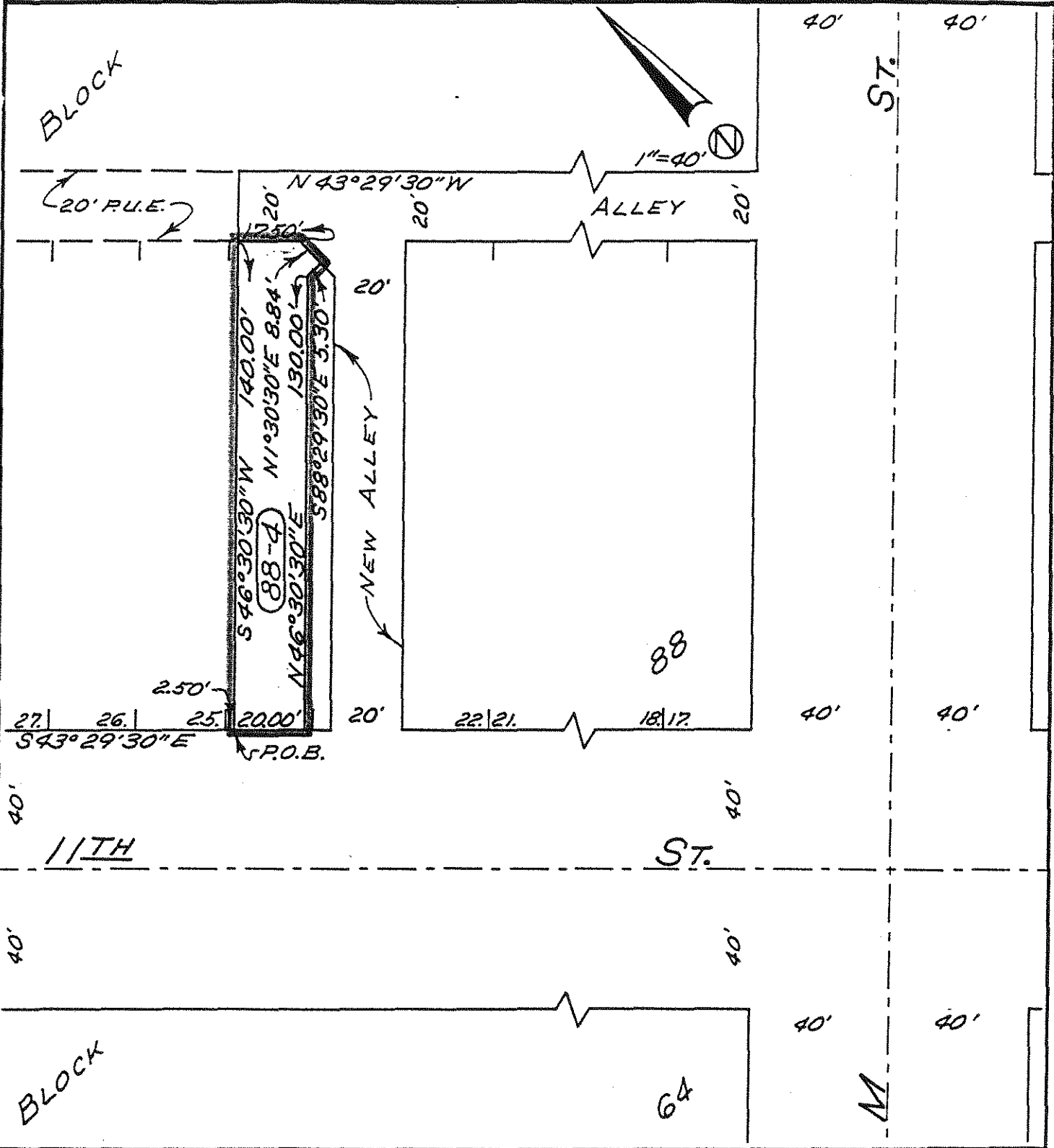
LD 91-C
Parcel 88-4

VACATE AND ABANDON A PORTION OF THE 20-FOOT ALLEY IN BLOCK 88

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lots 23 and 24 in Block 88 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, described as follows:

Commencing at the most Westerly corner of said Lot 24 in Block 88, said point being on the Northeasterly line of Eleventh Street; thence along the Southwesterly line of Lot 24 and said Northeasterly line of Eleventh Street, South $43^{\circ} 29' 30''$ East, 2.50 feet, to the true point of beginning of this description; thence continuing along the Northeasterly line of Eleventh Street, South $43^{\circ} 29' 30''$ East, 20.00 feet, to a point on a line which is parallel with and 22.50 feet, measured at right angles, Southeasterly from the Northwesterly line of Lot 24; thence along said parallel line, North $46^{\circ} 30' 30''$ East, 130.00 feet; thence South $88^{\circ} 29' 30''$ East, 5.30 feet; thence at right angles, North $01^{\circ} 30' 30''$ East, 8.84 feet, to a point on the Southwesterly line of the 20.00 foot alley in Block 88; thence along said Southwesterly line of the alley, North $43^{\circ} 29' 30''$ West, 17.50 feet, to a point on a line which is parallel with and 2.50 feet, measured at right angles, Southeasterly from the Northwesterly line of Lot 24; thence along said last mentioned parallel line, South $46^{\circ} 30' 30''$ East, 140.00 feet, to the point of beginning.

Exhibit "A"



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION		FLD. BK. & PG.	
R. MARSHALL ELIZER, JR. Director		W. O. NO.	
<i>Jerry H. Butler</i> JERRY H. BUTLER, Deputy R.E. 24156		FILE NUMBER 4-A-743	
DATE July, 1991	DRAWN J. Christiansen	CHECKED	

VACATE AND ABANDON
A PORTION OF THE 20 FT.
ALLEY IN BLOCK 88
LD 91-C

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-577

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO R-3. (NORMON OHLSON)

WHEREAS, on September 10, 1991, the City Council introduced Ordinance No. 2786-C.S. giving approval to a project relating to an amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, property located at the northwest corner of Brighton Avenue and Scenic 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 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, property located at the northwest corner of Brighton Avenue and Scenic Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-578

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 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO R-2. (ROD KELLY)

WHEREAS, on September 10, 1991, the City Council introduced Ordinance No. 2787-C.S. giving approval to a project relating to an amendment to Section Map 14-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at the northwest corner of Merle Avenue and Roselle 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 14-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at the northwest corner of Merle Avenue and Roselle Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

7/20/91 18

Corrected 9/18/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-579

A RESOLUTION GRANTING THE APPEAL OF MID-CAL LAND DEVELOPMENT TO THE DECISION OF THE PLANNING COMMISSION DENYING A TIME EXTENSION FOR VESTING STATUS OF PINE TREE VILLAGE NO. 3, A FINAL SUBDIVISION MAP, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, by Resolution No. 89-148 adopted on December 4, 1989, the Planning Commission approved the vesting tentative map of Pine Tree Village No. 3 Subdivision, and

WHEREAS, a final map of Pine Tree Village No. 3 vesting tentative subdivision map was recorded on July 25, 1990, within 24 months of tentative map approval as required by Section 4-4.601(a) of the Modesto Municipal Code, and

WHEREAS, the vesting status is valid for one year after the map is recorded pursuant to Modesto Municipal Code Section 4-4.405, and

WHEREAS, the vesting status for Pine Tree Village No. 3 expired on July 25, 1991, and

WHEREAS, the County Public Facilities Fees would apply after the expiration of the vesting status, and

WHEREAS, prior to expiration of the vesting status of the final map approval, a letter was received from the subdivider requesting an extension of time for the vesting status of the Pine Tree Village No. 3 vesting final subdivision map, and

WHEREAS, the request was reviewed by the Planning Commission at its regular meeting on August 19, 1991, 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. 91-54, adopted on August 19, 1991, 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. 91-54, and

WHEREAS, by letter dated August 26, 1991, an appeal was filed with the City Clerk by Mid-Cal Land Development to the decision of the Planning Commission denying a time extension for the vesting status of Pine Tree Village No. 3 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 September 10, 1991, 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 Pine Tree Village No. 3 vesting final subdivision map should be granted for the following reasons, and the decision of the Planning Commission should be overruled:

1. This project provides affordable housing.
2. Some delays were caused by staff.

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 Pine Tree Village No. 3 vesting final subdivision map is hereby overruled and a one-year time

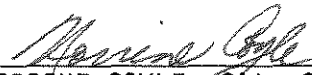
extension to July 25, 1992, is hereby granted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-580

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING A COMPLETE FIELD SURVEILLANCE NIGHT
VISION EQUIPMENT PACKAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing a complete field
surveillance night vision equipment package
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 8, 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 10th day of September, 1991,
by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-581

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE ROCKWELL STORM DRAIN REPLACEMENT PROJECT FOR 1991 AND INCREASING THE AMOUNT OF THE CONTRACT BY APPROXIMATELY \$95,000

WHEREAS, Resolution No. 91-508, adopted by the Council of the City of Modesto on August 6, 1991, approved the plans and specifications for the rockwell storm drain replacement 1991, and authorized the calling for bids; and

WHEREAS, the bids received for the rockwell storm drain replacement 1991 were opened at 11:00 a.m. on August 27, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of \$211,361 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 \$211,361 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 the contract amount be increased by \$95,000 to cover the increase in size of the project by 34 rockwells.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-582

A RESOLUTION ACCEPTING THE SCENIC BEND LIFT STATION ODOR CONTROL PROJECT
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Scenic Bend lift station odor control project

has been completed by B & L Builders
in accordance with the contract agreement dated January 22, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the Scenic Bend lift station
odor control Project

be accepted from said contractor, B & L Builders ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$44,003.75 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 September,
1991, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Martin, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-583

A RESOLUTION ACCEPTING THE INSTALLATION OF 1.2 MILLION GALLON STEEL TANK
WATER RESERVOIR AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the installation of 1.2 million gallon steel tank water reservoir

has been completed by Trusco Tank, Inc.

in accordance with the contract agreement dated May 15, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the installation of 1.2 million
gallon steel tank water reservoir

be accepted from said contractor, Trusco Tank, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$389,109.45 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of September,
19⁹¹, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Martin, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-584

A RESOLUTION ACCEPTING THE ROCKWELL STORM DRAIN REPLACEMENT 1990 PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the rockwell storm drain replacement 1990 project

has been completed by Delta Excavating in accordance with the contract agreement dated October 16, 1990

NOW, THEREFORE, BE IT RESOLVED that the rockwell storm drain replacement 1990 project

be accepted from said contractor, Delta Excavating; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$251,434.16 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-585

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HOUSING AUTHORITY OF STANISLAUS COUNTY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and 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 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk 13

MODESTO CITY COUNCIL
RESOLUTION NO. 91-586

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 JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING.

WHEREAS, the City Council certifies that at its meeting of September 10, 1991, 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 Johansen High School Pedestrian Overcrossing,

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 Johansen High School Pedestrian Overcrossing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-587

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM OF CRAIG ALAN THOMAS, RECEIVED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 4, 1991

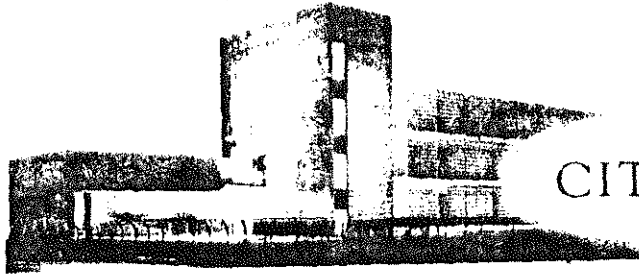
WHEREAS, an application for leave to present late claim of Craig Alan Thomas, against the City of Modesto, was received September 4, 1991, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim of Craig Alan Thomas, received in the office of the City Clerk on September 4, 1991, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



CITY OF MODESTO
CALIFORNIA

City Hall, 801 Eleventh

P. O. Box 642, 95353

(209) 577-5396

September 11, 1991

OFFICE OF CITY CLERK

Van Bourg, Weinberg, Roger & Rosenfeld
Attention: Sandra Rae Benson
875 Battery Street, 3rd Floor
San Francisco, Ca. 94111

Re: Claim of Craig Alan Thomas

Dear Ms. Benson:

On September 10, 1991, the Modesto City Council, by Resolution No. _____ rejected your request for permission to file a late claim. A copy of the resolution is enclosed for your information.

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Respectfully,

NORRINE COYLE
City Clerk & Auditor

NC/jh
cc: City Attorney
Risk Manager

Enclosure

MODESTO CITY COUNCIL
RESOLUTION NO. 91-588

A RESOLUTION APPOINTING MEMBER OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE
(NORM PORGES)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Economic
Development Loan Pool Subcommittee for the respective term as indicated:

Norm Porges

Term to expire 9/30/93

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Economic Development
Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of September, 1991,
by Councilmember Dobbs, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-589

A RESOLUTION APPOINTING MEMBERS OF THE REHABILITATION LOAN POOL SUBCOMMITTEE
(LINDA McDANIEL AND FRANK LOPEZ)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons/ ^{are} hereby appointed to the Rehabilitation
Loan Pool Subcommittee for the respective term as indicated:

Linda McDaniel - term to expire 6/30/93

Frank Lopez - term to expire 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members of the 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 10th day of September, 1991,
by Councilmember Dobbs, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-590

A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(ROSE LITTLER)

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:

Rose Littler

Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 19 91, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-591

A RESOLUTION APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION
(SALVADOR MORALES)

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:

Salvador Morales
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 10th day of September, 19 91, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-592

A RESOLUTION GRANTING THE APPEAL OF E. PAUL FULFER ON BEHALF OF ERIC GRIMES TO THE DECISION OF THE PLANNING COMMISSION DENYING A TIME EXTENSION FOR VESTING STATUS OF LOT 2 IN BLOCK 4026 OF THE ENGLISH MEADOWS SUBDIVISION, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, by Resolution No. 90-499 adopted on May 1, 1990, the Planning Commission approved the vesting tentative map of English Meadows Subdivision, and

WHEREAS, a final map of English Meadows vesting tentative subdivision map was recorded on May 2, 1990, 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 is valid for one year after the map is recorded pursuant to Modesto Municipal Code Section 4-4.405, and

WHEREAS, the vesting status for English Meadows expired on May 2, 1991, and

WHEREAS, the County Public Facilities Fees would apply after the expiration of the vesting tentative status, and

WHEREAS, prior to the expiration of the vesting status of the final map approval, a letter dated May 2, 1991, was received from Eric Grimes requesting an extension of time for the vesting status for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map, and

WHEREAS, the request was reviewed by the Planning Commission at its regular meeting on July 15, 1991, 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. 91-42, adopted on July 15, 1991, 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. 91-42, and

WHEREAS, a Notice Of Appeal dated July 23, 1991, was filed with the City Clerk by E. Paul Fulfer on behalf of Eric Grimes to the decision of the Planning Commission denying a time extension for the vesting status for Lot 2 in Block 4026 of the English Meadows 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 20, 1991, at 7:30 p.m., and was thereafter continued for hearing to September 17, 1991, 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 for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map should be granted for the following reason, and the decision of the Planning Commission should be overruled:

Extenuating circumstances developed which involved the death of the father of Mr. Eric Grimes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reason set forth above, the decision of the Planning Commission denying a time extension for the vesting status for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map is hereby overruled, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto that a 30-day extension of time, from September 17, 1991, to October 17, 1991, in which Eric Grimes may obtain a building permit for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map is hereby granted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

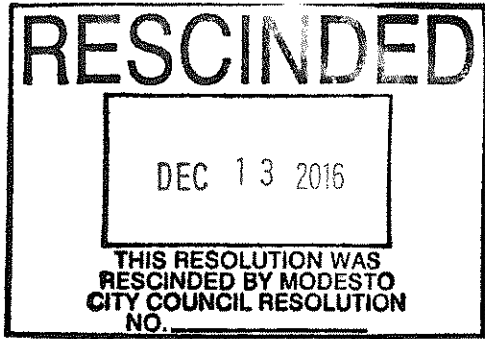
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney



Corrected 10/30/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-593

2016-499

A RESOLUTION ESTABLISHING A RESIDENT PARKING PERMIT FEE.

WHEREAS, on September 17, 1991, the Council of the City of Modesto introduced and adopted Ordinance No. 2788-C.S., permitting the creation of residential parking permit zones within the City, and

WHEREAS, said ordinance becomes effective on October 24, 1991, and

WHEREAS, said ordinance provides that the Council may from time to time establish a fee for resident parking required by residents in any residential parking permit zone, and

WHEREAS, the basis of the fee is to defray some of the City's costs of the creation and administration of residential parking permit zones and of the enforcement of the above described ordinance, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the recommended resident parking permit fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there shall be a one-time fee for resident parking permits in the City of Modesto of Ten and no/100ths (\$10.00) Dollars per household at the time the household elects to participate in its residential parking permit zone.

BE IT FURTHER RESOLVED that staff shall evaluate the fee provisions hereby provided and report to Council not later than November 1, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Dobbs, Irizarry, Patterson,

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-593

A RESOLUTION ESTABLISHING A RESIDENT PARKING PERMIT FEE.

WHEREAS, on September 17, 1991, the Council of the City of Modesto introduced and adopted Ordinance No. 2788-C.S., permitting the creation of residential parking permit zones within the City, and

WHEREAS, said ordinance becomes effective on October 24, 1991, and

WHEREAS, said ordinance provides that the Council may from time to time establish a fee for resident parking permits required by residents in any residential parking permit zone, and

WHEREAS, the basis of the fee is to defray some of the City's costs of the creation and administration of residential parking permit zones and of the enforcement of the above described ordinance, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the recommended resident parking permit fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fee for a resident parking permit in the City of Modesto shall be Ten and no/100ths (\$10.00) Dollars per permit per calendar year.

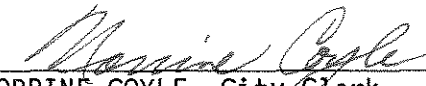
BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Martin, Muratore, Mayor Lang

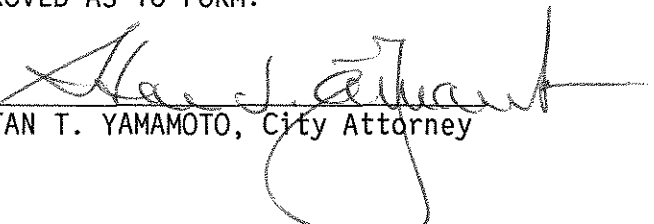
NOES: Councilmembers: Dobbs, Irizarry, Patterson,

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Corrected 10/30/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-594

A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING
ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal
Code provide that the Council may establish by resolution residential parking
permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on
September 17, 1991, to consider the requested residential parking permit zone
near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone
designation has serious and unique parking problems due to the large numbers
of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for
tranquility and security outweigh the needs of nonresidents to park upon the
streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that a residential permit parking zone is created on the west side of Yosemite
Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

~~BE IT FURTHER RESOLVED that parking shall be prohibited in said zone
between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.~~

~~BE IT FURTHER RESOLVED that each household electing to participate
in the zone hereby established shall pay a one-time fee of Ten and no/100ths
(\$10.00) Dollars per household at the commencement of its participation in
zone privileges.~~

AMENDED paragraph 7
on 12-13-2016
By Resolution 2016-499 -1-

AMENDED paragraph 6
on 10-02-1991
By Resolution 91-622

BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

Corrected 10/25/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-594

A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING
ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal Code provide that the Council may establish by resolution residential parking permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the requested residential parking permit zone near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone designation has serious and unique parking problems due to the large numbers of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for tranquility and security outweigh the needs of nonresidents to park upon the streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a residential permit parking zone is created on the west side of Yosemite Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

BE IT FURTHER RESOLVED that the required fee of Ten and no/100ths (\$10.00) Dollars per permit per year is waived for one year for the residents of the zone hereby created and that residents of said zone shall be charged permit fees on and after January 1, 1993.

Corrected 9/25/91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-594

A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING
ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal Code provide that the Council may establish by resolution residential parking permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the requested residential parking permit zone near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone designation has serious and unique parking problems due to the large numbers of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for tranquility and security outweigh the needs of nonresidents to park upon the streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a residential permit parking zone is created on the west side of Yosemite Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

BE IT FURTHER RESOLVED that the required fee of Ten and no/100ths (\$10.00) Dollars per permit per year is waived for one year for the residents of the zone hereby created and that residents of said zone shall be charged permit fees on and after January 1, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: 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. 91-594

A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING
ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal Code provide that the Council may establish by resolution residential parking permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the requested residential parking permit zone near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone designation has serious and unique parking problems due to the large numbers of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for tranquility and security outweigh the needs of nonresidents to park upon the streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a residential permit parking zone is created for both sides of Yosemite Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

BE IT FURTHER RESOLVED that the required fee of Ten and no/100ths (\$10.00) Dollars per permit per year is waived for one year for the residents of the zone hereby created and that residents of said zone shall be charged permit fees on and after January 1, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: 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

7

MODESTO CITY COUNCIL
RESOLUTION NO. 91-595

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT COFFEE ROAD AND
ORANGEBURG AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the traffic signal modifications at Coffee Road and Orangeburg 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 October 15, 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 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-596

A RESOLUTION ACCEPTING THE IMPROVEMENT DISTRICT NO. 28 - SANITARY SEWER
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Improvement District No. 28 - sanitary sewer project

has been completed by Superior Pipelines, Inc.

in accordance with the contract agreement dated January 2, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the Improvement District No. 28 -
sanitary sewer project

be accepted from said contractor, Superior Pipelines, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$787,005.68 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 September,
19 91, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Dobbs, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

7

MODESTO CITY COUNCIL
RESOLUTION NO. 91-597

A RESOLUTION ACCEPTING THE JOHN THURMAN FIELD BLEACHER RENOVATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the John Thurman Field bleacher renovation

has been completed by Playground Products, Inc.
in accordance with the contract agreement dated January 22, 1991 .

NOW, THEREFORE, BE IT RESOLVED that the John Thurman Field bleacher
renovation

be accepted from said contractor, Playground Products, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$44,362.48 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 17th day of September ,
1991, by Councilmember Muratore , who moved its adoption, which
motion being duly seconded by Councilmember Dobbs , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-598

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIX USED SEDANS FROM GOLDEN GATE AND/OR BAY CITIES AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division, has requested the purchase of six used 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 six used sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of six used sedans from Golden Gate and/or Bay Cities Auto Auction for a total cost not to exceed \$78,350, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-599

A RESOLUTION REJECTING ALL BIDS FOR WORD PROCESSING COMPUTER HARDWARE AND SOFTWARE SYSTEMS, OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 8, 1991

WHEREAS, Resolution No. 91-113 adopted by the Council of the City of Modesto on February 26, 1991, approved the plans and specifications for furnishing word processing computer hardware and software systems, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of word processing computer hardware and software systems were opened at 11:00 a.m. on April 8, 1991; and

WHEREAS, during the course of proposal evaluation, requests were received from many work sites resulting in modifications that will change the specifications to the point that rejecting of proposals and resolicitation with a revised specification is required.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the furnishing of word processing computer hardware and software systems, opened in the office of the City Clerk on April 8, 1991, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-600

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
CONSENTING TO AND CALLING A JOINT PUBLIC HEARING ON THE
PROPOSED AMENDED REDEVELOPMENT PLAN FOR THE MODESTO
REDEVELOPMENT PROJECT AND THE FINAL ENVIRONMENTAL IMPACT
REPORT RELATING THERETO.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency"), by Resolution No. 18-91 on September 17, 1991, submitted to the City Council of the City of Modesto (the "City Council") a proposed Amended Redevelopment Plan (the "Amended Plan") for the Modesto Redevelopment Project (the "Project") and consented to and requested that the City Council call a joint public hearing of the Agency and the City Council to consider and act upon the proposed Amended Plan, together with a joint public hearing on the proposed Final Environmental Impact Report (the "Final EIR") on the proposed Amended Plan, and

WHEREAS, the City Council acknowledges receipt of the proposed Amended Plan, along with the Report to the City Council and the proposed Final EIR on the Amended Plan, and

WHEREAS, Section 33458 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) authorizes a joint public hearing on the proposed Amended Plan with the consent of the Agency and the City Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:

SECTION 1. The City Council hereby consents to and, at the request of the Agency, calls a joint public hearing of the Agency and the City Council on Tuesday, October 22, 1991, at 6:30 p.m. in the City Council Chambers to

consider and act upon the proposed Amended Plan and all documents and evidence pertaining thereto, together with a joint public hearing on the proposed Final EIR for the Project.

SECTION 2. The City Clerk of the City of Modesto shall, in cooperation with the Secretary of the Agency, prepare, publish and mail such notices and documents and do all other acts as may be necessary to 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 17th day of September, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Irizarry, Martin, 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. 91-601

A RESOLUTION DIRECTING THE CITY ATTORNEY TO COMMENCE CIVIL LITIGATION TO GAIN COMPLIANCE WITH HOUSING CODES FOR CERTAIN STRUCTURES IN THE MANDATORY INSPECTION TARGET AREA NO. 3 AND FOR ABATEMENT OF CERTAIN OTHER NUISANCES.

WHEREAS, Section 731 of the Code of Civil Procedure permits the City Attorney to bring civil actions to abate public nuisances on behalf of the People of California "whenever directed by the legislative authority of [the] town or city" in which such property is located, and

WHEREAS, staff departments have referred certain cases set forth below to the City Attorney requesting that the property owners be compelled to abate major substandard or dangerous conditions of the dwellings upon their properties or to demolish substandard structures, and

WHEREAS, the majority of the said cases arose from failure of owners to correct serious substandard conditions identified pursuant to the mandatory inspection program of Target Area No. 3, and

WHEREAS, Housing and Building staff have worked with these owners for as long as six years without achieving voluntary compliance, and

WHEREAS, it is now necessary to file civil complaints for injunctive relief against each of the said owners to compel compliance with City housing, zoning, plumbing, and electrical codes,

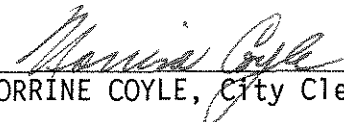
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Attorney be, and hereby is, directed to commence civil litigation against the owners of the properties set forth below to compel compliance with City housing, zoning, plumbing, and electrical codes as follows:

	<u>Owner(s)</u>	<u>Address</u>	<u>Conditions Requiring Abatement</u>
1.	Alejandro Espinosa Fe De Guadalupe Espinosa Saul Garcia Espinosa Noemi Espinosa	317 Paradise	Exposed electrical wiring, etc.
2.	Marcelino Dela-Torre Esperanza Dela-Torre	919 Fourth	Dry rot; hazardous water heater; exposed electrical wiring; missing wall and ceiling plaster; improperly vented furnace; broken windows; cars, debris on lot; etc.
3.	Maria C. Jaime Esperanza Jaime Javier Jaime	124 Merced	Substandard plumbing, electrical system, foundation, floors, drains, sewers, windows, venting, roof; garage conversion has substandard framing; unsafe chimney; etc.
4.	Wendy W. Lee	830 Second	Substandard dwelling; etc.
5.	Lucio Rodriguez Kathy Ann Pratt- Rodriguez	820½ Third	Dry Rot; holes in exterior walls, broken windows, substandard water heater; broken gas shutoff valve; etc.
6.	Chemanoor Zachariah Bernadette Zachariah	215 "I"	Deflected floor; dry rot; hazardous wiring; loose plumbing fixtures; broken windows and screens; etc.
7.	William C. Land, Jr.	341 Alturas	Substandard plumbing and electrical wiring; dry rot; broken windows, doors, and vents; etc.
8.	Manual Salcedo	315 Linden	Substandard dwelling; etc.
9.	Carl Christiansen	1007 Fifth	Substandard dwelling; etc.
10.	Carl Christiansen	415 "J"	Substandard dwelling; etc.

- | | | | |
|-----|--|------------------------------|---|
| 11. | Preston E. Gritton
Kathleen J. Gritton
Raylen W. Gritton
Patricia Gritton | 430 Washington
(14 units) | Dry rot; loose light fixtures;
deteriorated floors; broken
screens and windows; unapproved
light fixtures, water heater
connections, fuses, gas lines;
deteriorated plumbing
fixtures; etc. |
| 12. | Heirs of Nathaniel Dill | 212 Oak | Accumulation of hazardous or
combustible trash; insecure
building; etc. |
| 13. | Rudolfo Sandoval
Lourdes Sandoval | 320 Rosedale | Substandard dwelling; etc. |
| 14. | Dorothy Ostrum | 2244 Scenic | Six-foot fence built in right
of way; patio cover encroaches
into five-foot setback. |
| 15. | Jonathan Higgenbotham
dba Johnathan's Market | 2307 Oakdale Rd. | Extensive commercial
construction without building
permit or inspection. |
| 16. | Celeste Villa
Retirement Center | 1316 Celeste | Fire code violations: exit
lights not functioning;
exposed wiring; inoperable
smoke detectors and alarm; etc. |

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-602

A RESOLUTION APPROVING THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS' ABANDONED VEHICLE ABATEMENT PROGRAM AND PLAN.

WHEREAS, the Stanislaus Area Association of Governments (SAAG) finds and declares that the problem of abandoned vehicles is continuing to grow and recognizes that local governments have insufficient resources to adequately address the problem, and

WHEREAS, SAAG further finds that the increase in abandoned vehicles is not only a public nuisance, but a danger to the public's health and safety, and

WHEREAS, Section 22710(a) of the Vehicle Code authorizes that a service authority may be established for the abatement of abandoned vehicles, and a one (\$1) dollar motor vehicle registration fee imposed by the Department of Motor Vehicles, if the County Board of Supervisors, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the County have adopted resolutions providing for the establishment of the authority and imposition of the fee, and

WHEREAS, SAAG has been approved as the Service Authority pursuant to Section 22710(a) of the Vehicle Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The City Council approves the imposition of a one (\$1) dollar fee on vehicles registered to an owner with an address in the County of Stanislaus pursuant to Section 22710 of the Vehicle Code.
2. The City Council designates the Stanislaus Area Association of Governments (SAAG) as the "Service Authority" in accordance with Section 22710 of the Vehicle Code.

3. The membership of SAAG, as the Service Authority, is as follows: 5 members of the Stanislaus County Board of Supervisors, 3 members of the Modesto City Council, and 1 member of the City Council of each of the eight remaining cities in the County of Stanislaus.
4. The City Council approves SAAG's Abandoned Vehicle Abatement Program and Plan, a copy of which has been made available to the Clerk of the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, 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. 91- 603

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF WHITMORE, JOHNSON & BOLANOS TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Whitmore, Johnson & Bolanos to provide legal 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 17th day of September, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 604

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF RICHARD RUGGIERI TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Richard Ruggieri to provide legal 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 17th day of September , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 605

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF NOSSAMAN, GUTHNER, KNOX & ELLIOTT TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Nossaman, Guthner, Knox & Elliott to provide legal 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 17th day of September , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 606

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF McDONOUGH, HOLLAND & ALLEN TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of McDonough, Holland & Allen to provide legal 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 17th day of September , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 607

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF HANSEN, BRIDGETT, MARCUS, VLAHOS & RUDY TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Hansen, Bridgett, Marcus, Vlahos & Rudy to provide legal 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 17th day of September , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-608

A RESOLUTION 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, 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 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 24th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

FY 1991/92
SECTION 9
PROGRAM OF PROJECTS

Urbanized Area: Modesto, California	Apportionment for FY 1991/92:	\$1,332,908
Designated Recipient: California	Carryover funds:	40,203*
Department of Transportation	Transfer funds:	-0-
Grantee: City of Modesto	Total Federal Funds Available	\$1,373,111

* Assumes deobligation of \$183,140 in operating funds from CA-90-X265 and \$159,022 in operating 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 software	\$ 1,235	\$ 4,940	\$ 6,175
SUBTOTAL	\$ 28,982	\$ 194,301	\$ 223,283
II. <u>OPERATING ASSISTANCE</u> for period of 7/1/91 to 6/30/92			
SUBTOTAL	\$2,686,691	\$1,046,937	\$3,733,628
TOTAL	\$2,715,673	\$1,241,238	\$3,956,911

MODESTO CITY COUNCIL
RESOLUTION NO. 91-609

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR DOWNTOWN SHOP REROOFING

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for downtown shop reroofing

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 10, 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 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-610

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR SONOMA PARK GAME COURTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Sonoma Park game courts

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 17, 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 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: fNone

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-611

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE NEW TRACTOR/LOADER

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing one new tractor/loader

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 14, 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 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-612

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE AIRPORT
TERMINAL APRON RECONSTRUCTION

WHEREAS, Resolution No. 91-525 , adopted by the Council of the City of Modesto on August 13 , 19 91, approved the plans and specifications for the Airport terminal apron reconstruction

and authorized the calling for bids; and

WHEREAS, the bids received for the Airport terminal apron reconstruction were opened at 11:00 a.m. on September 12, 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 Teichert Construction in the amount of \$119,962

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 \$119,962 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 September, 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 613

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND TRIPS, INC. TO EXTEND THE EXISTING MODESTO AREA EXPRESS OPERATIONS CONTRACT FROM NOVEMBER 1, 1991 THROUGH MAY 2, 1992

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and TRIPS, Inc. to extend the existing Modesto Area Express operations contract from November 1, 1991 through May 2, 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 24th day of September , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 614

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND STORER TRANSIT SERVICES TO EXTEND THE EXISTING DIAL-A-RIDE OPERATIONS CONTRACT FROM FEBRUARY 19, 1992 THROUGH OCTOBER 31, 1992

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Storer Transit Services to extend the existing Dial-A-Ride operations contract from February 19, 1992 through October 31, 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 24th day of September , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-615

A RESOLUTION AUTHORIZING THE AMENDING OF GRANT CA-90-X351 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, 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 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 24th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

AMENDED
SECTION 9
PROGRAM OF PROJECTS

URBANIZED AREA: City of Modesto
DESIGNATED RECIPIENT: Caltrans
GRANTEE: City of Modesto
PROGRAM NUMBER: CA-90-X351-01

Project Description	<u>Local</u>	<u>Federal</u>	<u>Total</u>
I. CAPITAL PROJECTS			
(1) Replacement Buses	\$283,350	\$1,133,400	\$1,416,750
(2) Additional Funding For Transportation Center	189,332	757,328	946,660
(3) Bus Stop Signs	<u>4,600</u>	<u>18,400</u>	<u>23,000</u>
Subtotal Capital	\$477,282	\$1,909,128	\$2,386,410
II. OPERATING ASSISTANCE for period from 7/1/88 to 6/30/90			
	\$2,885,206	\$2,272,468	\$5,157,674
TOTALS	\$3,362,488	\$4,181,596	\$7,544,084

EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 91-616

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A GRANT APPLICATION WITH THE CALIFORNIA TRANSPORTATION COMMISSION FOR STATE TRANSIT CAPITAL IMPROVEMENT (TCI) PROGRAM FUNDS.

WHEREAS the Transit Capital Improvement Program makes funds available for various major transit facilities and projects, and the Program provides up to 50% of the non-federal share of the cost of the project, and

WHEREAS, the City of Modesto would be eligible to receive a maximum of \$210,000 for the rebuilding of three 1976 buses to assist in financing said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 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 California Transportation Commission for a \$210,000 grant under the State Transit Capital Improvement Program to assist in financing said project.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is authorized to execute any and all other documents which may be required in relation to this application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-617

A RESOLUTION ADOPTING THE TRANSIT SECTION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS FOR FISCAL YEAR 1991/92.

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 1991/92 DBE goal,

NOW, THEREFORE, BE IT RESOLVED that the City 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 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
091691

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-618

A RESOLUTION CHANGING THE STREET NAME OF AMAZON COURT TO
MALOS COURT IN THE RIVER TERRACE SUBDIVISION IN THE CITY
OF MODESTO.

WHEREAS, it is proposed by Kaufman and Broad to change the street
name of Amazon Court, a street located at the north end of River Terrace
Subdivision, to Malos Court, and

WHEREAS, the street is in a new subdivision where no homes have yet
been built, and

WHEREAS, Kaufman and Broad own all of the lots on the court, and

WHEREAS, the proposed name change is being requested by a man who
was raised on the above-referenced site and Kaufman and Broad has asked that a
street be named in memory of his father, and

WHEREAS, Section 34091.1 of the Government Code of the State of
California provides that when the existing name of any city street should be
changed, the legislative body is authorized to adopt a resolution to change
the name of existing streets, and

WHEREAS, the street name change request has been referred to the
Police Chief, Fire Chief, Public Works and Transportation Department,
Postmaster, and Stanislaus County Emergency Services, and no objections were
received, and

WHEREAS, Stanislaus County Planning and Community Development
Department has confirmed Malos Court is not a duplicate name in the County and
the name change is acceptable, and

WHEREAS, Kaufman and Broad has paid the City \$53.00 for a replacement street sign for Malos Court which will be ordered after City Council approval of the name change, and

WHEREAS, said matter was considered by the City Council at its meeting held at 4:00 p.m. on September 24, 1991, in the Council Chambers located at 801 11th Street in the City of Modesto, at which time it was found and determined that it is desirable to change the street name of Amazon Court to Malos Court, and

WHEREAS, the City has adopted Street Name Change Policy No. 3.017 to give affected property owners adequate time to adjust to the street name change by notifying banks, friends, etc., and said policy provides that street name changes shall take effect 180 days from City Council action, and

WHEREAS, because there are no residents on the affected property in this matter and the property owner initiated the street name change, staff recommends that the street name change become effective immediately,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the street name of Amazon Court be changed from Amazon Court to Malos Court, and said name change is hereby approved.

BE IT FURTHER RESOLVED that the street name change shall become effective immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-619

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A
FIRE SAFETY TRAILER FROM THE BUILDING INDUSTRY ASSOCIATION.

WHEREAS, on September 12, 1991, the Building Industry Association
presented a Fire Safety Trailer to the Modesto Fire Department, and

WHEREAS, the Fire Safety Trailer is a mockup of a home kitchen and
bedroom and is designed to assist personnel instructing children in home fire
safety and will allow children to safely experience exiting a home that may be
on fire, and

WHEREAS, said trailer will be used to enhance school and community
programs, and

WHEREAS, said trailer will be housed at Fire Station #9 and will be
available for use by all other Fire Departments in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Building Industry Association's donation of the Fire Safety Trailer
is hereby accepted with appreciation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

18

MODESTO CITY COUNCIL
RESOLUTION NO. 91-620

A RESOLUTION ACCEPTING IMPROVEMENTS IN CAPE COD ESTATES NO. 8 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Pan Capital, Inc., subdividers of Cape Cod Estates No. 8 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 87,100.00 and \$ 43,550.00 respectively to guarantee improvements in Cape Cod Estates No. 8 and;

WHEREAS, the Director of Public Works in a memorandum dated September 13, 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 Cape Cod Estates No. 8 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of \$ 87,100.00 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 \$ 43,550.00 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 September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-621

A RESOLUTION ACCEPTING THE RESIGNATION OF LORI NEIMARK FROM THE CITIZENS
ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Lori Neimark was appointed a member of the Citizens Advisory
Committee on Recycling on February 19, 1991; and

WHEREAS, Lori Neimark has tendered her resignation from the Citizens
Advisory Committee on Recycling effective September 24, 1991.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Lori Neimark
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 Lori Neimark for her service to the community.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 24th day of September, 1991, by
Councilmember Martin , who moved its adoption, which motion being duly
seconded by Councilmember Dobbs , was upon roll call carried and the
resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-622

A RESOLUTION AMENDING PARAGRAPH SIX OF RESOLUTION NO. 91-594 ENTITLED "A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING ZONE IN THE AREA OF MODESTO HIGH SCHOOL."

WHEREAS, by Resolution No. 91-594 adopted on September 17, 1991, the Council of the City of Modesto established a residential permit parking zone in the area of Modesto High School, and

WHEREAS, in paragraph six of said resolution parking was prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday, and

WHEREAS, the Council desires to change the time in which parking is prohibited in said zone,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends paragraph six of Resolution No. 91-594 entitled "A Resolution Establishing A Residential Permit Parking Zone In The Area Of Modesto High School" to read as follows:

"BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 10:00 p.m. 7 days a week."

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 91-594 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 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Martin, Mayor Lang

NOES: Councilmembers: Irizarry, Muratore, Patterson

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-622A

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM AND SONS, INC. FOR MISCELLANEOUS STORM DRAIN REPAIRS - THIRD AND I AND FOURTH AND F STREETS

WHEREAS, Resolution No. 91-554 , adopted by the Council of the City of Modesto on August 23 , 1991 , approved the plans and specifications for miscellaneous storm drain repairs - Third and I and Fourth and F Streets and authorized the calling for bids; and

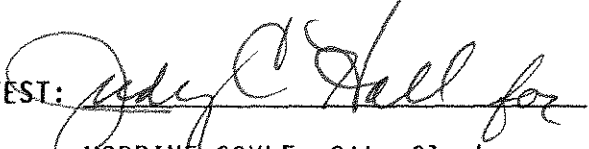
WHEREAS, the bids received for miscennaneous storm drain repairs - Third and I and Fourth and F Streets were opened at 11:00 a.m. on September 19, 1991 and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Cunningham and Sons, Inc. in the amount of \$79,394.90 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 and Sons, Inc. in the amount of \$79,394.90 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 1st day of October , 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-623

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. LANDSCAPE ARCHITECTS TO FURNISH THE PRELIMINARY SITE PLANS, UTILITY DEMANDS AND ESTIMATES OF PROBABLE COSTS FOR THE PARK SITES, VILLAGE GREEN AND VILLAGE MEETING HALL ON THE VILLAGE I PROJECT

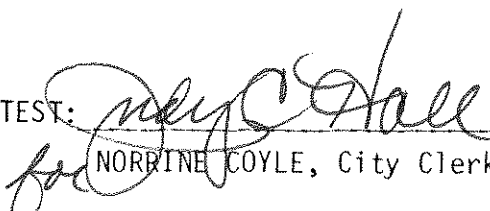
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recreation Systems, Inc. Landscape Architects to furnish the preliminary site plans, utility demands and estimates of probable costs for the park sites, village green and village meeting hall on the Village I 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 October 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


for NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-623A

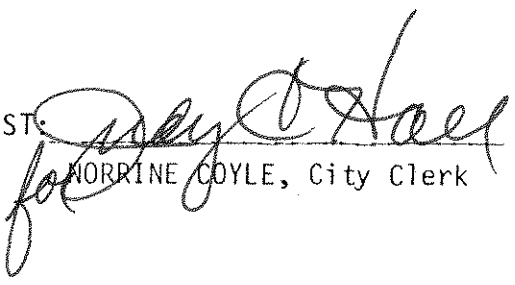
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BSI, INC. TO FURNISH THE PRELIMINARY SITE PLANS, UTILITY DEMANDS AND ESTIMATES OF PROBABLE COSTS FOR GATEWAY PARK, THE STREETS CAPES AND INTERSECTIONS ON THE VILLAGE I PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and BSI, Inc. to furnish the preliminary site plans, utility demands and estimates of probable costs for Gateway Park, the streetscapes and intersections on the Village I 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 October 1991, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-624

A RESOLUTION ACCEPTING THE MASTER PLAN FOR THE ROBERTSON ROAD NEIGHBORHOOD PARK, CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION RELATING TO SAID PROJECT.

WHEREAS, Robertson Road Neighborhood Park is a 6.8 acre park site located north of Robertson Road Elementary School, bounded on the west by Crippen Avenue, on the east by Hammond Street, and on the north by Red Pine Drive, and

WHEREAS, the Master Plan for Robertson Road Neighborhood Park 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 October 1, 1991, 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 the Robertson Road Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Master Plan for Robertson Road Neighborhood Park as prepared by Recreation Systems, Inc.

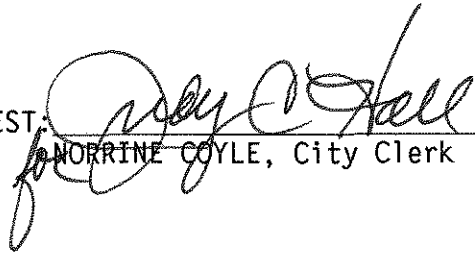
BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the development of the Robertson Road Neighborhood Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-625

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO A
CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC
EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE
CITY OF MODESTO.

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law, and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract, and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20024.2 (One-Year Final Compensation) for local miscellaneous members and local safety members only, including extension of the funding period to the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby declare its intention to approve an amendment to the contract between the City of Modesto and the Board of Administration of the Public Employees' Retirement System, a copy of said proposed amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

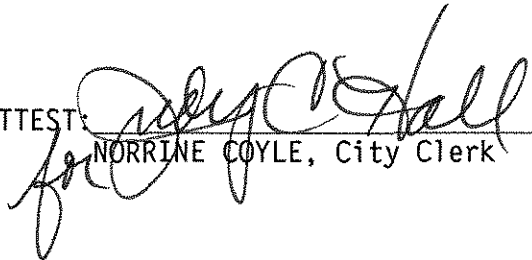
BE IT FURTHER RESOLVED that, pursuant to Government Code Section 7507, notice is hereby given that Tuesday, October 22, 1991, at the hour of 4:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California, is hereby fixed as the date, time and place for adoption of the proposed amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

COPY

AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
OF THE
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
OF THE
CITY OF MODESTO

PLEASE DO NOT SIGN "EXHIBIT ONLY"

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 1, 1946, and witnessed July 27, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980, October 20, 1981, June 29, 1982, October 15, 1985, June 24, 1986 and April 14, 1987, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective April 14, 1987, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members and age 50 for local safety members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
 3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **POLICE COURT EMPLOYEES; AND**
 - b. **ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.**
5. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
6. The percentage of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be determined in accordance with Section 21251.13 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at 60 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.01 of said Retirement Law (2% at age 50 Full).
8. Public Agency elected to be subject to the following optional provisions:
 - a. Section 21222.1 (Special 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - b. Section 21222.2 (Special 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
 - c. Section 21222.6 (Special 15% Increase for Local Miscellaneous Members).
 - d. Sections 21380-21387 (1959 Survivor Benefits) excluding Section 21382.2 (Increased 1959 Survivor Benefits) and Section 21382.4 (Third Level of 1959 Survivor Benefits) for local safety members.
 - e. Sections 21380-21387 (1959 Survivor Benefits) including Section 21382.2 (Increased 1959 Survivor Benefits) for local miscellaneous members.
 - f. Section 20024.2 (One-Year Final Compensation).
 - g. Section 21298 (Improved Non-Industrial Disability Allowance) for local miscellaneous members only.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- h. Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local safety members; and those local miscellaneous members who entered into membership prior to October 20, 1981.
 - i. Section 21222.85 (Special 3% - 15% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1974.
 - j. Section 20461.6 (Different Level of Benefits), applicable to Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local miscellaneous members entering membership on or after October 20, 1981.
 - k. Section 21222.72 (Special 4% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1981.
 - l. Section 21222.4 (Special 15% Increase for Local Safety Members).
9. Public Agency, in accordance with Government Code Section 20740, ceased to be an "employer" for purposes of Section 20759 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20759, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20759.
10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
11. Public Agency shall also contribute to said Retirement System as follows:
- a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, 19____

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY _____
CHIEF, CONTRACT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
Presiding Officer

Witness Date

Attest:

Clerk

PERS-CON-702 (AMENDMENT)
(Rev. 3/91)

"PLEASE DO NOT SIGN 'EXHIBIT ONLY'"

"PLEASE DO NOT SIGN 'EXHIBIT ONLY'"

MODESTO CITY COUNCIL
RESOLUTION NO. 91-626

A RESOLUTION APPROVING THE REQUEST OF OLAN MILLS STUDIO FOR REFUND OF \$589.92 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

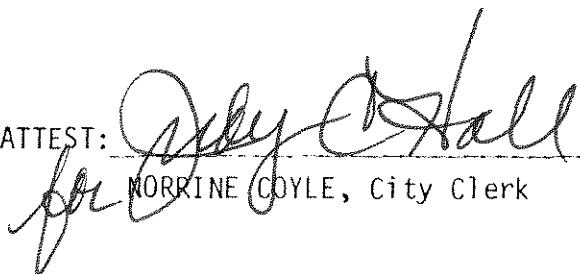
BE IT RESOLVED by the Council of the City of Modesto that the request of Olan Mills Studio for refund of \$589.92 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-627

A RESOLUTION APPROVING THE REQUEST OF SIERRA PACIFIC CUTTING DIES FOR REFUND OF \$730.65 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Sierra Pacific Cutting Dies for refund of \$730.65 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 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-628

A RESOLUTION APPROVING THE REQUEST OF CHARLES SCHWAB & COMPANY FOR REFUND OF \$789.31 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Charles Schwab & Company for refund of \$789.31 for overpayment of Business Improvement Area Tax is hereby approved.

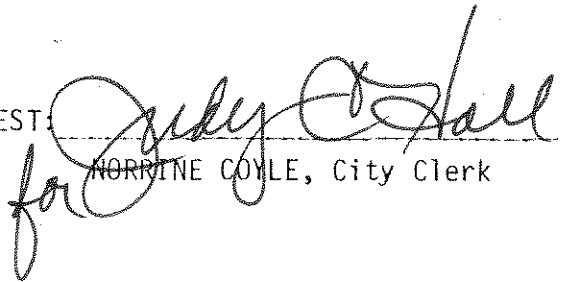
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-629

A RESOLUTION APPROVING THE REQUEST OF THOMPSON-HYSELL, INC. FOR REFUND OF \$1,225.62 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 \$1,225.62 for overpayment of Business Improvement Area Tax is hereby approved.

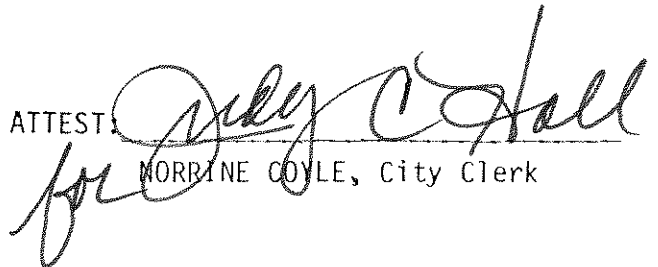
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-630

A RESOLUTION APPROVING A GRANT AGREEMENT FOR \$1,367 WITH THE MODESTO INSTITUTE FOR CONTINUED LEARNING 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 the Modesto Institute for Continued Learning to produce a cable television program on the Institute's education program for seniors and retirees, and in the amount of \$1,367 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 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

Norrine Coyle
for NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-631

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$44,400 TO PURCHASE
THERMOPLASTIC APPLICATION EQUIPMENT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM:	Capital Facilities Fees (138 800 8000 8003)	\$44,400
TO:	Thermoplastic Application Equipment (138 160 8503 6000)	\$44,400

It is necessary to transfer funds in order to provide thermoplastic
application equipment in response to additional traffic marking
work caused by growth.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 1st day of
October, 1991, by Councilmember Bird, who
moved its adoption, which motion being duly seconded by Councilmember
Patterson, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-632

A RESOLUTION APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION AS THE LIAISON FROM THE HUMAN RELATIONS COMMISSION (ROSE LITTLER)

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:

Rose Littler

Term to expire 12/31/92

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 1st day of October 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-633

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE CONSTRUCTION OF RIVERSIDE 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
Riverside 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 October 31, 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 8th day of October, 1991,
by Councilmember Martin, who moved its adoption, which motion
being duly seconded by Councilmember Irizarry, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Bob

MODESTO CITY COUNCIL
RESOLUTION NO. 91-634

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER THIRTY-TWO THOUSAND TWO HUNDRED TWENTY-SIX (\$32,226) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Thirty-Two Thousand Two Hundred Twenty-Six (\$32,226) Dollars is available in the Police Asset Forfeiture Trust Account, and

WHEREAS, the Council desires to transfer said sum to the Special Fund For Capital Outlays and appropriate it for the acquisition of a Wang VS 6000 CPU for the Police Department,

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	\$32,226
130-700-7000-9010	Transfer in From Fund 010	\$32,226

Expenditure

010-700-7000-7130	Transfer Out To Fund 130	\$32,226
130-190-B508-6000	Wang VS 6000 CPU	\$32,226

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 91-635

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF A
NEW WANG CPU FOR THE POLICE DEPARTMENT

WHEREAS, the Police Department has requested the purchase of a new Wang
CPU; and

WHEREAS, the existing equipment is Wang, and upgrading the system requires
that only Wang equipment be purchased as there are no acceptable upgrade sub-
stitutes for Wang equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that
formal bid procedure for the purchase of a new Wang CPU for the Police Depart-
ment is hereby waived.

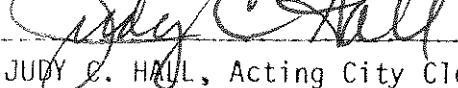
BE IT FURTHER RESOLVED that purchase of a new Wang CPU for a total cost
of \$80,854.60 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 8th day of October, 1991, by Councilmember
Martin , who moved its adoption, which motion being duly seconded by
Councilmember Dobbs , was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-636

A RESOLUTION IN SUPPORT OF RED RIBBON WEEK, OCTOBER 19-27,
1991, AND A DRUG-FREE COMMUNITY.

WHEREAS, Red Ribbon Week was established to remember Drug Agent Enrique Camerina who was killed by drug traffickers, and it will draw attention to the problems drugs are causing in our community, and

WHEREAS, Red Ribbon Week will be recognized nationwide with many local organizations, both grass roots and governmental, participating in Red Ribbon Week activities, and

WHEREAS, the City Council's support of Red Ribbon Week will remind the community of the consequences of drug use, and

WHEREAS, in contrast, the wearing of Red Ribbons by nondrug users will allow them to proudly tell their community they are drug free,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports Red Ribbon Week, October 19-27, 1991, and a drug free community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, 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, Dobbs, Irizarry, Martin, 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. 91- 637

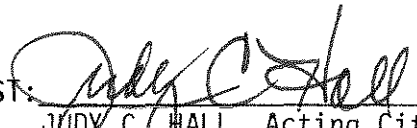
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL TO PREPARE THE CHARACTERIZATION SECTION FOR PART 1 OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL STORMWATER PERMIT

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 the Characterization Section for Part 1 of the National Pollutant Discharge Elimination System Municipal Stormwater Permit be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October , 1991, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 91- 638

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW-GARCIA-DAVIS TO PREPARE THE SYSTEM MAP 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 Lew-Garcia-Davis to prepare the system map of the National Pollutant Discharge Elimination System, 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 8th day of October , 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-639

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$9,653.00 FROM CONTINGENCY RESERVE TO PURCHASE A REPLACEMENT COPY MACHINE FOR OFFICE SERVICES

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Contingency Reserve (130 800 8000 8003)	\$9,653.00
TO:	Office Services Capital Account (010 120 1252 5000)	\$9,653.00

Due to increased copy requirements and machine breakdowns, funds are needed to purchase a replacement copy machine for Office Services/City Hall.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, 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, Dobbs, Irizarry, Martin, 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. 91-640

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION (JAN SMITH) AS
CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE LIAISON

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 as Planning Commission Liaison:

Jan Smith

Term expires: 6/30/94

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 8th day of October, 1991, 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, Dobbs, Irizarry, Martin, 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. 91-641

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING TWO NEW VACUUM SEWER CLEANING TRUCKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing two new vacuum sewer cleaning 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 November 18, 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 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-642

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING THREE DIESEL MOWERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing three
diesel mowers

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on November 18, 1991, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed
and a report submitted to the Council.

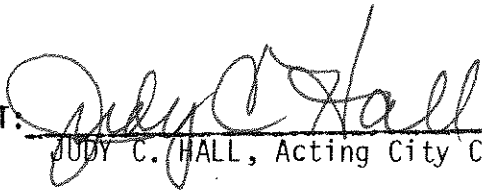
The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 22nd day of October, 1991,
by Councilmember Martin, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-643

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR REPLACING CITY HALL WORD PROCESSING SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for replacing City Hall
word processing 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 November 19, 1991, at 10:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed
and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 22nd day of October, 1991,
by Councilmember Martin, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-644

A RESOLUTION ACCEPTING THE BID OF HENNINGS BROTHERS DRILLING COMPANY, INC. FOR WATER WELL CONSTRUCTION SERVICES

WHEREAS, Resolution No. 91-555 , adopted by the Council of the City of Modesto on August 23 , 1991 , approved the plans and specifications for water well construction services

and authorized the calling for bids; and

WHEREAS, the bids received for water well construction services were opened at 11:00 a.m. on September 23, 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 Hennings Brothers Drilling Co., Inc. in the amount of \$250,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hennings Brothers Drilling Co., Inc. in the amount of \$250,000 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 22nd day of October , 1991, by Councilmember Martin , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST:


JUDY C. HALL, Acting City Clerk

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**MODESTO CITY COUNCIL
RESOLUTION NO. 91-645**

A RESOLUTION ACCEPTING THE BID OF C.W. DELTA ROOFING, INC. FOR REROOFING THE DOWNTOWN SHOP

WHEREAS, Resolution No. 91-609, adopted by the Council of the City of Modesto on September 24, 1991, approved the plans and specifications for reroofing the downtown shop

and authorized the calling for bids; and

WHEREAS, the bids received for reroofing the downtown shop

were opened at 11:00 a.m. on October 10, 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 C.W. Delta Roofing, Inc. in the amount of \$24,575

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of C.W. Delta Roofing, Inc. in the amount of \$24,575 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

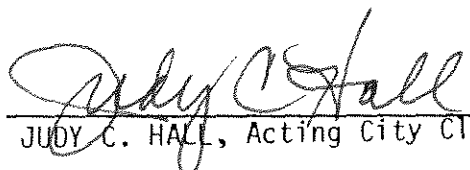
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-646

A RESOLUTION ACCEPTING THE DRY CREEK BIKE AND PEDESTRIAN BRIDGE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Dry Creek bike and pedestrian bridge

has been completed by Western Stone Products, Inc.

in accordance with the contract agreement dated August 21, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the Dry Creek bike and
pedestrian bridge

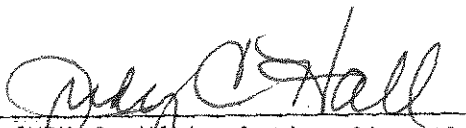
be accepted from said contractor, Western Stone Products, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$240,438.92 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of October ,
1991, by Councilmember Martin , who moved its adoption, which
motion being duly seconded by Councilmember Bird , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-647

A RESOLUTION AUTHORIZING CITY STAFF TO CALL FOR PROPOSALS FOR PREPARATION OF A LIBRARY SERVICES AND FINANCIAL MASTER PLAN IN CONJUNCTION WITH STANISLAUS COUNTY.

WHEREAS, during the last budget cycle, the City Council of the City of Modesto ("City") expressed an interest in participating with the County of Stanislaus ("County") to have prepared a Master Plan for Stanislaus County Free Library ("Library"), and

WHEREAS, the Plan would provide guidance to both jurisdictions in future management of the Library System, and

WHEREAS, City and County staffs have drafted a Request for Proposals ("RFP") (attached as Exhibit "A") for consultants to prepare a Master Plan to address the following issues:

1. An analysis of facilities, services, hours of accessibility, staffing, and opportunities for alternative new funding sources.
2. An analysis of opportunities for cooperation with other levels of government, including schools, in providing library services.
3. An analysis of new institutional arrangements for the governance of library services, including options for partnerships with other cities and/or the formation of a special district.

and

WHEREAS, the City Manager and County Administrative Officer shall participate in the selection of a consultant and in negotiation of fees and final approval shall be by the City Council of the City of Modesto and the Stanislaus County Board of Supervisors, and

WHEREAS, the County will act as the lead agency in the RFP process and will work with City staff from the City Manager's Office in all phases of the project, and

WHEREAS, the Board of Supervisors has approved a similar request by the County Librarian calling for bids on October 8, 1991,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to call for proposals for preparation of a Library Services and Financial Master Plan in conjunction with Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

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. 91-648

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$31,725 FROM CONTINGENCY RESERVE TO PREPARE LIBRARY SERVICES AND FINANCIAL 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: Contingency Reserve \$31,725
(010 800 8000 8003)

TO: Stanislaus County Library \$31,725
(010 502 6502 0460)

The City of Modesto's 1991-92 contribution to the Stanislaus County Library.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 19⁹¹, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Nuratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-649

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE KANSAS AVENUE RIGHT-OF-WAY AT CARPENTER ROAD IN BLOCK 5370 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Delmar-Fultz Engineering and Surveying, representing Soranno's Incorporated, to abandon a portion of the Kansas Avenue Right-of-Way at Carpenter Road in Block 5370 of the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess street right-of-way, and

WHEREAS, said portion of the Kansas Avenue Right-of-Way at Carpenter Road is located in Block 5370 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, letters have been received from the Modesto Irrigation District, Pacific Bell, Pacific Gas and Electric 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 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 Kansas Avenue at Carpenter Road in Block 5370 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.

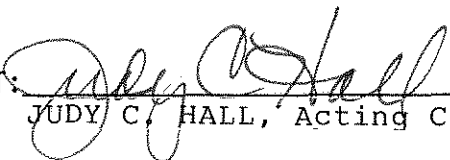
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of Kansas Avenue Right-of-Way at Carpenter Road located in Block 5370 in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and 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 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, 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

APPROVED AS TO DESCRIPTION:

By 
PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT, Engineering

LD 91-A
Parcel 5370-2

VACATE AND ABANDON A PORTION OF KANSAS AVENUE AT
CARPENTER ROAD AT BLOCK 5370

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:

Beginning at the Southeastern corner of Parcel B, as per map filed February 7, 1968 in Book 4 of Parcel Maps, Page 138, Stanislaus County Records; thence along the Southern line of said Parcel B, North 89° 45' West, 139.00 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 15.00 feet, a Central Angle of 28° 30' 19" and an Arc Length of 7.46 feet, to a point on a non-tangent curve from which point a radial line bears North 28° 45' 19" East; thence from a radial bearing of North 59° 38' 05" East, Southeasterly along said non-tangent curve concave to the Northeast, having a Radius of 20.00 feet, a Central Angle of 59° 23' 05" and an Arc Length of 20.73 feet, to its point of tangency on a line which is parallel with and 42.00 feet, measured at right angles, Northerly from the centerline of Kansas Avenue; thence along said last mentioned parallel line, South 89° 45' East, 129.08 feet, to its intersection with the Southerly extension of the Eastern line of Parcel B; thence along said Southerly extension, North 00° 44' 45" West, 8.00 feet, to the point of beginning.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-650

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SR CONSULTANTS INC. TO PREPARE A FEDERALLY-REQUIRED PARATRANSIT (DIAL-A-RIDE) PLAN AND TO PROVIDE RECOMMENDATIONS REGARDING CITY POLICIES UNDER WHICH THE DIAL-A-RIDE SYSTEM OPERATES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and SR Consultants, Inc. to prepare a federally-required paratransit plan (Dial-A-Ride) and to provide recommendations regarding City policies under which the Dial-A-Ride system operates be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

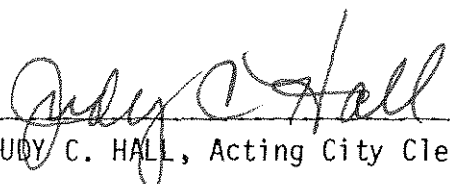
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JUDY C. HALL, Acting City Clerk

16
MODESTO CITY COUNCIL
RESOLUTION NO. 91-651

A RESOLUTION APPROVING A CITIZEN PARTICIPATION PLAN FOR THE FISCAL YEAR
1992-93 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Citizen Participation Plan for the fiscal year 1992-93 Community Development Block Grant (CDBG) application, a copy of which is attached hereto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said 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 22nd day of October, 1991, by Councilmember Martin , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:



JUDY C. HALL, Acting City Clerk

CITY OF MODESTO
 CITIZEN PARTICIPATION PLAN
 1992-93 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
 CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC)

<u>TIME</u>	<u>DATE</u>	<u>EVENT</u>
4:00 p.m.	Tuesday, October 22, 1991	City Council Meeting to Approve Citizen Participation Plan and CDBG Application Process: City Hall, 801 11th St., Modesto
12:00 noon	Friday, November 1, 1991	CH&CDC Meeting at King-Kennedy Center: 601 N. Martin L. King Drive, Modesto
4:00 p.m.	Tuesday, November 12, 1991	City Council Meeting to Approve CDBG Funding Policy: City Hall
7:00 p.m.	Thursday, November 14, 1991	Public Meeting to Issue Requests for Funding at Modesto Centre Plaza: 1000 L St., Modesto.
7:00 p.m.	Thursday, November 21, 1991	Workshop to Assist in Submitting Requests for CDBG Funds: H.P.O., 401 H Street, Modesto
5:00 p.m.	Friday, January 17, 1992	Requests for Funding due: H.P.O. 401 H Street, Modesto
7:00 p.m.	Wednesday, March 4, 1991	CH&CDC Evening Meeting to Hear Requests for Funding: Modesto Centre Plaza, 1000 L St, Modesto
7:30 p.m.	Tuesday, March 17, 1992	CH&CDC Report to Mayor and Council: City Hall
12:00 noon	Friday, April 17, 1992	CH&CDC Meeting to Approve Final FY 92-93 CDBG Recommendations: King-Kennedy Center, 601 N. Martin L. King Dr, Modesto
4:00 p.m.	Tuesday, May 12, 1992	City Council Public Hearing to Consider CH&CDC Recommendations and Public Input, and Approve CDBG Application: City Hall
5:00 p.m.	Friday, May 29, 1992	CDBG Application due at HUD in San Francisco

FOR MORE INFORMATION CALL:

HOUSING PROGRAM OFFICE (H.P.O.)
401 H STREET, MODESTO, CA., 95351
(209) 577 - 5245 TDD (209) 526 - 9211

MODESTO CITY COUNCIL
RESOLUTION NO. 91-652

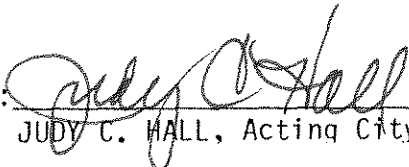
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY R. ROBINSON, JR., TRUSTEE, AND HELEN E. WILLE FOR THE PURCHASE OF THE PROPERTY AT THE SOUTHWEST CORNER OF 11TH AND G STREETS (PERFORMANCE TIRE) FOR POLICE FACILITY EXPANSION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry R. Robinson, Jr., Trustee, and Helen E. Wille for the purchase of the property at the southwest corner of 11th and G Streets for Police facility expansion be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October , 1991, by Councilmember Martin , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

18

MODESTO CITY COUNCIL
RESOLUTION NO. 91-653

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 PURCHASE OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 11TH AND G STREETS (PERFORMANCE TIRE) FOR THE POLICE DEPARTMENT EXPANSION PROJECT.

WHEREAS, the City Council certifies that at its meeting of October 22, 1991, 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 purchase of property located at the southwest corner of 11th and G Streets (Performance Tire) for the Police Department expansion 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 purchase of property at the southwest corner of 11th and G Streets (Performance Tire) for the Police Department expansion project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin Muratore, Patterson, Mayor Lang

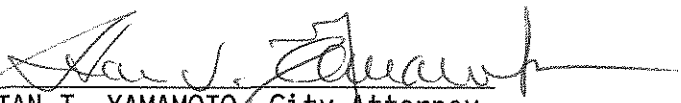
NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 91-654

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1991-92 TO PROVIDE FUNDING FOR
AN ADDITIONAL POLICE DETECTIVE POSITION FOR VEHICLE THEFT
CRIMES.

WHEREAS, the Stanislaus County Board of Supervisors has adopted a
resolution imposing a \$1.00 fee per registered vehicle to be used exclusively
to deter, investigate, and prosecute vehicle theft crimes in the County of
Stanislaus, and

WHEREAS, the County of Stanislaus has established a Vehicle Theft
Program with the use of these funds, and

WHEREAS, this program will allow the Modesto Police Department to
add a Police Detective to the vehicle theft unit to be fully reimbursed by the
County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following changes be made to the Fiscal Year 1991-92 budget to
appropriate revenue and expenditures.

Revenue

010-190-0000-3312 County Vehicle Theft Alloc \$61,298

Expenditures

010-190-1941-0110 Salary & Wages \$44,784
010-190-1941-0188 Benefits \$16,514

BE IT FURTHER RESOLVED that the Finance Director is hereby
authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, 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. 91- 655

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING TO PERFORM SURVEY/TOPOGRAPHY WORK ON BRIGGSMORE AVENUE FROM STATE ROUTE 99 TO TULLY ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Mid-Valley Engineering to perform survey/topography work on Briggsmore Avenue from State Route 99 to Tully Road be, and it is hereby approved.

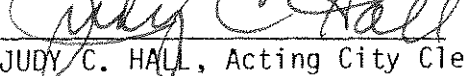
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October , 1991, by Councilmember Martin , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-656

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUGHES, HEISS & ASSOCIATES TO CONDUCT A MANAGEMENT AUDIT OF THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Hughes, Heiss & Associates to conduct a management audit of the Public Works and Transportation 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 22nd day of October, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY G. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-657

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE THE AIRPORT'S FY 1991-92 CAPITAL IMPROVEMENTS AND 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 SAID MODESTO CITY-COUNTY AIRPORT FY 1991-92 CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, at its meeting of October 22, 1991, the Council of the City of Modesto considered the submittal of a Modesto City-County Airport preapplication for federal assistance in the amount of \$351,000 to complete the airport's FY1991-92 capital improvements, and

WHEREAS, the City Council certifies that at its meeting of October 22, 1991, 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 Modesto City-County Airport FY 1991-92 capital improvement projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the submittal of a Modesto City-County Airport preapplication for federal assistance in the amount of \$351,000 to complete the airport's FY 1991-92 capital improvements is hereby approved.


BE IT FURTHER RESOLVED that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the Modesto City-County Airport FY 1991-92 capital improvement projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, 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

Clerk 93

MODESTO CITY COUNCIL
RESOLUTION NO. 91-658

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE PUBLIC UTILITY EASEMENTS IN BLOCKS 9051 AND 9052 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 a portion of a public utility easement in Block 9051 and a portion of a public utility easement in Block 9052 of the River Terrace Subdivision in the City of Modesto, as the roofs of the houses designed for said subdivision encroach into the easements, and

WHEREAS, as a result of negotiations between Kaufman and Broad Central Valley, Inc., and the City of Modesto, Department of Public Works and Transportation, an agreement has been reached whereby Kaufman and Broad have agreed to dedicate an additional one-foot public utility easement on the adjacent lot in return for the City abandoning a one-foot easement to clear the roof encroachment, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess easements, and

WHEREAS, said easements referred to above on the real property located in the River Terrace Subdivision in Blocks 9051 and 9052 in the City of Modesto are more particularly described in Exhibits "A" and "B" respectively, attached hereto, and

WHEREAS, letters have been received from Pacific Bell, Pacific Gas and Electric, 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 of the City of Modesto 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 properties described in Exhibits "A" and "B", attached hereto, which are located in the River Terrace Subdivision in Blocks 9051 and 9052 in the City of Modesto, have been superseded by relocation and there are no other public facilities located within the easements.

3. That from and after the date this resolution is recorded, the portion of public utility easements vacated will no longer constitute public utility easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portions of the public utility easements located in the River Terrace Subdivision in Blocks 9051 and 9052 in the City of Modesto, which are more particularly described in Exhibits "A" and "B", respectively, which are 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 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

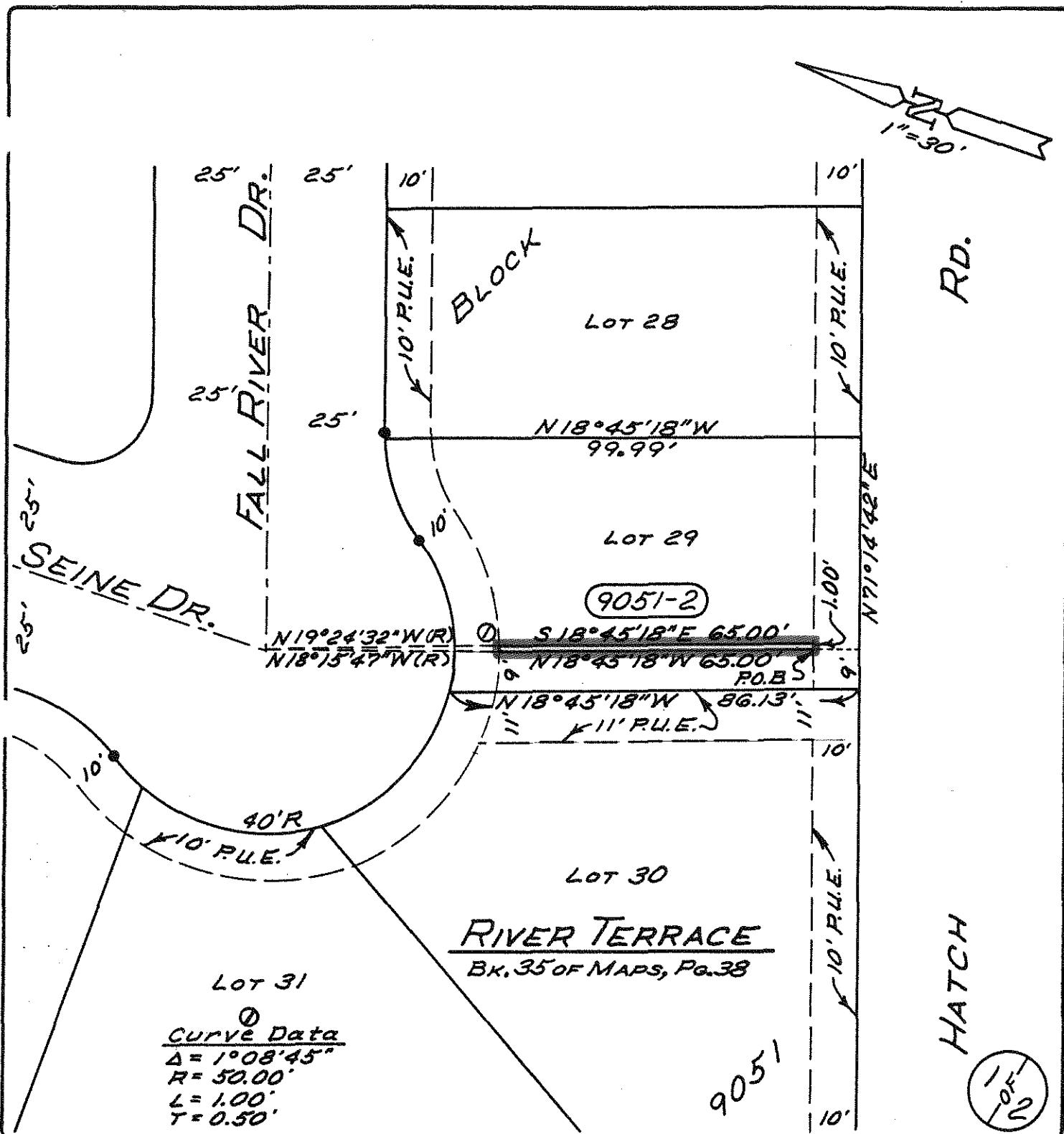
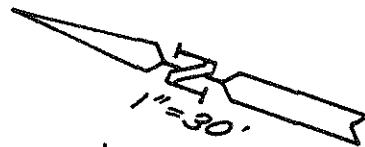
APPROVED AS TO DESCRIPTION:

By John P. Christian
PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT, Engineering

LD 91-G
Parcel 9051-2

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, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 29 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:

Commencing at the Southwestern corner of said Lot 29; thence along the Southeastern line of Lot 29, said line being the Northwesterly line of Hatch Road, North $71^{\circ} 14' 42''$ East, 9.00 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 Lot 29; thence along said parallel line, North $18^{\circ} 45' 18''$ West, 10.00 feet, to a point on a Northwesterly line of a 10.00 foot public utility easement in said Block 9051 and the true point of beginning of this description; thence continuing along said parallel line, North $18^{\circ} 45' 18''$ West, 65.00 feet, to a point on a non-tangent curve concave to the Northwest, from which point a radial line bears North $18^{\circ} 15' 47''$ West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of $1^{\circ} 08' 45''$ and an Arc Length of 1.00 foot, said non-tangent curve being the Southeasterly line of a 10.00 foot public utility easement in Block 9051, to its intersection with a line which is parallel with and 10.00 feet, measured at right angles, Northeasterly from said Southwestern line of Lot 29, from which point a radial line bears North $19^{\circ} 24' 32''$ West; thence along said last mentioned parallel line, South $18^{\circ} 45' 18''$ East, 65.00 feet, to a point on said Northwesterly line of a 10.00 foot public utility easement in Block 9051; thence along the Northwesterly line of the 10.00 foot public utility easement in Block 9051, South $71^{\circ} 14' 42''$ West, 1.00 foot, to the point of beginning.



APPROVED BY: <i>Jerry Butler</i>	FDR: DIRECTOR
DATE: 10/4/91	R.E.
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: OCT, 1991	DRAWN: John Christiansen

VACATE AND ABANDON
A PORTION OF THE PUBLIC
UTILITY EASEMENTS IN
BLOCKS 9051 & 9052
LD 91-G

CITY of MODESTO
ENGINEERING DEPARTMENT

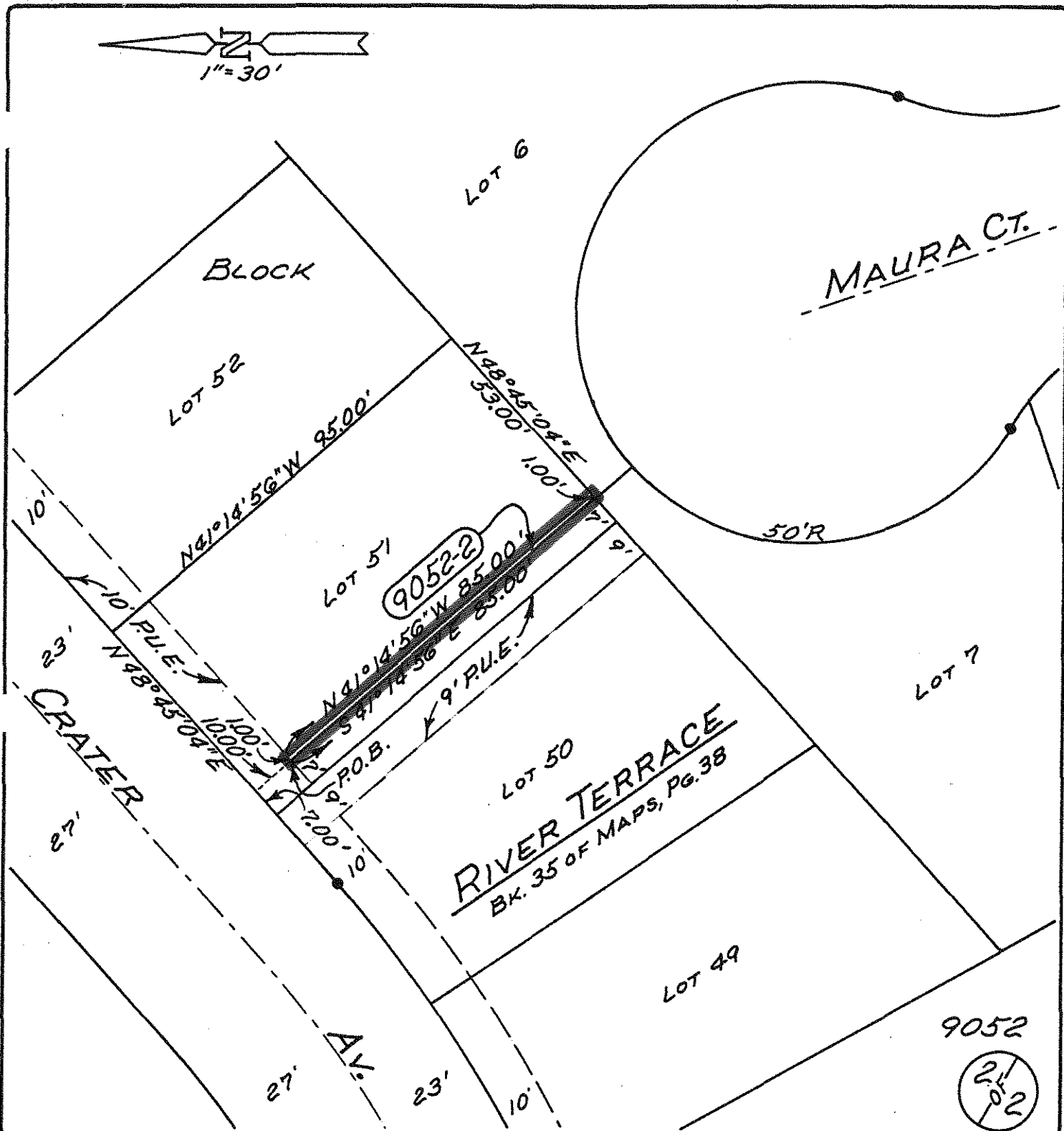
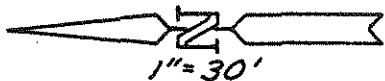
ACTIVITY NO.

FILE NO. 4-A-746

LD 91-G
PARCEL 9052-2

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, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 51 in Block 9052 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:

Commencing at the Northwestern corner of said Lot 51; thence along the Northwestern line of Lot 51, said line being the Southeasterly line of Crater Avenue, North $48^{\circ} 45' 04''$ East, 7.00 feet, to a point on a line which is parallel with and 7.00 feet, measured at right angles, Northeasterly from the Southwestern line of Lot 51; thence along said parallel line, South $41^{\circ} 14' 56''$ East, 10.00 feet, to a point on the Southeasterly line of a 10.00 foot public utility easement in said Block 9052, and the true point of beginning of this description; thence continuing along said parallel line, South $41^{\circ} 14' 56''$ East, 85.00 feet, to a point on the Southeastern line of Lot 51; thence along said Southeastern line of Lot 51, North $48^{\circ} 45' 04''$ East, 1.00 foot, to a point on a line which is parallel with and 8.00 feet, measured at right angles, Northeasterly from said Southwestern line of Lot 51; thence along said last mentioned parallel line, North $41^{\circ} 14' 56''$ West, 85.00 feet, to a point on said Southeasterly line of a 10.00 foot public utility easement in Block 9052; thence along the Southeasterly line of a 10.00 foot public utility easement in Block 9052, South $48^{\circ} 45' 04''$ West, 1.00 foot, to the point of beginning.



APPROVED BY:	FOR: DIRECTOR
<i>John Christiansen</i>	
DATE: 10/4/91	R.E.
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: OCT. 1991	DRAWN: John Christiansen

VACATE AND ABANDON
 A PORTION OF THE PUBLIC
 UTILITY EASEMENTS IN
 BLOCKS 9051 & 9052
 LD 91-G

CITY of MODESTO
 ENGINEERING DEPARTMENT

ACTIVITY NO.

FILE NO. 4-A-746

9052
 2/02

MODESTO CITY COUNCIL
RESOLUTION NO. 91-659

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FABRICATING AND INSTALLING TWO CATWALKS FOR THE
SLUDGE THICKENERS AT THE WATER QUALITY CONTROL FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for fabricating and installing two catwalks for the sludge thickeners at the Water Quality Control 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 November 25, 1991, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-660

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING INDUSTRIAL LAUNDRY AND UNIFORM SERVICE
FOR UP TO THREE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing industrial laundry and uniform service for up to three years 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 2, 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 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-661

A RESOLUTION ACCEPTING THE BID OF UNR-ROHN, Inc. FOR THE PURCHASE AND INSTALLATION OF MICROWAVE TOWERS

WHEREAS, Resolution No. 91-569 , adopted by the Council of the City of Modesto on September 3, 1991, approved the plans and specifications for furnishing and installing a microwave tower at Fire House No. 9

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing and installing of a microwave tower at Fire House No. 9

were opened at 11:00 a.m. on October 1, 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 UNR-ROHN, Inc. in the amount of \$32,356

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of UNR-ROHN, Inc. in the amount of \$32,356 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 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

9

**MODESTO CITY COUNCIL
RESOLUTION NO. 91-662**

A RESOLUTION ACCEPTING THE BID OF AEROLOG INDUSTRIES AND CMI/NPH OPERATIONS OF MPD, INC. FOR FURNISHING A COMPLETE FIELD SURVEILLANCE NIGHT VISION EQUIPMENT PACKAGE

WHEREAS, Resolution No. 91-580 , adopted by the Council of the City of Modesto on September 10, 1991 , approved the plans and specifications for the purchase of a complete field surveillance night vision equipment package and authorized the calling for bids; and

WHEREAS, the bids received for furnishing a complete field surveillance night vision equipment package were opened at 11:00 a.m. on October 8, 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 Aerolog Industries and CMI/MPH Operations of MPD, Inc. in the amount of \$46,686.99 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Aerolog Industries and CMI/MPH Operations of MPD, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November , 19 91, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Use

MODESTO CITY COUNCIL
RESOLUTION NO. 91-663

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER FORTY-SIX THOUSAND SIX HUNDRED EIGHTY-EIGHT (\$46,688) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Forty-six Thousand Six Hundred Eighty-eight (\$46,688) 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 Field Surveillance System and/ mobile recording cameras,

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	\$46,688
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Expenditure

010-190-1901-5030	Surveillance System	\$20,974
010-190-1901-5031	Mobile Rec Cameras	\$25,714

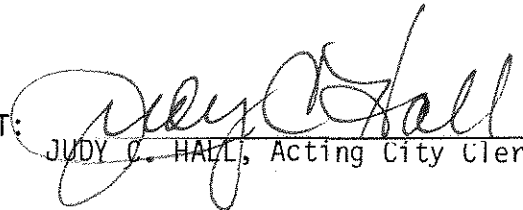
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-664

A RESOLUTION ACCEPTING THE BID OF RAGSDALE AND SON, INC. FOR CONSTRUCTION OF THE SONOMA PARK GAME COURTS

WHEREAS, Resolution No. 91-610 , adopted by the Council of the City of Modesto on September 24, 1991 , approved the plans and specifications for the construction of the Sonoma Park game courts

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the Sonoma Park game courts were opened at 11:00 a.m. on October 17, 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 Ragsdale and Son, Inc. in the amount of \$32,996.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale and Son, Inc. in the amount of \$32,996.50 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 5th day of November , 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY G. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-665

A RESOLUTION APPROVING SUBMISSION OF THE STATE TRANSIT ASSISTANCE (STA) FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, money is available from the State Transit Assistance (STA) Fund for use by the City of Modesto in carrying out transit purpose activities, and

WHEREAS, these funds are allocated by the Stanislaus Area Association of Governments (SAAG) in accordance with established priorities, and

WHEREAS, the City of Modesto's claim has been prepared in accordance with established priorities and provides for the use of \$246,476 from the STA Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said STA claim on behalf of the City of Modesto, and that submission of the City of Modesto's STA Fund Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of \$246,476 for the fiscal year 1991-92 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

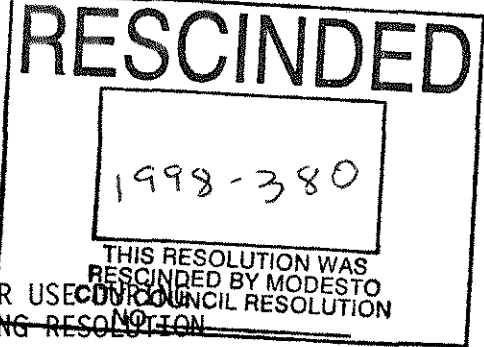
ABSENT: Councilmembers: None

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. 91-666

A RESOLUTION ESTABLISHING GUIDELINES FOR WATER USE DURING THE STAGE ONE DROUGHT CONDITION, AND RESCINDING RESOLUTION NO. 91-291.

WHEREAS, the Council approved the City of Modesto Drought 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 Drought Contingency Plan of the City of Modesto provides that when the City determines that a minor shortage potential exists that a Stage One Drought Condition can and shall be declared, and

WHEREAS, the City finds that groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff, 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 Drought Condition.

BE IT FURTHER RESOLVED that the Public Works and Transportation Department shall implement the strategies and enforcement procedures applicable during a Stage One Drought Condition as provided in the City's Drought Contingency Plan.

BE IT FURTHER RESOLVED THAT in accordance with the Drought Contingency Plan, the following rules and regulations are established for use

during a Stage One Drought 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.

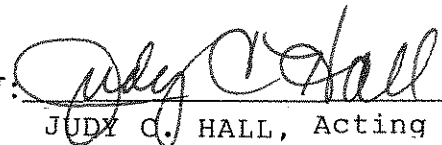
- c. Dwellings or establishments with even-numbered street addresses shall water on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.
- 7. Exceptions to the regulations set forth herein may be given by the Public Works and Transportation Director or his designee upon 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. 91-291 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

Clerk (3)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-667

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE
5-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 1222 IN THE CITY
OF MODESTO.

WHEREAS, the City of Modesto has received a request from Donald
Harmon, owner of the property at 1538 Ford Avenue, to abandon a portion of the
5-foot wide public utility easement along the south portion of his lot, 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
1222 in the City of Modesto, described in Exhibit "A" attached hereto, which
is a portion of the 5-foot public utility easement in Block 1222 in the City
of Modesto, and

WHEREAS, letters have been received from 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 1222
in the City of Modesto, is no longer necessary. This portion of the easement
has not been used for the purpose for which it was dedicated or acquired for
five consecutive years immediately preceding the vacation.

3. That from and after the date this resolution is recorded, 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 1222 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.

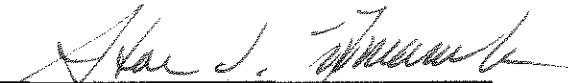
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Martin, 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:

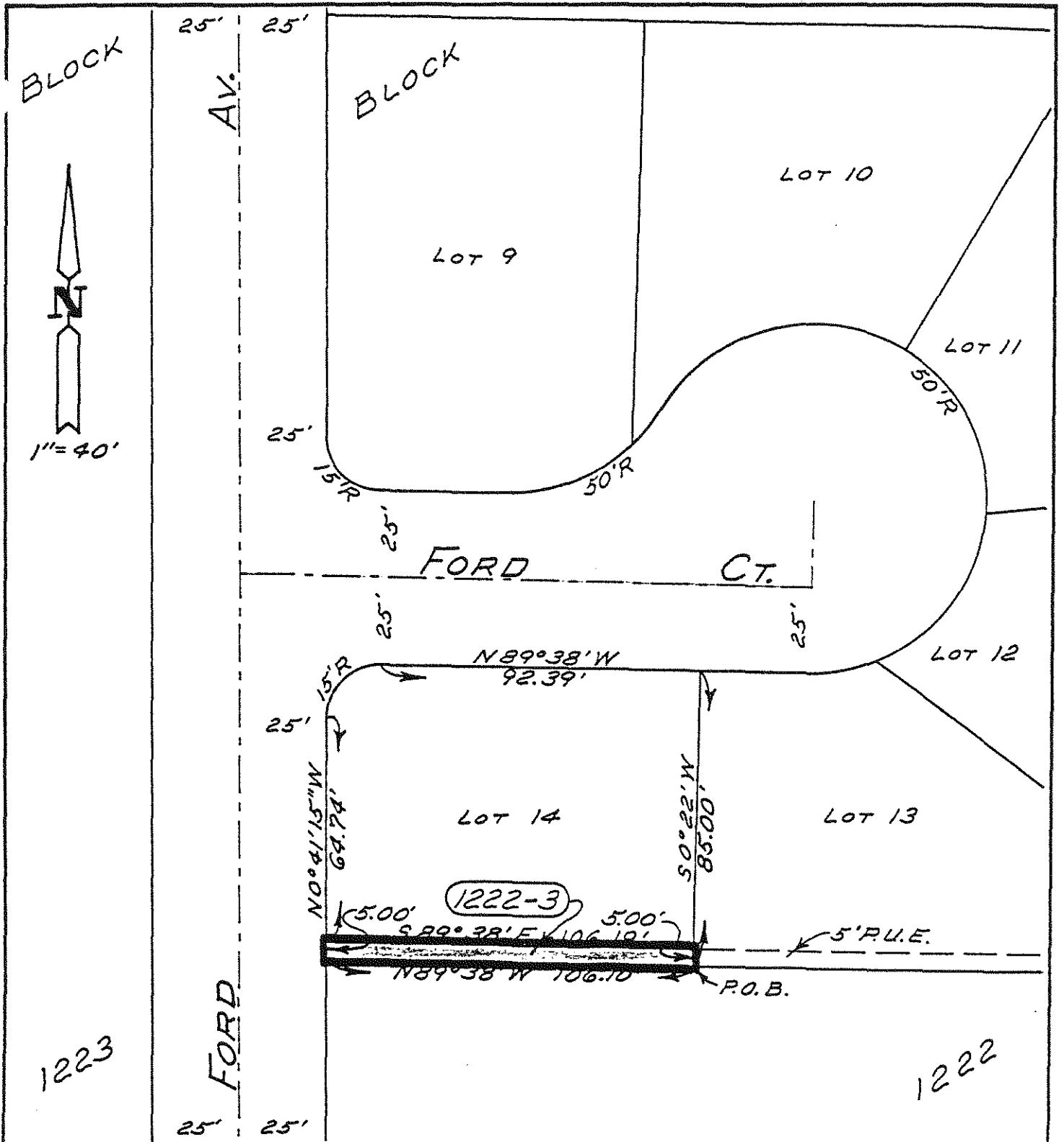
By 
Public Works and Transportation
Department - Engineering Division

Parcel 1222-3
LD 91-D

VACATE AND ABANDON A PORTION OF THE 5-FOOT
PUBLIC UTILITY EASEMENT IN BLOCK 1222

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 Southeastern corner of Lot 14 in Block 1222 of the MEADOW GLENN Subdivision, as per map filed April 21, 1964 in Volume 20 of Maps, Page 69, Stanislaus County Records; thence along the Southern line of said Lot 14, North 89° 38' West, 106.10 feet, to the Southwestern corner of Lot 14 and a point on the Eastern line of Ford Avenue; thence along the Western line of Lot 14 and said Eastern line of Ford Avenue, North 0° 41' 15" West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northerly from said Southern line of Lot 14; thence along said parallel line, South 89° 38' East, 106.19 feet, to a point on the Eastern line of Lot 14; thence along said Eastern line of Lot 14, South 0° 22' West, 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.	
<i>Jerry H. Butler</i> JERRY H. BUTLER, Deputy R.E.24156		FILE NUMBER	
DATE	DRAWN	4-A-748	
Oct., 1991	J. Christiansen		
		IN BLOCK 1222-LD91-D	

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 668

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE FOR FUNDING OPERATION OF THE CONVENTION AND VISITOR'S 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 for funding operation of the Convention and Visitor's 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 5th day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-669

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN & CALDWELL CONSULTANTS FOR PREPARATION OF VILLAGE ONE FACILITIES MASTER PLAN FOR STORM DRAINAGE SYSTEM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Brown & Caldwell Consultants for preparation of Village One Facilities Master Plan for a storm drainage 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 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY V. HALL, Acting City Clerk.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-670

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1991-92 TO TRANSFER TWENTY-FIVE THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$25,450) FROM THE SEWER FUND (FUND NO. 621) TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130) FOR AMENDMENT NO. 1 OF THE FACILITIES MASTER PLAN PORTION OF THE VILLAGE ONE IMPLEMENTATION PROGRAM.

WHEREAS, the City Council has authorized \$447,669 to be appropriated for preparation of the Village One Facilities Master Plan, and

WHEREAS, it has been determined that an additional \$25,450 will modify the agreement with Brown & Caldwell to include alternatives for storm drainage management that adhere to the Village One Specific Plan and EIR recommendation of complete retention of drainage, and

WHEREAS, the sum of Twenty-five Thousand Four Hundred Fifty Dollars (\$25,450) is available in the Unappropriated Fund Balance of the Sewer Fund (Fund No. 621), and

WHEREAS, said sum will not be required for operating costs of the City during the 1991-92 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for preparation of Village One Facilities Master Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget be amended to transfer Twenty-five Thousand Four Hundred Fifty Dollars (\$25,450) as follows:

Sewer Fund (Fund 621)

621-800-8000-8003	Contingency Reserve	(\$25,450)
621-700-7000-7130	Transfer Out To Fund 130	\$25,450

Special Fund for Capital Outlay (Fund 130)

130-140-P590-6000	Village One Implementation	\$25,450
130-700-7000-9621	Transfer In From Fund 621	\$25,450

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 5th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Cliff

MODESTO CITY COUNCIL
RESOLUTION NO. 91-671

A RESOLUTION GRANTING APPROVAL TO THE AMERICAN LEGION POST NO. 74 TO CONDUCT A VETERANS' DAY PARADE IN THE CITY OF MODESTO ON MONDAY, NOVEMBER 11, 1991, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the American Legion Post No. 74 (hereinafter referred to as "the Legion") has 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 Monday, November 11, 1991 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 Legion relating to said Veterans' Day Parade and to grant the Legion's 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 relating to a Veterans' Day Parade to be held on Monday, November 11, 1991, subject to the following conditions:

1. The parade assembly will take place on November 11, 1991, at the Downey Community Park parking area from approximately 8:30 a.m. to 9:00 a.m. and the parade will commence at approximately 9:00 a.m. and terminate at approximately 11:00 a.m.
2. The parade route, subject to the approval of the Chief of Police, 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) Officers and vehicles 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, 1991 from approximately 8:00 a.m. to 10:00 a.m.
5. The Legion 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 Legion 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 Legion agrees to provide by November 8, 1991, and keep in force on November 10 and 11, 1991, 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 Legion, 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 Legion with a copy of this resolution. The Legion 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 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY G. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

COUNCIL RESOLUTION NO. 91-672

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO ADOPTING FINDINGS IN RESPONSE TO
WRITTEN OBJECTIONS ON ADOPTION OF THE
AMENDED REDEVELOPMENT PLAN FOR THE
MODESTO REDEVELOPMENT PROJECT

WHEREAS, in accordance with the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the Redevelopment Agency of the City of Modesto (the "Agency") prepared and submitted to the City Council of the City of Modesto (the "City Council") a proposed Amended Redevelopment Plan (the "Amended Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the City Council and the Agency held a joint public hearing on October 22, 1991, on adoption of the Amended Plan and on certification of the Final Environmental Impact Report (the "EIR") on the Amended Plan; and

WHEREAS, the City Council has provided an opportunity for all persons to be heard and has received and considered all written comments received and all evidence and testimony presented for or against any and all aspects of the Amended Plan; and

WHEREAS, Section 33363 of the Health and Safety Code provides that before adopting the redevelopment plan, the legislative body shall make written findings in response to each written objection of an affected property owner or taxing entity and shall respond in writing to the written objections received before or at the noticed public hearing;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council has considered all evidence and testimony on the adoption of the Amended Plan and has responded in writing to the written objections received before or at the noticed public hearing.

Section 2. The City Council hereby adopts the written findings in response to each written objection of affected property owners and taxing entities attached hereto as 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 5th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

ATTEST: 
JUDY C. HALL, City Clerk

(SEAL)

APPROVED AS TO FORM:

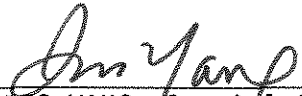
By 
IRIS YANG, Special Counsel for
City of Modesto

EXHIBIT A

Letter from Marsh dated October 22, 1991

Mr. Marsh objects to the proposed Amended Plan because he states: (a) the power of eminent domain for existing residential properties is not in conformance with the General Plan because it will remove residential dwelling units and that redevelopment has resulted more in the removal of housing and residents than renewal of housing; and (b) redevelopment has an adverse effect on the state financially.

Responses/Findings

The City Council hereby finds that: (a) the Amended Plan is in conformance with the General Plan; (b) the power of eminent domain as set forth in the Amended Plan is necessary for the purposes of redevelopment; (c) the Amended Plan will not result in the removal of more houses and residents than the renewal of housing resources; (d) there is no evidence to support Mr. Marsh's statement that redevelopment has an adverse effect on the state financially.

The above findings are based on the following facts:

1. The Planning Commission, by Resolution No. 91-43 adopted on July 15, 1991, submitted its report and recommendation on the Amended Plan, including the finding that the Amended Plan is consistent with the General Plan.
2. In drawing the proposed boundaries of the area added to the Project Area by the Amended Plan, the Agency attempted to avoid as much residential development as possible by including land that, with few exceptions, is commercially or industrially zoned. As a result, only minimal displacement of residents is expected.

3. Section 330 of the Amended Plan provides that any low- or moderate-income housing unit removed by the Agency from the Project Area shall be replaced within four years of its removal.
4. Sections 329-331 of the Amended Plan provides that 20% of the tax increments received by the Agency be set aside in a low- and moderate-income housing fund pursuant to the requirements contained in the Community Redevelopment Law.
5. The Agency believes that housing is an integral part of the redevelopment area and anticipates working with property owners and residents to improve the quality of residential areas.
6. The power of eminent domain as set forth in the Amended Plan may be necessary in order to ensure that the project will be carried out and to prevent the recurrence of blight.
7. Redevelopment is carried out based on laws passed by the state, and the history of redevelopment indicates that for every dollar of public investment in a redevelopment area, over six dollars of new private investment are stimulated, thereby resulting in a net impact over time of revenues to all levels of government increasing.

Letters from CRLA.

CRLA objected to the proposed Amended Plan for the following reasons:

- (a) A Project Area Committee was not formed in the Added Area;
- (b) There is inadequate evidence of blight in the Added Area;
- (c) There is no record showing that the County has approved the Amended Plan;

- (d) The Report to Council is inadequate because it does not show how the housing set-aside will be used and does not adequately discuss the neighborhood impact;
- (e) The EIR is inadequate because it does not discuss the impacts caused by private sector activity and the cumulative effects of redevelopment activity in the Added Area and does not contain an analysis of solid waste generation or disposal in the Added Area;
- (f) The Agency does not have an adequate method or plan for relocation of families or persons displaced by redevelopment activities;
- (g) The Agency failed to provide adequate notice of the plan to project area residents by providing the public hearing notice only in English.

Responses/Findings

The Council hereby finds that: (a) under the Community Redevelopment Law a project area committee is not required to be formed for the Added Area; (b) that there is adequate evidence of blight within the Added Area; (c) that the County has approved the Amended Plan; (d) that the Report to Council is adequate; (e) the Final EIR is adequate; (f) that the Agency does have an adequate method or plan for relocation of families of persons that may be displaced by redevelopment activities; and the Agency and Council did provide adequate notice of the public hearing on the Amended Plan.

This above findings are based on the following facts:

1. State law provides that if a substantial number of low- and moderate-income families are to be displaced by a redevelopment project, a project area committee must be formed. The Agency does

not anticipate any widespread removal of housing from the project area and thus does not anticipate that a substantial number of low- and moderate-income families will be displaced. Therefore, in March of 1991 the City Council determined that a project area committee need not be formed.

2. Adequate evidence of blight is contained in Section IV of the Report to Council.
3. The County of Stanislaus introduced an ordinance approving the Amended Plan on October 29, 1991.
4. Section 33352 of the Community Redevelopment Law does not require that the Report to Council contain a description of how the housing set-aside monies will be used.
5. The Agency's Neighborhood Impact Report is contained in Section XV of the Report to Council. As noted in the report, the Amended Plan will result in minimal displacement or removal of housing, therefore, the Amended Plan is expected to have little impact on the housing units themselves.
6. The EIR is a program environmental impact report and any analysis of specific private sector projects that are unknown at this time would be impossible to analyze at this point due to the lack of specificity. As private projects occur within the project area, they will be subject to the Agency's and City's environmental review procedures.
7. The EIR contains a discussion of cumulative impacts in sections 3 and 9 of the Draft EIR.
8. The EIR does not contain a discussion on solid waste generation or disposal, however, this comment was not submitted from any

public agencies and was not raised during the official public comment period of the Draft EIR. Therefore, although this comment deserves consideration, it is not required to be addressed in the Final EIR. An analysis of the solid waste generation and disposal in response to the written objection to the Amended Plan is attached hereto as an Addendum to Exhibit A. Based on the analysis the Council agrees that the mitigation measures suggested in the attached analysis shall be incorporated into the Project.

9. The Agency's relocation plan is contained in Section VIII of the Report to Council.

10. It was brought to the Agency's attention in public forums last July that there might be a need for notices in Spanish and perhaps other languages. Therefore, the Agency did prepare a hearing notice in Spanish and several weeks prior to the hearing so notified CRLA, asking CRLA to let the Agency know if they knew of anyone who needed the Spanish language notice. The Agency also asked the Hispanic Chamber of Commerce for information on anyone within the project area who needed notice or information in Spanish. The Agency was also prepared to provide notices in other languages if the need became apparent.

ADDENDUM TO
EXHIBIT A

Solid Waste Generation & Disposal

The project area contains a number of businesses and residences which generate solid wastes. Solid waste removal within the City of Modesto is provided under contract by two private waste haulers, Modesto Disposal and Gilton Solid Waste Management. Commercial and residential solid wastes are transported to the county-operated Fink Road Landfill. The projected waste volumes and remaining capacities for the Fink Road Landfill are shown in Table 1A. This landfill is currently expected to reach capacity by the year 2009, and as the landfill approaches capacity, Stanislaus County officials expect either to expand the Fink Road Landfill or establish a new landfill (Williams, 1991).

According to AB 939, the city would be required to implement measures which would reduce or "divert" 25 percent of its solid waste disposal by 1995, and 50 percent by the year 2000. The City of Modesto Office of Solid Waste Management has already implemented a variety of programs designed to reduce the volume of solid wastes being generated and disposed of. Several private waste haulers and recyclers currently provide curbside residential services and some mixed commercial office paper recycling. Other private contractors are initiating programs for wood and construction material recycling. With both public and private programs, Modesto is currently exceeding its required 25 percent waste diversion level target (Bradford, 1991).

Due to its growth inducing nature, the proposed project is likely to accelerate the city's solid waste generation rate above existing levels, causing the Fink Road Landfill to reach capacity sooner than projected. However, due to the long time-frame of the project, to expected project phasing, and to the anticipated progressive per capita reduction of solid wastes being generated for disposal, this increased rate of acceleration is not expected to be significant.

The new construction and redevelopment that would be facilitated by the proposed project would generate significant amounts of solid waste. Many of these wastes would be recyclable. If not properly disposed of, these wastes would adversely impact the City's waste diversion program.

The proposed project would have the potential to facilitate the development of businesses which would be significant generators of recyclable wastes. Without proper building designs, these buildings may not facilitate future recycling storage and pick-up applications.

In order to address the above concerns, the council has incorporated the following mitigation measures into the Project.

- Redevelopment projects which are facilitated by the proposed project shall incorporate construction material recycling. Materials such as concrete, asphalt, steel, glass and wood shall be separated at the time of demolition and recycled whenever possible.

- Individual projects which are facilitated by the redevelopment project shall, whenever possible, use building materials which are manufactured from recycled materials.

- Individual projects which are facilitated by the proposed project shall incorporate building designs which allow for the easy storage and pick-up of recycled materials. Project designers shall consult with the City of Modesto Office of Solid Waste Management to ensure that building designs encourage recycling.

REFERENCES

Bradford, Marsha, Recycling Program Coordinator, City of Modesto Office of Solid Waste Management, telephone communication (1991).

Williams, Kevin, Senior Environmental Health Specialist, Stanislaus County Environmental Resources Department, telephone communication (1991).

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO MAKING FINDINGS AS TO THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE AMENDED
REDEVELOPMENT PLAN FOR THE MODESTO
REDEVELOPMENT PROJECT, APPROVING MITIGATION
MONITORING PROGRAM AND DETERMINING CERTAIN
PROJECTS TO BE EXEMPT

WHEREAS, the Redevelopment Agency of the City of Modesto ("Agency") is carrying out the Redevelopment Plan for the Modesto Redevelopment Project ("Original Project"); and

WHEREAS, the Agency has prepared and submitted to the City Council of the City of Modesto (the "City Council") a proposed amended Redevelopment Plan (the "Amended Plan") for the Modesto Redevelopment Project (the "Project") which would expand the redevelopment project area to upgrade or build new public improvements; and

WHEREAS, an environmental impact report (the "EIR") on the Amended Plan was prepared by the Agency pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*, hereinafter the "State CEQA Guidelines") and local procedures adopted by the City pursuant thereto; and

WHEREAS, a Notice of Completion of the Draft EIR was filed with the Office of Planning and Research on June 12, 1991, and a public notice of the availability of the Draft EIR was published in the Modesto Bee on June 19, 1991; and

WHEREAS, copies of the Draft EIR were distributed to the State Clearinghouse and to those public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and the comments of such persons and agencies were sought; and

WHEREAS, the Draft EIR was thereafter revised and supplemented to adopt changes suggested, to incorporate comments received and the Agency's response to said comments, and as so revised and supplemented, a Final EIR was prepared and submitted to the City Council; and

WHEREAS, a joint public hearing was held by the Agency and the City Council on October 22, 1991, on the Amended Plan and the Final EIR relating

thereto, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto having been heard, and said Final EIR and all comments and responses thereto having been considered; and

WHEREAS, the Planning Commission of the City of Modesto (the "Planning Commission"), based on the request of the Agency and the City Council, has considered and recommended the addition of certain improvements to existing school facilities (the "School Projects" to the Amended Plan; and

WHEREAS, certain improvements to existing facilities may be categorically exempt under Section 15300 of the State CEQA Guidelines; and

WHEREAS, the proposed School Projects are improvements to existing facilities;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES RESOLVE AS FOLLOWS:

Section 1. The City Council has evaluated all comments, written and oral, received from persons who have reviewed the Draft EIR.

Section 2. The City Council hereby makes the written findings set forth in Exhibit A, attached hereto and incorporated by reference herein, for each of the significant effects set forth in said Exhibit A, and further approves the statements of facts set forth in said Exhibit A. Based on such findings and statements of facts, the City Council hereby finds that significant environmental effects have been reduced to an acceptable level in that all significant environmental effects have been eliminated or substantially lessened. Based on the foregoing, the City Council finds and determines that the Amended Plan will not have a significant effect upon the environment.

Section 3. In the event it is determined that significant environmental effects are not mitigated or substantially lessened, the City Council finds that the benefits of the Amended Plan outweigh such effects and hereby adopts the following statement of overriding considerations. The City Council hereby finds that, based on the findings and statements of facts set forth in Exhibit A, and based on the Final EIR and/or other information contained in the record, its action to approve and carry out the Amended Plan is supported for the reasons that the Amended Plan will: eliminate blighting influences and correct environmental deficiencies in the Project Area, including, among others, small and irregular lots, obsolete and aged building types and inadequate or deteriorated public improvements; permit the

assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area; replan, redesign and develop undeveloped areas which are stagnant or improperly utilized; strengthen retail and other commercial functions in the Project Area; provide opportunities for participation by owners and tenants in the revitalization of their properties; expand employment opportunities; establish and implement performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area; and expand and improve the supply of housing for low- and moderate-income persons.

Section 4. The City Council hereby approves and adopts as a Mitigation Monitoring Program those monitoring actions set forth in Exhibit A to monitor the changes or alterations that have been required in, or incorporated into, the Project in order to mitigate or substantially lessen those significant environmental effects identified in Exhibit A.

Section 5. The City Council hereby finds that the School Projects are categorically exempt under Sections 15301, 15302, 15311 and 15314 of the CEQA Guidelines. This finding is based on the fact that all proposed projects are school improvements for existing school facilities which are either: (a) minor additions to existing school facilities; (b) minor accessory structures to existing school facilities; (c) replacement or reconstruction of existing structures and facilities; or (d) repair or minor alterations to existing facilities.

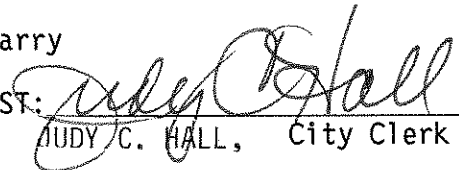
Section 6. Upon approval and adoption of the Amended Plan by the City Council, the City Clerk is hereby directed to file a Notice of Determination on the Final EIR with the County Clerk of Stanislaus County and the Office of Planning and Research pursuant to the provisions of Section 15096(i) of the State CEQA Guidelines and a Notice of Exemption as to the School Projects with the County Clerk of Stanislaus County pursuant to Section 15062 of the State CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

ATTEST: 
JUDY C. HALL, City Clerk

(SEAL)

APPROVED AS TO FORM:

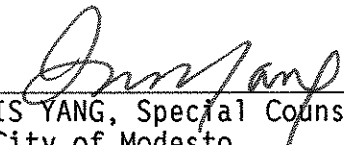
By 
IRIS YANG, Special Counsel for
City of Modesto

EXHIBIT A

DESCRIPTION OF SIGNIFICANT EFFECT:

A. Land Use and Planning:

1. Some displacement of existing buildings and houses will be necessary to construct some of the planned improvements, which may be compensable in accordance with state law.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

The Redevelopment Agency shall design and locate roadway, parking, and public service projects to minimize the need for acquiring private property. Compensation for such property will be provided as required by state law. The location of redevelopment projects shall also minimize potential adverse impacts to surrounding property values.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

The City of Modesto's Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans.

2. Plan implementation may result in the displacement of affordable housing.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

The Redevelopment Agency shall develop and implement a relocation assistance program if redevelopment projects directly result in relocation of low to moderate income residents.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

The City of Modesto's Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans.

3. Secondary development which occurs as a result of the redevelopment project shall remain within General Plan policies and land use regulations, in order to avoid significant impacts.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

Land use regulations and General Plan policies shall be enforced to mitigate potential adverse impacts from secondary development caused by redevelopment.

Specific measures to mitigate land use impacts which may occur as a result of secondary development shall be determined on a case-by-case basis using the City of Modesto's environmental review process.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto's Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans.

4. Temporary impacts from construction of redevelopment projects may violate allowable land uses and zoning provisions.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Temporary impacts from construction such as excessive noise, increased dust, equipment parking, and excavation shall be minimized using noise and dust abatement procedures and conscientious construction practices.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto's Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.

B. Visual/Aesthetics

1. Potential secondary visual impacts may occur due to the construction of future projects which are facilitated by the redevelopment infrastructure improvements. The potential to disrupt or block view corridors or view opportunities is possible, depending on proposed structure heights, bulks, and specific locations; however, at this time, the specific impacts are not known.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The applicants shall be required to design landscaping so as to complement project development and to minimize view of the sites from residences and major view corridors.

Owners of frontage properties shall be encouraged to maintain and repair their structures and landscaping in conjunction with public improvements to streets.

Development shall be consistent and designed to blend with the existing character of surrounding sites.

The undergrounding of utility lines shall be undertaken, where feasible, along public streets at the time of construction or reconstruction.

Streetside landscaping shall buffer residential, commercial, industrial, and recreational areas from one another.

Dwellings and other structures shall be concentrated into neighborhood units to help preserve large areas of open space.

Beard Brook Park and Graceada Park shall be recognized, and maintained and enhanced as primary assets of the redevelopment area.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to visual resources to ensure compliance as part of its review process prior to the approval of project plans.

2. Detailed site architectural and landscaping plans are not available for potential redevelopment projects such as the Amtrak Station, City Hall, Performing Art Theaters, Centre Plaza Expansion, and Senior Citizens Center, and hence it is difficult at this preliminary stage of planning to determine compliance with the General Plan's design guidelines.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Further evaluation of the site design impacts shall be conducted by the City when the design plans for the Amtrak Station, Performing Arts Theaters, and other projects facilitated by the Redevelopment Plan become available, in order to determine compliance with the Modesto General Plan Guidelines. Future topographic conditions, grading operations, proposed landscaping, open space buffer zones, exterior building materials, and roof-mounted equipment, if any, shall be included in the review.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to visual resources to ensure compliance as part of its review process prior to its approval of project plans.

C. Traffic and Circulation

1. The projected improvements to streets, roadways, and intersections would facilitate continued development within the redevelopment area in accordance with General Plan designations/zoning and continued roadway improvements needed to maintain acceptable roadway operating characteristics and avoid adverse impacts.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The Agency/City shall continue to review and evaluate traffic-related impacts associated with specific projects within the redevelopment areas as they are proposed. Traffic-related impacts shall be mitigated in accordance with the city's LOS policy.

The City shall assess traffic impact fees from future development to fund roadway improvements required, to mitigate impacts of future buildout of the City.

The Agency/City shall participate in a comprehensive plan for construction of roadway improvements required to accommodate future buildout of the City, which may include widening Kansas Avenue, upgrading Carpenter Avenue to expressway status, and constructing a new SR 132 expressway between the city's urban limit and SR 99.

The Agency/City shall continue to monitor traffic volume and congestion levels in the downtown area, particularly on B, G, H, K, L, 7th, 9th, and 14th Street, and implement improvements as needed.

The Agency/City shall consider replacing the existing 7th Street bridge over the Tuolumne River and shall consider widening the 9th Street bridge to safely accommodate bicycle and pedestrian traffic.

The Agency/City shall continue to work with CALTRANS to improve access to SR99 including upgrading interchanges at Briggsmore Avenue and at Kansas Avenue.

The Agency shall encourage Developers to implement roadway improvement/traffic mitigation measures suggested as part of the environmental review of currently proposed projects, as those projects are constructed.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.
- d. Monitoring Actions:

The City of Modesto Traffic Engineering Division shall ensure the implementation of these mitigation measures as part of its review process prior to its approval of project plans.

- 2. The various street and infrastructure improvements will create temporary adverse impacts to the safety and convenience of motorists and pedestrians.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

The Agency shall coordinate plans for construction within street rights-of-way with officials of the police and fire departments and ensure that adequate detour routes are established if temporarily suspended.

The Agency shall time construction activity in travel lanes to occur during off-peak hours. Peak hours may be different for collector street, arterials, and the downtown area.

Complete trenching across all streets in segments shall allow at least one travel lane to remain open at all times with the use of decking.

Flagpersons shall be used wherever construction equipment is operating in existing roadways.

The Agency shall implement plans to control pedestrian and bicycle movements across the construction right-of-way.

Flagpersons shall be used whenever opposing traffic flows are required to use a single traffic lane.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

The City of Modesto Traffic Engineering Division shall ensure the implementation of these mitigation measures as part of its review process prior to its approval of project plans and as part of its site inspection process.

D. Air Quality

1. Earthmoving, hauling and other construction activities would result in localized and temporary increases in the levels of ten micro particulates (PM₁₀). Construction vehicles traveling over unpaved roadways will also result in temporary increases in levels of PM₁₀).

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

The following mitigation measures would minimize particulate emissions to acceptable levels in the event that construction emissions present a nuisance to surrounding residents:

- (1) Areas of soil redistribution shall be watered down twice daily or as necessary to trap fugitive dust and particulates during construction until planting, grass growth, or building coverage reduce the need for such measures.
- (2) If water is limited, soil binders such as soil cement shall be spread in conjunction with watering, or sheet coverings such as burlap shall be used on small areas. Areas covered with soil binders shall be turned over prior to revegetation.
- (3) During periods of excessive wind speeds, construction shall be temporarily suspended.
- (4) Disturbed areas shall be revegetated or paved, as soon as possible, to reduce dust during construction activities.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

The Stanislaus County Air Pollution Control District shall make determinations of consistency with the 1989 Rules and Regulations on a project-by-project basis as development occurs within and outside of the redevelopment area as part of its review process prior to its approval of project plans.

E. Noise

1. Construction of the proposed project would temporarily increase noise levels generated in the redevelopment area.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

All construction vehicles and equipment shall be properly muffled. California state noise standards for delivery motor vehicles shall be met.

In residential areas, construction operations and related travel in the vicinity of the project site to and from the construction area shall be limited to between the hours of 7:30 a.m. and 6:00 p.m., Monday through Saturday.

The Redevelopment Agency shall inform the public of proposed construction timelines to minimize potential annoyance related to construction noise.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to noise impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.

2. Secondary traffic noise impacts to existing sensitive land uses resulting from development facilitated by the redevelopment project.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

In areas with existing or projected noise levels above the standards of the General Plan, retrofitting existing structures and neighborhoods with noise dampening equipment is a possible solution to existing and projected noise impacts. Soundwalls could be placed in areas where structures are not oriented towards the noise source.

The City shall make available noise reduction information such as ceiling/roof and/or wall modifications to homeowners and commercial business owners who are considering reconstruction or remodeling to improve the noise attenuating capabilities of their structures.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to noise impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.

3. Secondary traffic noise impacts to future sensitive land uses resulting from development facilitated by the redevelopment project.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

Structures in impacted locations shall be evaluated for their conformance to City noise standards.

For proposed projects which will generate a substantial number of motor vehicle trips in the area, acoustical analyses may be conducted as part of the city's environmental review process.

Soundwalls and noise insulation strategies designed by an acoustical engineer shall be considered and installed, where appropriate. Double-paned windows, weather seals, and other insulation measures shall be considered on any new building which faces busy roadways.

Specific measures to mitigate noise impacts which may occur as a result of secondary development shall be determined on a case-by-case basis using the city's environmental review process.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.
- d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to noise impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.

F. Biology/Ecology

- 1. Silt and dust generation could have a significant localized impact during construction if allowed to coat leaf surfaces. Additionally, construction activities could impact vegetation not scheduled for removal by damaging roots or branches which extend into the construction area.
 - a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially

lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

Temporary fencing shall be placed around trees during grading and construction activities to prevent inadvertent damage. Construction within the dripline of mature trees shall be avoided to the maximum extent feasible.

Standard construction practices to minimize dust and silt generation and their runoff into streams (e.g., watering of construction sites and use of temporary catch basins) shall be employed.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

The City of Modesto Building Inspectors shall visit project sites to ensure compliance with the recommended vegetation protection measures. Failure of the applicants to comply will result in the cessation of construction activity until remedial action has been proposed and approved.

- 2. The replacement of the 7th Street bridge could affect a few individual native trees along the Tuolumne River, either directly by removal or indirectly by erosion and deterioration of ecological conditions.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

Each individual native tree removed from a riparian area to accommodate bridge projects shall be replaced on a seven-to-one basis by trees of the same species, as per CDFG guidelines.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Building Inspectors shall visit project sites to ensure compliance with the recommended vegetation protection measures. Failure of the applicants to comply will result in the cessation of construction activity until remedial action has been proposed and approved.

G. Geology

1. Accelerated erosion could occur during the construction phase without the use of proper erosion control measures.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Cuts and fills and removal of vegetation shall be minimized.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

Prior to issuance of building permits, building plans shall indicate the use of treated concrete and steel members, if indicated by soil testing results.

2. Seismic activity from distant faults could result in moderate groundshaking. Groundshaking can significantly impact proposed buildings and structures included in the project area.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

Seismic design requirements of the Uniform Building Code shall be satisfied in order to ensure that project structures are designed to withstand the effects of groundshaking.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

All building permits shall comply with the applicable portions of the Uniform Building Code.

- 4. Landslides and slumps could occur from poorly planned grading along the banks of Dry Creek.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

The grading requirements of the Building Code shall be followed.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

All building permits shall comply with the applicable portions of the Uniform Building Code.

H. Drainage/Hydrology/Water Quality

1. Impacts on drainage ways could occur during construction activities. Accelerated erosion due to the exposure of soils to wind and rain could result in sedimentation and reduced drainage capacity of creeks and ditches.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

The grading requirements of the Building Code shall be followed, especially along Dry Creek, in order to prevent alteration of the watercourse.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

- d. Monitoring Actions:

Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department when required.

A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.

2. Development of previously undeveloped land will increase the amount of impervious surfaces and stormwater runoff.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

Impacts on storm drainage due to increases in impervious surfaces shall be mitigated on a project-by-project basis. The improvements to the storm drain capacity with redevelopment will more than accommodate increased flows.
- c. This finding is supported by substantial evidence in the record of proceedings before the City Council.
- d. Monitoring Actions:

Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department.

A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.

3. Flooding of the area along Dry Creek may limit development in this part of the project area. The southern edge of the proposed redevelopment area is located within a 100-year floodplain along Dry Creek.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.
- b. The facts supporting such finding are as follows:

Construction of any improvements shall require the approval of requisite state and federal agencies as is presently required.
- c. This finding is supported by substantial evidence in the record of proceedings before the City Council.

d. Monitoring Actions:

Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department when required.

A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.

4. The primary concerns for water quality are increases of pollutants in stormwater runoff from urban areas and accelerated erosion and resulting turbidity and siltation due to construction activities.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Future developments shall mitigate increase in street contaminants such as oil and grease that enter surface waters in the project area.

Land shall be excavated and graded during dry construction seasons, from April to November.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department when required.

A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.

I. Public Services

1. The City of Modesto Fire Department will experience impacts associated with fire safety during the construction of new buildings and projects. During project construction, increased traffic congestion, water supply, and safety problems may develop. Impacts may result from the implementation of specific sewer upgrade projects. These impacts include the disruption of City streets and the associated health and safety risks. The health and safety impact of these projects would need to be addressed on a case-by-case basis.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Public safety impacts associated with major infrastructure improvements shall be mitigated by coordination among the Public Works and Transportation, Police, and Fire Departments.

Before the initiation of any redevelopment project impacting traffic flow, the Chief of Police and Fire Chief shall be informed of specific project location, duration of construction, and alternate routes available.

A traffic flow plan shall be approved by the City Traffic Engineer prior to construction of each roadway improvement project.

Public agencies and private developers shall consider the undergrounding of utilities where feasible.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City Planning Department shall monitor all proposed mitigation measures to ensure they are implemented.

The Planning Department shall coordinate redevelopment projects among the City Traffic Engineer, the Police and Fire Departments, the Public Works Department, PG&E, and the Modesto Irrigation District. The City Planning Department shall inform all parties of proposed projects and ensure all parties coordinate efforts to ensure public safety.

The Police Department shall monitor the effectiveness of this plan during the construction phases of each roadway improvement project.

2. As the Modesto City Schools are currently experiencing overcrowding conditions in many of their schools, growth resulting from the redevelopment project will have a negative impact. Residential growth will increase student enrollment and overcrowding, unless more school facilities are provided. The school facilities in the redevelopment area have not been specifically identified as potential recipients of redevelopment financing. The Modesto Junior College is exploring agreements with the City to privately develop parts of the West Campus and retaining all or parts of the resulting tax revenues for campus facility development. Agreements may prevent further overcrowding by making more facilities feasible.
 - a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.
 - b. The facts supporting such finding are as follows:

The Agency and all entities receiving a share of the property tax have negotiated regarding impacts as part of the redevelopment fiscal review process.
 - c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The Redevelopment Agency shall negotiate facility improvements with Modesto City Schools to ensure proper consideration of growth impacts to schools.

3. The redevelopment project shall have a positive impact on the local construction economy. The project proposes the construction of a number of facilities which would benefit local builders and contractors. The overall fiscal effect of the redevelopment project on the City would be positive. Beautification of the downtown area and alleviation of traffic congestion would likely entice more consumers into the downtown area, allowing for a sustained economic recovery of the area. Based on the past experience of Burns & Watry and Earth Metrics with similar redevelopment projects, tax increment financing appears to be the principal source of long-term redevelopment funding available to the City at this time. Some projects may be partially funded through capital facility fees. The City, however, plans to investigate the use of other funding sources, such as assessment districts, to fund proposed projects. Several City service departments funded through the City of Modesto general fund could be affected by the tax increment financing method. Property tax increases from this area would not accrue to the general fund, and departments such as police and fire would experience increased service demand due to the cumulative effects of redevelopment growth.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

To reduce adverse effects of the Redevelopment Plan on any taxing entity, Community Redevelopment Law allows for the formation of a fiscal review committee composed of one representative from each of the affected taxing entities. Within 15 days after receiving notification that a fiscal review committee has been created, and prior to sending a Redevelopment Plan to the fiscal review committee, the Agency commenced consultation with the

committee regarding the impact of the proposed redevelopment project upon the affected taxing entities. The Agency has responded to the report of the fiscal review committee to alleviate or eliminate the financial burden or detriment, if any, caused by the Amended Plan. This includes, but is not limited to, the following:

- (1) Amendments to the Redevelopment Plan which modify the total amount of tax increments to be received by the Redevelopment Agency, the duration of the Redevelopment Plan, the size of the project area, in kind of number, specific projects proposed to be undertaken by the Agency, or include specific actions or projects to be undertaken by the Agency which reduce or eliminate the detrimental fiscal effect upon the members of the fiscal review committee.
- (2) Payments by the Agency to the taxing entity which is adversely affected by the Redevelopment Plan.

- c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.
- d. Monitoring Actions:

The Agency will monitor the recommended fiscal mitigation measures.

J. Cultural Resources

1. Archaeological resources not previously identified within the redevelopment area, due to the lack of a comprehensive survey, might be uncovered. Discovery would be most likely in areas not previously disturbed. Subsurface construction activities, such as grading, could result in damage to these archaeological resources. If this were to occur, by law all construction activities shall cease until a qualified archaeologist has been contacted.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

Land alteration work shall be stopped if archaeological resources are observed during construction activities. A qualified archaeologist shall be notified. Prompt evaluations shall then be made regarding the finds, and a course of action acceptable to all concerned parties determined.

- c. This finding is supported by substantial evidence in the record of the proceeding before the City Council.

- d. Monitoring Actions:

The City Department of Planning and Community Development shall monitor recommended mitigation measures to ensure compliance as part of its review process prior to its approval of project plans and as part of its site inspection process.

- 2. As with most areas in California, there is a possibility that Native American burial sites would be encountered during construction.

- a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

- b. The facts supporting such finding are as follows:

In the event that human remains are observed during construction activities, halt all excavation or disturbance of the site until the county coroner has been informed. If the remains are of Native American origin, notify the Native American Heritage Commission within 24 hours. Local Native American Associations and descendants of the deceased shall be informed and make recommendations for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.89.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City Department of Planning and Community Development shall monitor recommended mitigation measures to ensure compliance as part of its site inspection process.

3. There are buildings listed in the Historic Resources Inventory in the project area. The construction of the redevelopment projects may have adverse effects upon known and unknown historic resources in the area. Specific projects identified as part of the Predevelopment Plan include the reconstruction of J Street and a street overlay from 13th to Downey. These projects may have adverse effects upon the McHenry Mansion on 15th and I Street, and the U.S. Post Office at 12th and I Streets. The Redevelopment Plan proposes the renovation and upgrading of candidate buildings which are structurally deficient and have "obsolete lay-out." Some of the currently undefined "candidate" buildings may be potentially historically significant resources. The renovation of these structures without proper historical identification and due consideration may destroy their historical integrity.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The City shall make very reasonable effort to preserve the integrity of any potentially significant historic buildings in the redevelopment area. A finding of historical significance for buildings in the redevelopment area shall be agreed upon by the Landmark Preservation Commission and submitted to the City Council for approval. This list shall be circulated to the Planning Department, the Building Inspection Department, and the Redevelopment Agency for reference. Once designated,

any application for permits for demolition or remodeling shall be referred to the Landmark Preservation Committee. The Commission shall either approve or suggest changes to the permit in order to comply with the historical nature of the site prior to issuance of the permit. If an historic structure may be affected, the Landmark Preservation Commission, a qualified architectural historian, and the City engineer shall agree upon solutions to mitigate any significant impacts.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City Department of Planning and Community Development shall monitor recommended mitigation measures to ensure compliance as part of its review process prior to its approval of project plans.

RESOLUTION NO. 91-674

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO FINDING THAT THE USE OF TAXES ALLOCATED FROM THE ADDED AREA OF THE PROPOSED AMENDED REDEVELOPMENT PLAN FOR THE MODESTO REDEVELOPMENT PROJECT FOR THE PURPOSE OF IMPROVING AND INCREASING THE COMMUNITY'S SUPPLY OF LOW- AND MODERATE-INCOME HOUSING OUTSIDE THE PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has prepared a proposed Amended the Redevelopment Plan (the "Amendment") for the Modesto Redevelopment Project (the "Project") which would result in the allocation of taxes from certain area proposed to be added by the Amended Plan (the "Added Area") to the Agency for the purposes of redevelopment; and

WHEREAS, Section 33334.2 of the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) requires that not less than twenty percent (20%) of all taxes so allocated be used by the Agency for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost; and

WHEREAS, Section 33334.2(g) of the Health and Safety Code provides that the Agency may use such funds outside the Project Area, as amended by the Amended Plan, if a finding is made by resolution of the Agency and the City Council that such use will be of benefit to the Project;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE that the use of taxes allocated from the Project Area, as amended by the Amended Plan, for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost outside the Project Area, as proposed to be amended, and within the City of Modesto will be of benefit to the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, 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: Martin, Muratore, Patterson, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

ATTEST: 
JUDY C. HALL, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
IRIS YANG, Special Counsel for
City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 91-675

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING AN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO, THE CITY OF MODESTO, AND THE WOODLAND
AVENUE FIRE DISTRICT PURSUANT TO HEALTH AND SAFETY CODE
SECTION 33401.

WHEREAS, the City Council of the City of Modesto (the "City") is in the process of adopting an Amended Redevelopment Plan (the "Amended Plan") for the Modesto Redevelopment Project (the "Project") pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), and

WHEREAS, the Woodland Avenue Fire District (the "District") is a taxing agency with territory located within the boundaries of the land area added to the Project by the proposed Amended Plan (the "Added Area"), and

WHEREAS, pursuant to Article XVI, Section 16, of the California Constitution, Section 33670 et seq. of the Health and Safety Code and the Amended Plan, increases in the assessed values of the property within the Added Area above the sum of the assessed values as shown on the 1991-92 assessment roll (the "Base Year Roll for the Added Area") will result in that portion of property taxes levied each year on such increases in assessed values being paid to the Agency as tax increments (the "Tax Increments") to pay the principal of and interest on loans, monies advanced to or indebtedness incurred by the Agency to finance or refinance, in whole or in part, redevelopment in accordance with the Amended Plan, and

WHEREAS, Section 33401 of the Community Redevelopment Law provides that a redevelopment agency may pay to any taxing agency any amounts of money which, in the agency's determination, are necessary and appropriate to

alleviate any financial burden or detriment caused to such taxing agency by a redevelopment project, and

WHEREAS, the Agency, the City and the District desire to enter into an agreement to take certain actions which are necessary and appropriate in order to alleviate financial burden or detriment which will be caused to the District by the Amended Plan, and

WHEREAS, the Agency, the City and the District desire to enter into an agreement whereby the City shall provide certain fire protection services within the jurisdiction of the district,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City hereby approves the Agreement in the substance attached hereto and authorizes the City Manager of the City of Modesto to execute such Agreement on behalf of the City in such final form as approved by the City's Counsel. The City hereby further authorizes the City Manager of the City of Modesto to make technical changes to the Agreement in consultation with the City's Counsel which do not affect the substance of the Agreement as approved.

The foregoing resolution was introduced at a City Council meeting of the City of Modesto held on the 5th day of November, 1991, by Councilmember Martin, 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: Martin, Muratore, Patterson, Mayor Lang

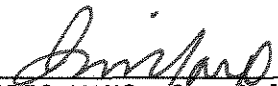
NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

ATTEST: 
JUDY C. HALL, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
IRIS YANG, Special Counsel
for City of Modesto

AGREEMENT BETWEEN THE REDEVELOPMENT
AGENCY OF THE CITY OF MODESTO, THE CITY OF MODESTO
AND THE WOODLAND AVENUE FIRE PROTECTION DISTRICT

THIS AGREEMENT (the "Agreement") is made and entered into this _____ day of _____, 1991, by and between the REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (the "Agency"), the CITY OF MODESTO (the "City") and the WOODLAND AVENUE FIRE PROTECTION DISTRICT (the "District").

Recitals

A. The Agency is in the process of adopting a proposed amended redevelopment plan (the "Amended Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.).

B. District is a taxing agency with territory located within the boundaries of the area proposed to be added to the Existing Project Area by the Amended Redevelopment Plan (the "Added Area").

C. The City operates a Fire Department which provides fire protection, emergency medical, and other fire related and support services.

D. If the Redevelopment Plan is adopted, then pursuant to Article XVI, Section 16, of the California Constitution, Section 33670 et seq. of the Health and Safety Code and the Redevelopment Plan, increases in the assessed values of the property within the Added Area above the sum of the assessed values as shown on the 1991-92 assessment role (the "Base Year Roll") will result in that portion of property taxes levied each year on such increases in assessed values being paid to the Agency as Tax Increments (and not including any amounts paid to affected taxing entities pursuant to Section 33676 of the Health and Safety Code)("Tax Increments") to pay the principal of and interest on loans, monies advanced to or indebtedness incurred by the Agency to finance or refinance, in whole or in part, redevelopment in accordance with the Redevelopment Plan. The Tax Increments are in addition to those Tax Increments which the Agency currently receives and will continue to receive from the Existing Project Area.

E. The Agency has determined that because of the loss in property taxes the District could incur due to the Project, certain actions as set forth below are necessary to alleviate the burden and detriment or potential burden and detriment to the District.

F. In consideration of this Agreement determining the obligations of the Agency and City, the District is foregoing the right to contest the establishment of the Amended Redevelopment Plan for the Project, including, but not limited to, filing a suit, and the Agency and City recognize this as good and legal consideration.

Agreements

THE AGENCY, THE CITY AND THE DISTRICT HEREBY AGREE AS FOLLOWS:

- Section 1: The Agency shall not be obligated to make any payments to the District during the life of the Amended Plan.
- Section 2: The City agrees, at its sole cost, to provide fire protection, emergency medical, and other fire related and support services, as the same are provided to residents of the City, to three subareas of the District as shown on the attached maps and legal descriptions entitled Exhibit A.
- Section 3: The District shall adopt as the District's Fire Code for the three subareas in Exhibit A, each and every portion of the Modesto Fire Code as the same shall exist at the time of execution of this Agreement.
- Section 4: During the life of this Agreement, the District will maintain and keep in force bodily injury and property damage insurance in a combined single limit policy amount of at least \$1 million naming the City of Modesto and the Redevelopment Agency as "Additional Insureds or coinsureds as their interests may appear." The District shall furnish or cause to be furnished to the Agency and City duplicate originals or appropriate certificates of such insurance.
- The insurance company must give the City and Agency written, 30-day positive notices of cancellation, reduction in coverages, and/or any material changes in terms or coverage.
- Section 5: The provisions of this Agreement as to Tax Increment shall be effective as of the date that the Ordinance enacted by the City Council of the City of Modesto adopting the Amended Redevelopment Plan for the Project becomes effective. The provisions of this Agreement as to the provision of fire service by the City shall be effective as of February 1, 1992.
- Section 6: The Agency, the City and the District agree not to file and the District agrees not to engage in any litigation to directly or indirectly test or challenge the validity of the Amended Project, the Amended Redevelopment Plan, the Final Environmental Impact Report on the Amended Redevelopment Plan (the "Final EIR"), the Ordinance or

this Agreement; however, this Section shall not preclude the Agency from initiating a bond validation suit if it is deemed necessary by the Agency to assure adequate financing for the Project.

Section 7: In the event litigation is initiated by any party attacking the validity of the Amended Redevelopment Plan, the Project, the Final EIR or the Ordinance, this Agreement shall be suspended and the parties shall have no obligations to each other until such litigation is either (a) terminated by the parties or by a court of competent jurisdiction, or (b) Tax Increments are paid to the Agency. If a judgment becomes final which declares the Amended Redevelopment Plan, the Project, the Final EIR or the Ordinance invalid, this Agreement shall become null and void.

Section 8: This Agreement shall terminate upon the earlier of the expiration or termination of the Amended Redevelopment Plan or of the provisions of the Amended Redevelopment Plan authorizing the allocation to the Agency of tax increments for the Project. Upon termination of this Agreement, all obligations of the Agency and the City shall cease.

IN WITNESS WHEREOF, the Agency, the City and the District have executed this Agreement as of the date first above written.

CITY OF MODESTO, a municipal corporation

By _____
J. Edward Tewes, City Manager

REDEVELOPMENT AGENCY OF THE
CITY OF MODESTO

By _____
J. Edward Tewes, Executive Director

ATTEST:

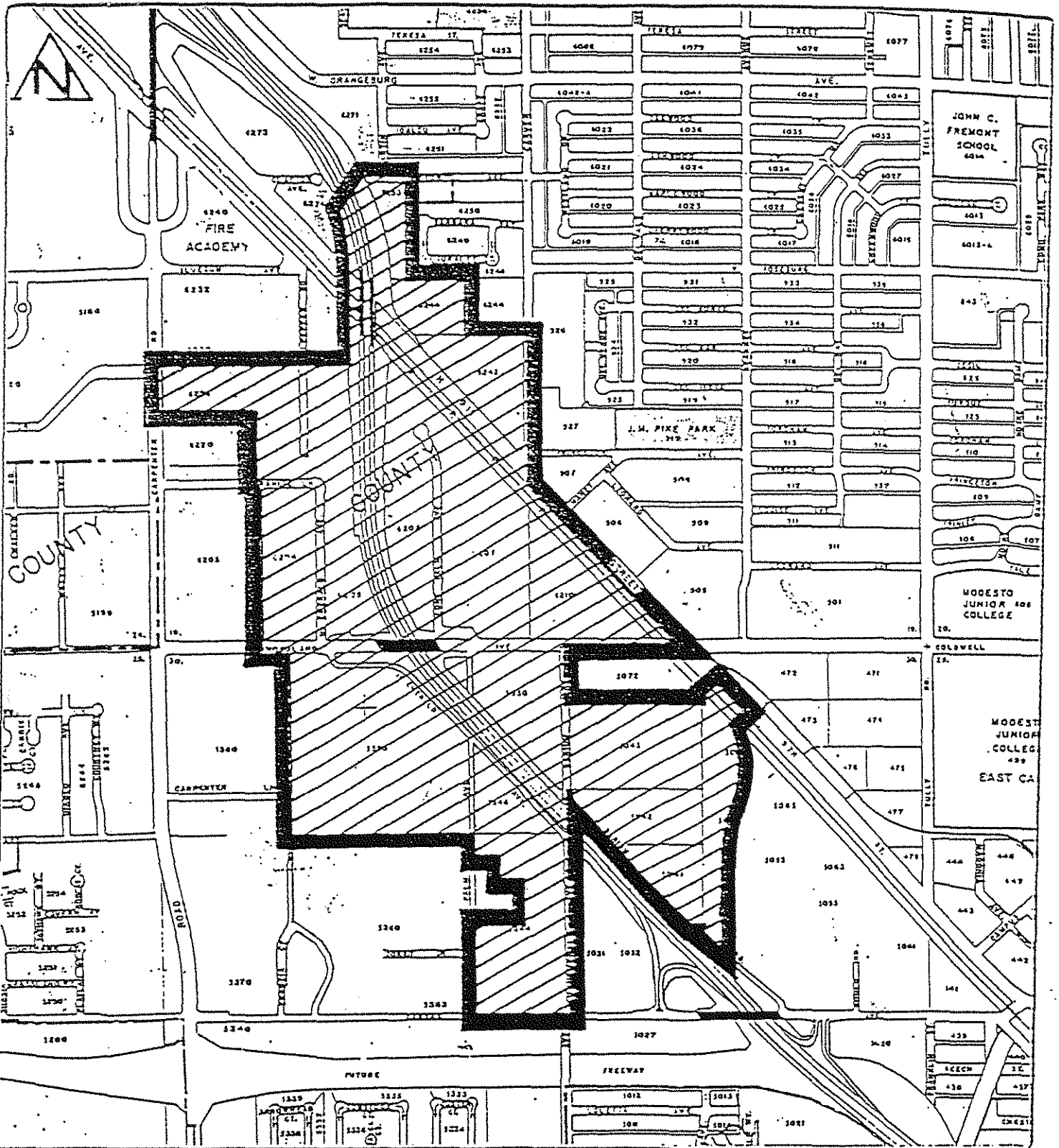
By _____
Judy C. Hall, Acting City
Clerk and Agency Secretary

APPROVED AS TO FORM:

By _____
Iris P. Yang, Special Counsel
and Agency General Counsel

WOODLAND AVENUE FIRE PROTECTION DISTRICT

By _____
Ron Venturini, Chairman



APPROVED BY:
Jerry H. Butler
 DATE: 9/19/91 R.E.
 ASSEMBLED BY: DATE:
 PRINT PLOTTED: DATE:
 REVISED: DATE:
 DATE: 9-17-91 DRAWN: J. Christiansen CHECKED: P.L.D. EX. P.Q.

WOODLAND AVENUE
 FIRE PROTECTION
 DISTRICT -
 SUBAREA NO. 1

CITY of MODESTO
 ENGINEERING DEPARTMENT
 ACTIVITY NO.
 1 of 3

WOODLAND AVENUE FIRE PROTECTION DISTRICT
SUBAREA NO. 1

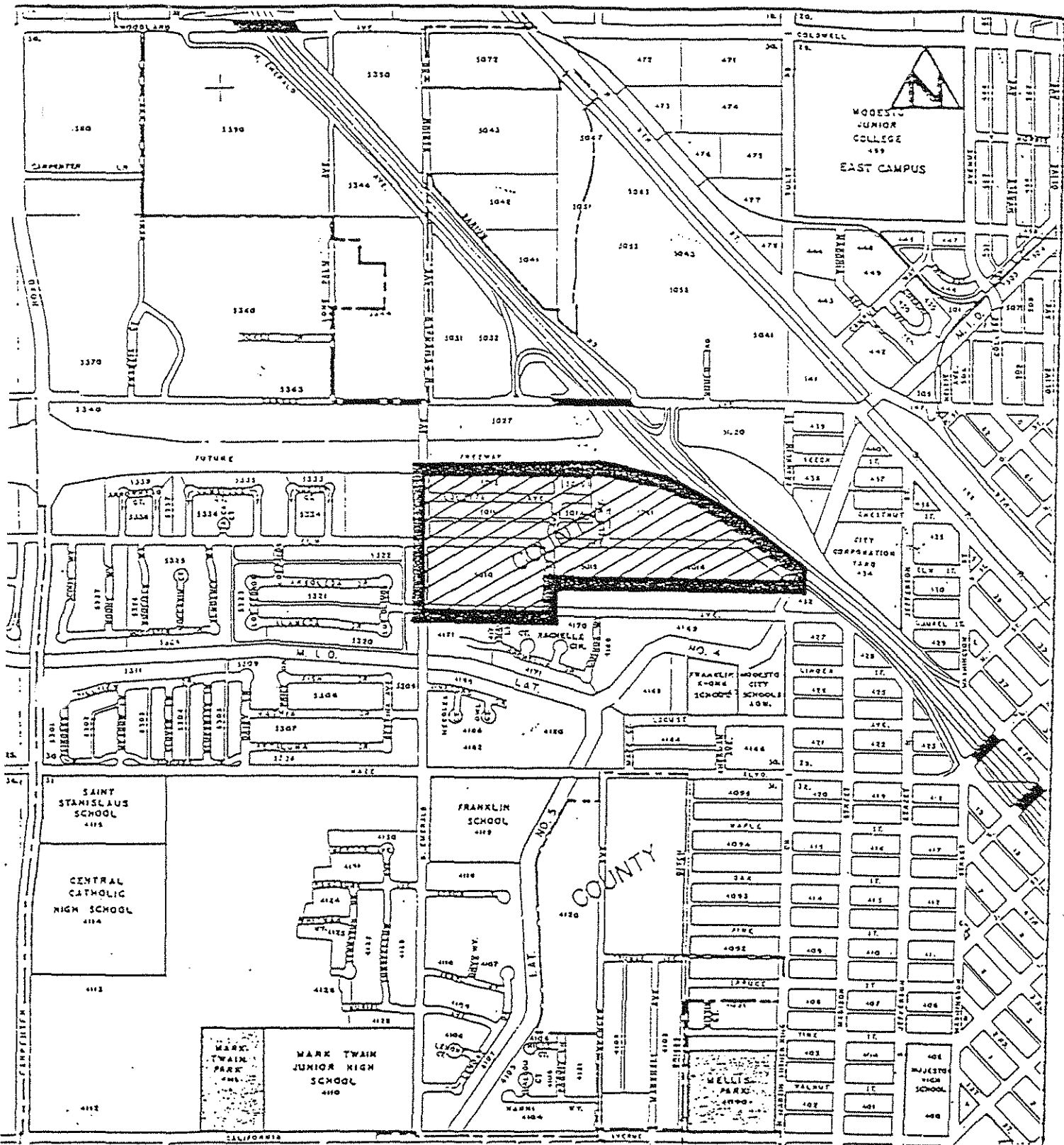
All that real property in the State of California, County of Stanislaus, being a portion of Section 19 and the North half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the center lines of Kansas Avenue and Emerald Avenue, said point being a Northeastern corner of the KANSAS AVENUE NO. 2 ANNEXATION (397), as per description filed March 23, 1979, as Instrument 59988, Stanislaus County Records;

1. thence Westerly along a Northern line of said ANNEXATION (397) and said centerline of Kansas Avenue to its intersection with the centerline of Lone Palm Avenue;
2. thence Northerly along an Eastern line of ANNEXATION (397) and said centerline of Lone Palm Avenue to the Southwestern corner of the LONE PALM NO. 1 GOVERNMENTAL REORGANIZATION (437), as per description filed June 29, 1981, as Instrument 76868, Stanislaus County Records;
3. thence Easterly, Northerly and Westerly along the boundary of said REORGANIZATION (437) to the centerline of Lone Palm Avenue;
4. thence Northerly along the centerline of Lone Palm Avenue and said Eastern line of ANNEXATION (397) to a Northeastern corner of ANNEXATION (397);
5. thence Westerly along the most Northerly line of ANNEXATION (397) to the centerline of Reno Avenue and the Eastern line of the CARPENTER-WOODLAND NO. 1 ADDITION (319), as per description filed April 18, 1974, as Instrument 41093, Stanislaus County Records;
6. thence Northerly along said centerline of Reno Avenue and said Eastern line of ADDITION (319) to the centerline of Woodland Avenue;
7. thence Westerly along said centerline of Woodland Avenue and a Northern line of ADDITION (319) to the centerline of McWilliams Way;
8. thence Northerly along said centerline of McWilliams Way and an Eastern line of ADDITION (319) to the centerline of Granite Lane;
9. thence Westerly along said centerline of Granite Lane and a Northern line of ADDITION (319) to a point on an Eastern line of the CARPENTER ROAD NO. 2 ADDITION (286), as per description filed May 3, 1972, as Instrument 17663, Stanislaus County Records;
10. thence Northerly along said Eastern line of ADDITION (286) to a Southern line of the CARPENTER ADDITION (235), as per description filed July 7, 1969, as Instrument 23266, Stanislaus County Records;
11. thence Easterly, Northerly and Westerly along the boundary of said ADDITION (235) to the Western line of said Section 19;
12. thence Northerly along said Western line of Section 19 and an Eastern line of ADDITION (235) to a point on a Southern line of ADDITION (235);

13. thence Easterly along a Southerly boundary of ADDITION (235) to the Western line of Freeway 99;
14. thence Northerly along said Western line of Freeway 99 and ADDITION (235) to a Southeastern corner of the NORTH 99 ADDITION (195), as per description filed June 28, 1966, as Instrument 23028, Stanislaus County Records;
15. thence continuing Northerly along the Western line of Freeway 99 and an Eastern line of said ADDITION (195) to a Southeastern line of ADDITION (195);
16. thence Northeasterly along said Southeastern line of ADDITION (195) to the Eastern line of Freeway 99 and the Northern line of Clayton Avenue;
17. thence Easterly along said Northern line of Clayton Avenue and a Southern line of ADDITION (195) to its intersection with the Northerly extension of the Western line of the CAMPUS EDGE ADDITION (71), as per description filed July 24, 1956, as Instrument 20020, Stanislaus County Records;
18. thence Southerly along said Northerly extension and said Western line of ADDITION (71) to the Southwestern corner of ADDITION (71);
19. thence Easterly along the Southern line of ADDITION (71) to the Northwestern corner of the McWILLIAMS ADDITION (201), as per description filed July 11, 1967, as Instrument 21431, Stanislaus County Records;
20. thence Southerly and Easterly along the boundary of said ADDITION (201) to the Western line of the NORTHWEST ADDITION (44), as per description filed December 10, 1951, as Instrument 28460, Stanislaus County Records;
21. thence Southerly along said Western line of ADDITION (44), said line being the centerline of Carver Road and its Southerly extension, to the Southwestern line of North Ninth street;
22. thence Southwesterly along said Southwestern line of North-Ninth Street and the Southwestern line of ADDITION (44) to the Northeastern corner of the WOODLAND-BARIUM ANNEXATION (395), as per description filed February 28, 1979, as Instrument 54252, Stanislaus County Records;
23. thence Westerly along the Northern line of said ADDITION (395), said line being the centerline of Woodland Avenue, to the Northwestern corner of ADDITION (395);
24. thence Southerly along the Western line of ADDITION (395), said line being the centerline of Graphics Drive (formerly Barium Road), to the Southwestern corner of ADDITION (395);
25. thence Easterly and Northerly along the boundary of ADDITION (395) to said Southwestern line of ADDITION (44) and said Southwestern line of North Ninth Street;

26. thence Southeasterly along the Southwestern line of ADDITION (44) and the Southwestern line of North Ninth Street to the most Northerly corner of the KANSAS AVENUE ADDITION (378), as per description filed July 24, 1978, as Instrument 4617, Stanislaus County Records;
27. thence Southerly along the boundary of said ADDITION (378) to the Northeastern line of Graphics Drive (formerly Barium Road);
28. thence Northwesterly along said Northeastern line of Graphics Drive and a Northeastern line of ADDITION (378) to its intersection with the Northerly extension of the centerline of Emerald Avenue;
29. thence Southerly along said Northerly extension of and the centerline of Emerald Avenue, said line being a Western line of ADDITION (378), to the centerline of Kansas Avenue;
30. thence Westerly along said centerline of Kansas Avenue to its intersection with the centerline of Emerald Avenue and the point of beginning.



APPROVED BY:
Jerry H. Butler
 DATE: 9/19/91 R.E.
 ASST. BY: DATE:
 ASBUILT PLOTTED: DATE:
 REVISED: DATE:
 DATE: 9-17-91 DRAWN: J. Christiansen CHECKED: FLD. SK PG.

WOODLAND AVENUE
 FIRE PROTECTION
 DISTRICT -
 SUBAREA NO. 2

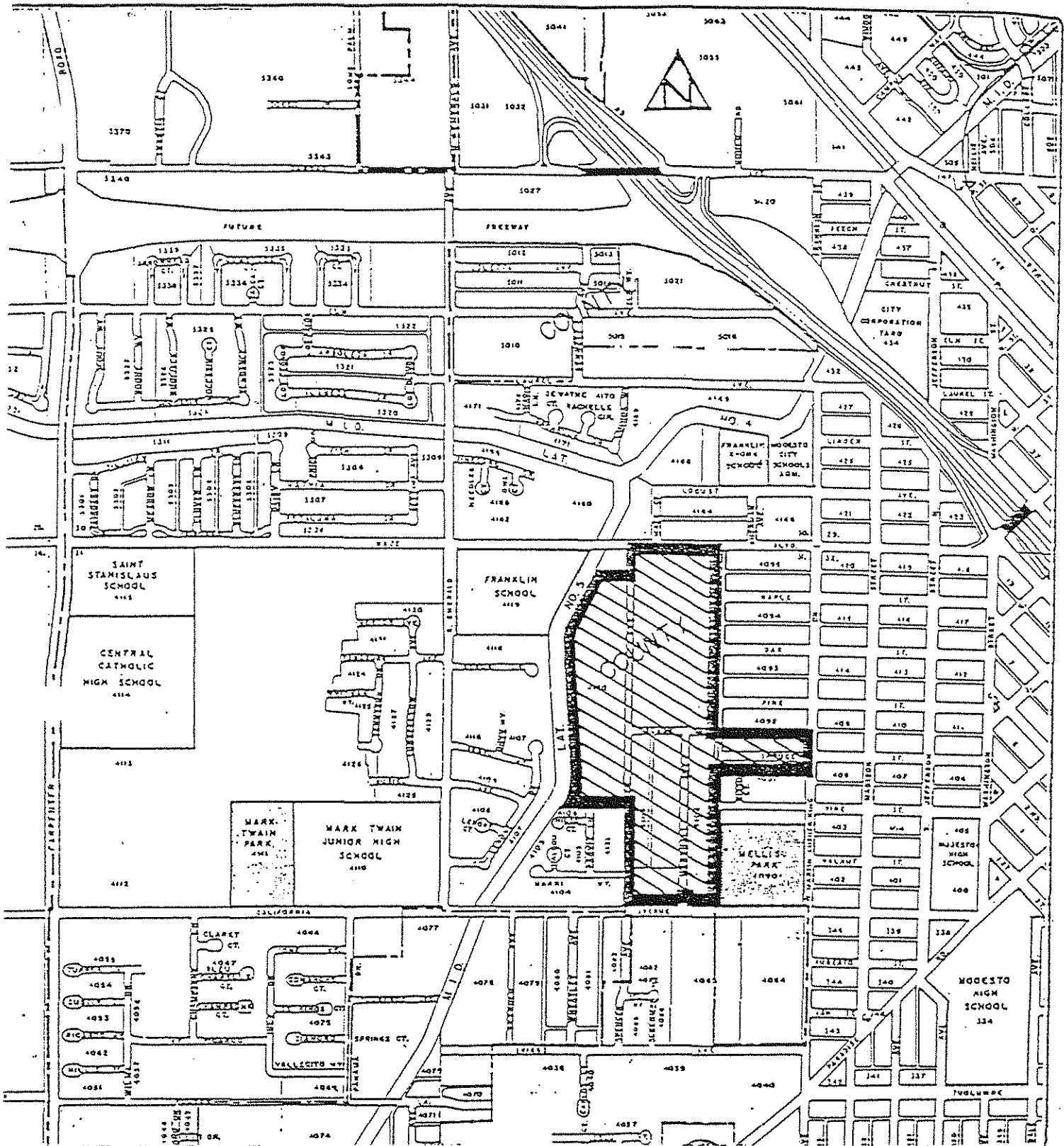
CITY of MODESTO
 ENGINEERING DEPARTMENT
 ACTIVITY NO.
 2 of 3

WOODLAND AVENUE FIRE PROTECTION DISTRICT
SUBAREA NO. 2

All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the centerlines of North Emerald Avenue and Laurel Avenue, said point being the Northwestern corner of the LAUREL AVENUE NO. 2 ANNEXATION (382), as per description filed October 2, 1978, as Instrument 21311, Stanislaus County Records;

1. Thence along said centerline of Laurel Avenue, the Northern line of said ANNEXATION (382) and the Northern line of the LAUREL AVENUE ADDITION (376), as per description filed June 28, 1978, as Instrument 82698, Stanislaus County Records, Easterly, 906 feet, more or less, to its intersection with the Southerly extension of the Western line of 60-foot Bennett Avenue, said point also being a Southwestern corner of the LAUREL AVENUE NO. 3 REORGANIZATION (477), as per description filed May 12, 1988, as Instrument 030760, Stanislaus County Records;
2. Thence along said Southerly extension of the Western line of and the Western line of Bennett Avenue and a Western line of said REORGANIZATION (477), Northerly, 249 feet, more or less;
3. Thence along the Northern line of REORGANIZATION (477), Easterly, 1758 feet, more or less, to a point on the East line of Section 30 and the centerline of North Martin Luther King Drive;
4. Thence Northerly along said East line of Section 30 and said centerline of North Martin Luther King Drive, to the Southern line of future State Highway 132;
5. Thence Northwesterly and Westerly along said Southern line of future State Highway 132, and Southern boundary of the KANSAS AVENUE ADDITION (378), as per description filed July 24, 1978, as Instrument 4617, Stanislaus County Records, 2876 feet, more or less, to the centerline of 40.00 foot North Emerald Avenue;
6. Thence along said centerline of North Emerald Avenue, and an Eastern line of said ADDITION (378), Southerly 493 feet, more or less, to the point of beginning.



APPROVED BY: *Jeffrey Butler*

DATE: *9/15/91* R.E.

DESIGNED BY: _____ DATE: _____

ASS. PLOTTED: _____ DATE: _____

REVISED: _____ DATE: _____

DATE: *9-17-91* DRAWN: *J. Christiansen* CHECKED: _____

WOODLAND AVENUE
 FIRE PROTECTION
 DISTRICT -
 SUBAREA NO. 3

CITY of MODESTO
 ENGINEERING DEPARTMENT
 ACTIVITY NO. **3 of 3**

WOODLAND AVENUE FIRE PROTECTION DISTRICT
SUBAREA NO. 3

All that real property in the State of California, County of Stanislaus, 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 intersection of the centerline of Spencer Avenue with the Westerly extension of the Northern line of 60.00 foot California Avenue, said point being the Northwestern corner of the CALIFORNIA-MARSHALL REORGANIZATION (481), as per description filed May 9, 1989, Instrument 33474, Stanislaus County Records; said point also being on the Eastern line of the CALIFORNIA-SPENCER ANNEXATION (447), as per description filed December 30, 1981, as Instrument 35292, Stanislaus County Records;

1. thence along said Eastern line of ANNEXATION (447), North $00^{\circ} 10' 37''$ East, 728.95 feet, to the Northeastern corner of ANNEXATION (447);
2. thence along the Northern line of ANNEXATION (447) and the Northern line of the SPENCER ADDITION (144), as per description filed January 7, 1963, as Instrument 668, Stanislaus County Records, South $89^{\circ} 57' 07''$ West, 461.02 feet, to a point on the Easterly line of the Modesto Irrigation District No. 5, said Easterly line also being an Easterly line of the EMERALD AVENUE NO. 2 REORGANIZATION (474), as per description filed January 12, 1988, as Instrument 2120, Stanislaus County Records;
3. thence Northerly along said Easterly line of Lateral No. 5 and Easterly line of REORGANIZATION (474), said line being a non-tangent curve concave to the Northwest, having a Radius of 342 feet, a Central Angle of $33^{\circ} 53' 36''$ and an Arc Length of 202.31 feet;
4. thence continuing along the Easterly line of Lateral No. 5 and REORGANIZATION (474), North $3^{\circ} 15' 53''$ West, 954.03 feet;
5. thence continuing Northeasterly along the Easterly line of Lateral No. 5 and REORGANIZATION (474), on a tangent curve concave to the Southeast, having a Radius of 320 feet, a Central Angle of $30^{\circ} 16'$ and an Arc Length of 169.04 feet;
6. thence continuing along the Easterly line of Lateral No. 5 and REORGANIZATION (474), North $26^{\circ} 58' 44''$ East, 368.45 feet, to a point on the Southern line of the TUTTLE ADDITION (116), as per description filed January 19, 1961, as Instrument 1929, Stanislaus County Records;
7. thence along said Southern line of ADDITION (116), North $88^{\circ} 40'$ East, 235.84 feet, to the Southeastern corner of ADDITION (116);
8. thence along the Eastern line of ADDITION (116), said line also being the Western line of 40.00 foot Spencer Avenue, North, 169.26 feet, to the Northeastern corner of ADDITION (116) and a point on the Southern line of the MAZE COURT ADDITION (42), as per description filed October 9, 1951, as Instrument 23639, Stanislaus County Records;

9. thence along said Southern line of ADDITION (42), said line being the centerline of Maze Boulevard and the North line of said Section 31, North $88^{\circ} 40'$ East, 684.72 feet, to the Northwestern corner of HAWKINS TRACT ADDITION (6), as per description filed June 25, 1938, as Instrument 7592, Stanislaus County Records;
10. thence along said Western line of said ADDITION (6) and the Western line of the CRANE TRACT ADDITION (14), as per description filed July 11, 1946, as Instrument 18328, Stanislaus County Records, South, 1309.68 feet, to the Southwestern corner of said ADDITION (14);
11. thence along the Southern line of ADDITION (14), North $89^{\circ} 55'$ East, 665.68 feet, to the Southeastern corner of ADDITION (14), said point being the Northeastern corner of Lot 9 of the SPENCER COLONY, as per map filed December 16, 1904 in Volume 2 of Maps, Page 3, Stanislaus County Records;
12. thence along the Eastern line of said Lot 9, South, 326.95 feet, to the Northeastern corner of the VINE STREET NO. 2 ANNEXATION (386), as per description filed October 30, 1978, as Instrument 28126, Stanislaus County Records;
13. thence along the Northern line of said ANNEXATION (386), South $89^{\circ} 58' 30''$ West, 665.58 feet, to the Northwestern corner of ANNEXATION (386);
14. thence along the Western line of ANNEXATION (386) and the Western line of the CALIFORNIA-FRANKLIN ADDITION (108), as per description filed May 25, 1960, as Instrument 14995, Stanislaus County Records, South, 971.89 feet, to the Southwestern corner of Addition (108) and a Northeastern corner of said REORGANIZATION (481);
15. thence along the Northern boundary of said REORGANIZATION (481), the following bearings and distances, North $89^{\circ} 37' 03''$ West, 25.21 feet;
16. thence North $00^{\circ} 36' 27''$ East, 30.00 feet;
17. thence North $89^{\circ} 37' 03''$ West, 152.95 feet;
18. thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 15.00 feet, a Central Angle of $90^{\circ} 14'$ and an Arc Length of 23.62 feet;
19. thence along a radial line, North $89^{\circ} 23' 03''$ West, 55.00 feet;
20. thence South $00^{\circ} 36' 57''$ West, 25.79 feet;
21. thence North $89^{\circ} 37' 03''$ West, 416.74 feet, to the point of beginning, containing 60 Acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-676

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION
HELD IN THE CITY OF MODESTO ON NOVEMBER 5, 1991, AND
DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 5, 1991, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect one Mayor for the City of Modesto for a term of four years; one Councilmember (Chair No. 1) for a term of four years; one Councilmember (Chair No. 3) for a term of four years; one Councilmember (Chair 5) to complete a four year term expiring in 1993; and one Councilmember (Chair No. 6) for a term of four years; and to elect three members to the Modesto Board of Education of said District for a term of four years, and

WHEREAS, said election was held on Tuesday, November 5, 1991, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, the City Clerk canvassed the returns of said election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 5, 1991, a

copy of which is attached hereto marked Exhibit "A" and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

2. That in accordance with Section 22933 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

- (a) The whole number of votes cast in the city.
- (b) The names of the persons voted for.
- (c) For what office each person was voted for.
- (d) The number of votes given at each precinct to each person.
- (e) The number of votes given in the city to each person.

3. That the following named persons having received a majority of the votes cast for the elective offices as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of said City, to wit:

Richard A. Lang Mayor for a term of four years.

Stan Dobbs Councilmember for a term of four
years Chair No. 1.

Frank T. Muratore	Councilmember for a term of four years Chair No. 3.
Kenni Friedman	Councilmember for a term of four years Chair No. 5.
Odessa Johnson	Member, Modesto Board of Education, for a term of four years.
Axel Hedberg	Member, Modesto Board of Education, for a term of four years.
John N. Uhl	Member, Modesto Board of Education, for a term of four years.

At said Regular Municipal Election a majority vote was not cast for Councilmember for a term of four years, Chair No. 6, therefore, a second municipal election shall be held on Tuesday, December 10, 1991, at which time the two candidates receiving the highest number of votes, Balvino Irizarry and Dave Cogdill, shall have their names on the ballot for election to the office of Councilmember, Chair No. 6.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 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, Dobbs, Friedman, Irizarry, 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

City Atty

AGENDA NOVEMBER 12, 1991

CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION

November 5, 1991

I, Judy C. Hall, Acting City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 7, 1991, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 5, 1991, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Mayor

Richard A. Lang	13,982	66.2%
Carmen Sabatino	7,119	33.7%

Chair 1, Modesto City Council

"Frank" Leonard	5,259	26.3%
Stan Dobbs	14,663	73.6%

Chair 3, Modesto City Council

Frank T. Muratore	11,171	54.1%
Dave Haley	4,938	23.9%
Suzanne Williams	4,507	21.8%

Chair 5, Modesto City Council

Kenni Friedman	11,411	54.9%
Arthur A. Martin	9,356	45%

Chair 6, Modesto City Council


David Jolliff	2,845	13.6%
Balvino Irizarry	8,721	41.8%
Ronald J. Inman	2,061	9.8%
Dave Cogdill	6,504	31.1%
Bruce H. Hawkins	728	3.4%

Member, Modesto Board of Education

Odessa Johnson	15,379	23.7%
Rodolfo Arevalo	6,157	9.5%
Richard Thomson	6,907	10.6%
Guy Langman	4,263	6.5%
Terri Lynn Marshall	3,195	4.9%
Axel Hedberg	11,877	18.3%
George W. Walters	6,339	9.7%
John N. Uhl	10,663	16.4%

Voter Turnout

City of Modesto	21,838	30.8%
Modesto High School District	25,380	28.8%


Judy C. Hall
Acting City Clerk & Auditor
City of Modesto

November 12, 1991

**** OFFI STATEMENT OF VOTES CAST AT THE CONSOLIDATED DISTRICT ELECTION NOVEMBER 5, 91 ****
 **** CITY OF MODESTO FOR MAYOR AND CITY COUNCIL CHAIR NUMBERS 1 & 3 ****

Page Number 9.005.001

	REGI STERED VOTERS	T URN OUT	T URN OUT P ER C ENT AGE	F R I C H A R D M A Y O R L A N G	F A R M E N S A B A T I N O	C O U N C I L L E O N A R D	S T A N D O B B S	C O U N C I L M U R A T O R E	D A V E H A L E Y	S U Z A N N E W I L L I A M S
MODESTO 1	729	138	18.9%	71	59	42	84	50	41	39
MODESTO 2	881	181	20.5%	121	59	47	123	93	42	37
MODESTO 4	691	65	9.4%	43	19	26	32	25	17	18
MODESTO 5B	737	91	12.3%	48	40	24	54	40	18	23
MODESTO 6	834	91	10.9%	46	39	32	37	26	25	27
MODESTO 7	512	84	16.4%	46	39	21	57	47	14	21
MODESTO 8	892	117	13.1%	69	38	25	75	49	23	30
MODESTO 9, 10	992	222	22.3%	142	73	59	145	111	47	55
MODESTO 11	523	97	18.5%	53	42	35	51	39	28	28
MODESTO 12	650	80	12.3%	44	34	18	53	45	20	14
MODESTO 13	606	147	24.2%	85	56	38	93	81	35	26
MODESTO 14	731	122	16.6%	73	42	31	82	62	30	22
MODESTO 15	770	135	17.5%	73	61	35	84	62	34	31
MODESTO 16	458	47	10.2%	29	18	8	33	25	13	9
MODESTO 17	776	114	14.6%	65	47	26	73	50	32	27
MODESTO 18, 85	893	167	18.7%	110	51	42	107	85	35	32
MODESTO 19	958	187	19.5%	121	52	55	111	98	40	30
MODESTO 20	653	98	15.0%	53	39	33	58	39	23	31
MODESTO 21	662	162	24.4%	93	63	41	108	95	33	25
MODESTO 22	723	164	22.6%	98	63	33	112	92	29	32
MODESTO 23	456	55	12.0%	20	34	14	35	9	24	20
MODESTO 24	744	113	15.1%	69	41	23	72	52	35	16
MODESTO 25A	613	82	13.3%	44	34	26	51	38	29	16
MODESTO 26 A	284	74	26.0%	41	27	22	41	36	11	16
MODESTO 27	698	178	25.5%	110	61	48	106	96	33	33
MODESTO 28	719	138	19.1%	84	54	46	80	75	34	24
MODESTO 29	626	130	20.7%	80	45	35	89	54	31	40
MODESTO 30, 103	849	166	19.5%	113	47	33	124	98	32	25
MODESTO 31	484	65	13.4%	38	27	14	48	35	18	10
MODESTO 32	755	111	14.7%	57	52	41	63	48	19	33
MODESTO 33, 35	1019	269	26.3%	193	64	43	194	177	43	30
MODESTO 34	546	151	27.6%	108	38	35	97	85	22	39
MODESTO 36	642	143	22.2%	101	39	34	99	85	28	21
MODESTO 37, 38	984	237	24.0%	152	81	63	148	127	63	37
MODESTO 39	690	135	19.5%	93	36	30	88	74	32	19
MODESTO 40, 41	1015	200	19.7%	124	73	37	153	106	63	26
MODESTO 42	840	277	32.9%	194	73	45	200	190	46	16
MODESTO 43	572	101	17.6%	54	43	36	58	44	27	26
MODESTO 44	554	144	25.9%	103	36	33	98	87	32	17
MODESTO 45	481	88	18.2%	49	38	20	64	45	25	15
MODESTO 46	719	119	16.5%	75	43	24	86	62	28	21
MODESTO 47	874	246	28.1%	191	49	44	172	146	53	34
MODESTO 48	907	237	26.1%	174	59	44	177	127	60	33
MODESTO 50	717	161	22.4%	112	47	36	109	84	32	32
MODESTO 51	617	107	17.3%	58	45	30	66	50	30	22
MODESTO 52	684	176	25.6%	137	35	32	132	109	40	19
MODESTO 53	773	137	17.7%	79	51	38	90	74	34	23
MODESTO 54, 82	905	165	18.2%	95	67	47	104	80	43	36
MODESTO 55	764	166	21.7%	130	33	31	123	95	34	24
MODESTO 56	703	209	29.7%	153	44	30	158	139	37	19
MODESTO 57	502	99	19.7%	70	29	18	75	52	18	21
MODESTO 58	702	67	9.5%	36	28	26	39	30	15	19
MODESTO 59	846	192	22.6%	132	51	43	129	101	33	41
MODESTO 60	692	144	20.8%	88	55	33	97	77	26	35
MODESTO 61	826	152	18.4%	95	55	43	94	53	43	47
MODESTO 62B	504	82	16.2%	47	34	23	50	33	19	21
MODESTO 63B	799	73	9.1%	31	32	28	29	22	16	21
MODESTO 64	432	39	9.0%	13	25	14	22	10	16	12
MODESTO 65	443	114	25.7%	70	43	36	68	57	35	20
MODESTO 66	764	152	19.8%	93	51	38	97	71	36	34

**** OFFICIAL STATEMENT OF VOTES CAST AT THE CONSOLIDATED DISTRICT ELECTION NOVEMBER 5, 91 ****
 **** CITY OF MODESTO FOR MAYOR AND CITY COUNCIL CHAIRMAN MEMBERS 1 & 3 ****

Page Number 10.005.001

	REGISTERED VOTERS	TURNOUT PERCENTAGE	FRIORCHARD MAYOR LANG	CARMEN SABATINO	COUNCIL LEONARD	COUNCIL DOBBS	COUNCIL MURATORE	DAVE HALEY	SUZANNE WILLIAMS	
			E 1	E 1	E 1	E 1	E 1	E 1	E 1	
MODESTO 67	733	89	12.1%	38	49	30	52	37	31	18
MODESTO 68	689	128	18.5%	75	53	39	84	58	46	19
MODESTO 69	686	120	17.4%	81	36	20	85	75	26	13
MODESTO 70	836	239	28.5%	162	73	53	170	120	57	53
MODESTO 71	916	185	20.1%	111	71	52	121	81	46	48
MODESTO 72	455	55	12.0%	35	19	14	37	27	13	11
MODESTO 73	800	84	10.5%	28	55	42	40	23	28	33
MODESTO 74	811	298	36.7%	225	63	53	211	159	73	51
MODESTO 75	845	167	19.7%	109	47	37	117	91	34	32
MODESTO 76, 102	996	133	13.3%	86	44	38	87	75	32	18
MODESTO 77	644	114	17.7%	66	43	34	65	48	29	26
MODESTO 78	771	124	16.0%	78	38	25	85	61	30	29
MODESTO 79, 80	839	178	21.2%	122	53	43	124	96	31	45
MODESTO 81, 89	1051	234	22.2%	177	52	44	170	136	38	49
MODESTO 83	919	114	12.4%	71	43	31	76	52	30	30
MODESTO 84	937	147	15.6%	94	50	32	109	68	41	31
MODESTO 86	828	109	13.1%	74	34	25	74	53	29	19
MODESTO 88	614	82	13.3%	64	17	14	62	43	21	14
MODESTO 90	684	197	28.8%	148	40	29	147	109	38	33
MODESTO 91	741	181	24.4%	136	39	29	135	118	31	21
MODESTO 93, 108	1038	192	18.4%	147	39	34	146	115	41	30
MODESTO 94	893	175	19.5%	120	49	38	122	107	29	24
MODESTO 95	443	54	12.1%	30	21	9	39	19	16	15
MODESTO 96	794	80	10.0%	41	36	22	50	37	15	21
MODESTO 97	843	133	15.7%	89	41	22	94	68	31	24
MODESTO 98, 109	1015	143	14.0%	101	37	28	97	82	23	23
MODESTO 99	665	87	13.0%	52	32	28	43	33	30	16
MODESTO 100	800	179	22.3%	119	57	37	133	108	42	22
MODESTO 101	757	110	14.5%	80	26	27	73	59	24	19
MODESTO 104	599	58	9.6%	33	22	13	39	28	16	10
MODESTO 105	884	110	12.4%	61	46	28	74	44	29	31
MODESTO 106	730	106	14.5%	65	41	24	72	53	24	24
MODESTO 107	691	145	20.9%	97	42	30	100	83	30	27
MODESTO 110	485	81	16.7%	40	39	28	46	31	23	22
MODESTO 111	701	129	18.2%	96	29	24	93	74	29	20
MODESTO 112	497	72	14.4%	33	36	8	55	34	13	17
MODESTO 113	491	111	22.6%	87	16	14	94	65	27	18
ABSENTEE GROUP 017	0	0	0.0%	0	0	0	0	0	0	0
ABSENTEE GROUP 018	0	421	0.0%	2669	1400	1033	2853	2184	912	938
ABSENTEE GROUP 019	0	134	0.0%	87	45	35	92	61	32	33
ABSENTEE GROUP 020	0	254	0.0%	1671	772	614	1710	1304	569	535
ABSENTEE GROUP 027	0	115	0.0%	742	365	270	303	572	261	258
ABSENTEE GROUP 029	0	60	0.0%	338	243	198	352	224	139	201
MODESTO 3 MB	34	4	26.4%	5	4	5	4	0	5	4
MODESTO 5A MB	47	4	8.5%	2	2	1	3	0	2	2
MODESTO 25B MB	63	10	15.8%	6	4	3	0	0	3	1
MODESTO 26B MB	65	13	20.0%	4	9	3	9	0	0	7
MODESTO 49 MB	3	0	0.0%	0	0	0	0	0	0	0
MODESTO 62A MB	0	0	0.0%	0	0	0	0	0	0	0
MODESTO 63A MB	0	0	0.0%	0	0	0	0	0	0	0
MODESTO 87 MB	0	0	0.0%	0	0	0	0	0	0	0
MODESTO 92 MB	18	3	16.6%	0	2	0	2	0	1	2
**** TOTALS ****	70768	21838	30.8%	13982	7119	5259	14563	11171	4938	4507
				6627	3379	2636	11690	2190	2390	2180

**** OFFICIAL STATEMENT OF VOTES CAST AT THE CONSOLIDATED DISTRICT ELECTION NOVEMBER 5, 91 ****
 **** CITY OF MODESTO FOR CITY COUNCIL CHAIR NUMBERS 5 & ****

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	REGI STERED VOTERS	TUR NOU T	TUR NOU T PER CENT AGE	COUN CIL 5 SHOR T T R M E 1	COUN CIL 5 SHOR T T R M E 1	DA VID 6 JOL LIFF E 1	CA LVIN 6 IRI ZARR Y E 1	CR ONAL 6 J INMA H E 1	DA VE 6 COL LILL E 1	BR UCE 6 HAW KINS E 1						
MODESTO 1	729	138	18.9%	75	55	18	56	19	36	4						
MODESTO 2	881	181	20.5%	88	80	23	65	15	67	5						
MODESTO 4	691	65	9.4%	28	32	14	18	15	12	3						
MODESTO 5B	737	91	12.3%	47	34	14	39	15	14	3						
MODESTO 6	834	91	10.9%	37	43	20	29	9	12	9						
MODESTO 7	512	84	16.4%	49	32	8	39	7	23	5						
MODESTO 8	892	117	13.1%	56	51	7	42	11	39	4						
MODESTO 9, 10	992	222	22.3%	117	91	33	86	18	71	6						
MODESTO 11	523	97	18.5%	58	33	21	27	14	26	1						
MODESTO 12	650	80	12.3%	47	30	6	31	14	25	3						
MODESTO 13	606	147	24.2%	80	61	27	48	14	49	3						
MODESTO 14	731	122	16.6%	58	57	18	40	15	41	4						
MODESTO 15	770	135	17.5%	71	57	16	55	11	45	3						
MODESTO 16	458	47	10.2%	16	31	9	13	5	19	1						
MODESTO 17	776	114	14.6%	46	61	19	45	13	28	2						
MODESTO 18, 85	893	167	18.7%	102	54	24	56	8	69	3						
MODESTO 19	958	187	19.5%	120	56	22	79	13	52	6						
MODESTO 20	653	98	15.0%	56	34	17	45	12	14	4						
MODESTO 21	662	162	24.4%	102	49	27	55	17	58	1						
MODESTO 22	723	164	22.6%	112	49	20	78	10	42	3						
MODESTO 23	456	55	12.0%	20	33	7	26	4	10	6						
MODESTO 24	744	113	15.1%	55	45	21	49	9	24	3						
MODESTO 25A	613	82	13.3%	41	36	11	36	11	17	3						
MODESTO 26 A	284	74	26.0%	37	28	10	18	7	21	7						
MODESTO 27	698	178	25.5%	111	62	26	93	7	41	4						
MODESTO 28	719	138	19.1%	69	64	19	44	13	48	8						
MODESTO 29	626	130	20.7%	69	54	18	36	15	49	7						
MODESTO 30, 103	849	166	19.5%	80	79	20	65	13	61	4						
MODESTO 31	484	65	13.4%	34	29	17	16	7	23	2						
MODESTO 32	755	111	14.7%	61	45	17	42	11	29	8						
MODESTO 33, 35	1019	269	26.3%	148	109	34	127	11	81	6						
MODESTO 34	546	151	27.6%	115	33	19	62	10	54	4						
MODESTO 36	642	143	22.2%	80	62	22	55	11	51	1						
MODESTO 37, 38	984	237	24.0%	131	90	30	80	16	95	6						
MODESTO 39	690	135	19.5%	62	68	14	50	13	50	3						
MODESTO 40, 41	1015	200	19.7%	113	80	29	67	17	75	7						
MODESTO 42	840	277	32.9%	161	109	32	103	11	104	6						
MODESTO 43	572	101	17.6%	61	33	14	39	5	37	3						
MODESTO 44	554	144	25.9%	68	73	16	53	7	59	1						
MODESTO 45	481	88	18.2%	52	33	11	36	8	24	5						
MODESTO 46	719	119	16.5%	57	55	12	38	11	48	2						
MODESTO 47	874	246	28.1%	160	75	32	109	11	80	3						
MODESTO 48	907	237	26.1%	140	89	22	76	2	108	14						
MODESTO 50	717	161	22.4%	97	56	23	64	13	44	4						
MODESTO 51	617	107	17.3%	64	36	21	52	14	12	5						
MODESTO 52	686	176	25.6%	109	66	24	70	5	64	6						
MODESTO 53	773	137	17.7%	68	64	20	59	12	32	4						
MODESTO 54, 82	905	165	18.2%	93	55	34	56	23	45	2						
MODESTO 55	764	165	21.7%	101	61	19	61	8	66	5						
MODESTO 56	703	209	29.7%	128	75	20	96	4	75	7						
MODESTO 57	502	97	19.7%	57	41	14	41	6	32	2						
MODESTO 58	702	67	9.5%	37	27	14	21	5	24	2						
MODESTO 59	846	192	22.6%	106	74	27	62	17	72	4						
MODESTO 60	692	144	20.8%	58	80	12	68	16	38	6						
MODESTO 61	826	152	18.4%	64	77	20	62	14	42	2						
MODESTO 62B	504	82	16.2%	38	40	6	28	11	24	7						
MODESTO 63B	799	75	9.1%	29	27	13	21	6	17	4						
MODESTO 64	432	37	9.0%	24	13	8	11	15	6	2						
MODESTO 65	443	114	25.7%	61	45	24	36	15	27	6						
MODESTO 66	764	152	19.8%	75	67	20	57	21	40	6						

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 **** CITY OF MODESTO FOR CITY COUNCIL CHAIR NUMBERS 5 & 6 ****

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	REGI STERED VOTERS	TURN OUT	TURN OUT PERCENTAGE	CONN CIL 5 SHOR T TRM E1	COUR CIL 5 SHOR T TRM E1	DAV CIL 6 JOLLI FF E1	COAL CIL 6 IRI ZARR Y E1	CRON CIL 6 INMAN E1	DAVE CIL 6 GILL E1	BRUCE CIL 6 HAWK INS E1
MODESTO 67	733	89	12.1%	31	52	14	33	15	16	7
MODESTO 68	689	128	18.5%	72	54	19	56	16	29	3
MODESTO 69	686	120	17.4%	50	65	10	42	6	55	3
MODESTO 70	836	239	28.5%	107	122	30	67	13	114	7
MODESTO 71	916	185	20.1%	99	78	21	59	28	62	7
MODESTO 72	455	55	12.0%	28	22	3	25	7	11	6
MODESTO 73	800	84	10.5%	36	46	7	28	21	25	2
MODESTO 74	811	298	36.7%	182	103	29	98	16	134	5
MODESTO 75	845	167	19.7%	89	73	12	67	13	64	3
MODESTO 76, 102	996	133	13.3%	62	62	12	54	14	40	4
MODESTO 77	644	114	17.7%	58	47	14	38	13	38	3
MODESTO 78	771	124	16.0%	58	60	17	30	20	48	4
MODESTO 79, 80	839	178	21.2%	96	70	24	58	12	71	6
MODESTO 81, 89	1051	234	22.2%	95	128	20	106	16	75	10
MODESTO 83	919	114	12.4%	54	58	10	39	22	34	2
MODESTO 84	937	147	15.6%	70	73	15	32	14	71	8
MODESTO 86	828	109	13.1%	49	55	19	24	9	48	6
MODESTO 88	614	82	13.3%	33	46	7	21	10	39	3
MODESTO 90	684	197	28.8%	97	95	25	63	11	74	14
MODESTO 91	741	181	24.4%	88	83	24	76	10	57	3
MODESTO 93, 108	1038	192	18.4%	91	97	16	65	15	79	8
MODESTO 94	893	175	19.5%	91	78	19	57	8	81	2
MODESTO 95	443	54	12.1%	21	30	9	16	4	22	2
MODESTO 96	794	80	10.0%	42	33	10	25	11	29	3
MODESTO 97	843	133	15.7%	72	55	11	51	18	38	4
MODESTO 98, 109	1015	143	14.0%	56	79	13	35	14	63	8
MODESTO 99	665	87	13.0%	45	34	16	28	10	25	1
MODESTO 100	800	179	22.3%	81	92	20	63	10	72	11
MODESTO 101	757	110	14.5%	60	40	13	43	10	35	5
MODESTO 104	599	58	9.6%	26	28	6	18	12	15	2
MODESTO 105	884	110	12.4%	48	61	25	40	13	22	3
MODESTO 106	730	106	14.5%	47	54	16	28	12	40	5
MODESTO 107	691	145	20.9%	75	60	19	46	9	60	4
MODESTO 110	485	81	16.7%	50	25	8	21	12	32	5
MODESTO 111	701	128	18.2%	53	63	19	34	7	61	1
MODESTO 112	497	72	14.4%	35	32	7	25	4	27	3
MODESTO 113	491	111	22.6%	59	48	18	40	4	45	3
ABSENTEE GROUP 017	0	0	0.0%	0	0	0	0	0	0	0
ABSENTEE GROUP 018	0	4217	0.0%	2175	1863	578	2017	400	925	136
ABSENTEE GROUP 019	0	134	0.0%	60	67	19	49	10	44	9
ABSENTEE GROUP 020	0	2542	0.0%	1364	1060	302	1109	277	663	75
ABSENTEE GROUP 027	0	1153	0.0%	596	503	146	481	107	323	47
ABSENTEE GROUP 029	0	606	0.0%	286	274	79	268	108	97	18
MODESTO 3	MB	34	9	26.4%	4	5	1	4	2	0
MODESTO 5A	MB	47	4	8.5%	3	1	1	1	1	1
MODESTO 25B	MB	63	10	15.8%	4	4	4	2	1	1
MODESTO 26B	ME	63	13	20.0%	12	1	2	8	1	0
MODESTO 49	MB	3	0	0.0%	0	0	0	0	0	0
MODESTO 62A	MB	0	0	0.0%	0	0	0	0	0	0
MODESTO 63A	MB	0	0	0.0%	0	0	0	0	0	0
MODESTO 87	MB	0	0	0.0%	0	0	0	0	0	0
MODESTO 92	MB	18	3	16.6%	2	1	0	0	0	1

**** TOTALS **** 70768 21838 30.8% 11411 9356 2845 8721 2061 6504 728
 34.7% 45% 13.6% 41% 6.9% 31% 3.9%

**** OFFICIAL STATEMENT OF VOTES CAST AT THE CONSOLIDATED DISTRICT ELECTION NOVEMBER 5, 91 ****
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	REGISTERED VOTERS	TURNOUT PERCENTAGE	MODESSA JOHNSTON	MODESTO BREVIALE	MODESTO BETHOMSON	MOUY LANGMAN	MODERSTON MARSHALL	MODESTO BERG	MODESTO WALTERS	MODESTO BULL						
			E3	E3	E3	E3	E3	E3	E3	E3						
AIRPORT 2A	571	26 4.5%	15	6	8	5	5	7	9	9						
CASWELL 1	735	26 3.5%	15	12	8	7	4	6	6	9						
CASWELL 5	435	15 3.4%	7	4	6	4	5	2	7	7						
CASWELL 6B,7B	756	29 3.8%	15	8	8	6	3	6	10	6						
CASWELL 7A	478	27 5.6%	18	10	8	2	3	9	11	7						
CLUB 3	482	34 7.0%	23	10	8	14	4	10	10	8						
CLUB 4	866	57 6.5%	38	26	11	9	20	9	11	22						
COFFEE 2A	508	65 12.7%	31	7	25	17	3	34	25	25						
COFFEE 7,9	440	65 14.7%	33	10	19	22	12	26	16	32						
COFFEE 11	540	56 10.3%	35	13	23	14	5	24	16	21						
EMPIRE 3, 6	744	73 9.8%	42	21	19	12	18	31	15	30						
EMPIRE 4	751	70 9.3%	42	21	18	14	12	23	22	25						
EMPIRE 5B	730	119 16.3%	55	26	42	17	13	49	36	54						
HART RANSOM 1A,2A	306	54 17.6%	32	7	21	4	5	20	20	23						
HART RANSOM 1B,2B	242	40 16.5%	11	4	20	8	2	18	17	16						
HART RANSOM 1C,2C,3	513	136 26.5%	79	26	34	24	15	46	36	54						
MC HENRY 1,3	1076	121 11.2%	48	17	64	20	9	61	46	52						
MC HENRY 4	304	31 10.1%	16	3	9	3	1	18	6	16						
MC HENRY 7	291	30 10.3%	15	5	11	7	3	19	8	17						
MODESTO 1	729	138 18.9%	86	26	34	26	23	59	37	48						
MODESTO 2	881	181 20.5%	106	34	56	41	17	80	52	80						
MODESTO 4	691	65 9.4%	35	26	13	8	12	17	15	16						
MODESTO 5B	737	91 12.3%	52	26	21	12	21	37	15	34						
MODESTO 6	834	91 10.9%	69	31	17	21	15	15	14	22						
MODESTO 7	512	84 16.4%	58	22	26	14	18	35	23	36						
MODESTO 8	892	117 13.1%	86	43	20	15	12	35	31	34						
MODESTO 9, 10	992	222 22.3%	143	50	56	35	29	103	51	103						
MODESTO 11	523	97 18.5%	65	17	29	20	19	43	28	32						
MODESTO 12	650	80 12.3%	49	23	28	17	7	32	24	29						
MODESTO 13	606	147 24.2%	93	32	38	28	21	76	29	75						
MODESTO 14	731	122 16.6%	91	30	44	23	24	45	44	38						
MODESTO 15	770	135 17.5%	76	24	54	23	22	57	47	48						
MODESTO 16	458	47 10.2%	24	10	15	12	8	17	14	18						
MODESTO 17	776	114 14.6%	82	40	20	17	20	42	29	44						
MODESTO 18, 85	893	167 18.7%	108	26	42	19	22	89	33	74						
MODESTO 19	958	187 19.5%	113	46	52	30	21	82	45	77						
MODESTO 20	653	98 15.0%	70	20	36	12	11	35	23	43						
MODESTO 21	662	162 24.4%	102	30	49	28	15	81	42	69						
MODESTO 22	723	164 22.6%	105	53	29	22	17	89	27	74						
MODESTO 23	456	55 12.0%	29	19	7	7	10	10	16	13						
MODESTO 24	744	113 15.1%	64	38	23	28	12	40	23	39						
MODESTO 25A	613	82 13.3%	49	31	12	13	10	36	15	35						
MODESTO 26 A	284	74 26.0%	45	23	14	13	11	25	19	26						
MODESTO 27	698	178 25.5%	127	60	38	17	20	96	45	70						
MODESTO 28	719	138 19.1%	93	22	32	38	18	55	31	63						
MODESTO 29	626	130 20.7%	90	34	30	27	9	62	39	46						
MODESTO 30, 103	849	166 19.5%	95	31	48	33	10	93	43	81						
MODESTO 31	484	65 13.4%	41	19	15	13	4	34	14	32						
MODESTO 32	755	111 14.7%	71	32	26	16	24	48	26	45						
MODESTO 33, 35	1019	269 26.3%	191	64	72	39	26	152	43	107						
MODESTO 34	546	151 27.6%	119	46	30	14	22	85	28	60						
MODESTO 36	642	143 22.2%	83	40	43	18	13	75	41	59						
MODESTO 37, 38	984	237 24.0%	151	63	69	43	25	120	65	97						
MODESTO 39	690	135 19.5%	91	39	27	20	8	89	26	60						
MODESTO 40, 41	1015	200 19.7%	138	45	73	34	21	99	34	83						
MODESTO 42	840	277 32.9%	177	63	84	39	16	175	47	127						
MODESTO 43	572	101 17.6%	72	24	24	11	15	44	19	47						
MODESTO 44	554	144 25.9%	91	27	45	11	9	83	34	68						
MODESTO 45	481	88 18.2%	52	16	31	14	3	44	21	40						
MODESTO 46	719	119 16.5%	65	26	24	21	15	53	31	63						

**** OFFICE STATEMENT OF VOTES CAST AT THE CONSOLIDATED DISTRICT ELECTION NOVEMBER 5, 91 ****
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	REGISTE RED VOTERS	T U R N O U T	P E R C E N T A G E	M O D E S T O J O H N S O N	M O D E S T O B R E V A L O	M O D E S T O B T H O M S O N	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E	M O D E S T O B D O F E
PARADISE 8A	501	58	11.5%	39	11	18	5	7	22	16	23							
PARADISE 8B	333	41	12.3%	31	11	7	4	7	18	3	14							
RIVERBANK 4, 5	531	124	23.3%	54	34	37	17	11	68	36	58							
SALIDA 1	740	117	15.8%	50	15	28	18	13	35	32	39							
SALIDA 2	804	118	14.6%	52	23	32	18	14	27	47	31							
SALIDA 3	429	82	19.1%	36	13	30	16	2	29	31	32							
ABSENTEE GROUP 005	0	278	0.0%	150	41	70	42	42	149	80	163							
ABSENTEE GROUP 010	0	117	0.0%	56	21	46	21	11	51	37	56							
ABSENTEE GROUP 011	0	161	0.0%	114	43	33	22	27	94	32	86							
ABSENTEE GROUP 016	0	0	0.0%	0	0	0	0	0	0	0	0							
ABSENTEE GROUP 018	0	4217	0.0%	2613	1050	980	681	621	2190	894	1950							
ABSENTEE GROUP 019	0	134	0.0%	85	42	35	17	27	53	41	53							
ABSENTEE GROUP 020	0	2542	0.0%	1507	570	676	387	297	1362	535	1129							
ABSENTEE GROUP 022	0	56	0.0%	35	15	11	14	8	24	13	16							
ABSENTEE GROUP 023	0	178	0.0%	102	52	41	25	33	90	48	91							
ABSENTEE GROUP 025	0	0	0.0%	0	0	0	0	0	0	0	0							
ABSENTEE GROUP 027	0	1153	0.0%	686	292	242	193	156	582	267	537							
ABSENTEE GROUP 028	0	134	0.0%	92	31	22	19	26	66	24	72							
ABSENTEE GROUP 029	0	608	0.0%	387	149	143	84	102	223	148	249							
ABSENTEE GROUP 044	0	115	0.0%	68	36	19	21	24	53	24	53							
ABSENTEE GROUP 045	0	65	0.0%	44	16	27	10	6	31	19	24							
ABSENTEE GROUP 046	0	0	0.0%	0	0	0	0	0	0	0	0							
ABSENTEE GROUP 047	0	190	0.0%	116	24	44	32	19	98	43	101							
ABSENTEE GROUP 048	0	57	0.0%	26	4	12	10	6	27	15	26							
AIRPORT 2B	MB	0	0.0%	0	0	0	0	0	0	0	0							
CASWELL 6A	MB	53	9 16.9%	5	1	1	0	1	6	0	3							
CERES 11	MB	147	30 20.4%	14	9	6	9	2	19	10	12							
COFFEE 2B	MB	22	9 40.9%	3	2	1	2	2	4	4	4							
EMPIRE 5A	MB	40	15 37.5%	10	1	3	1	0	10	3	11							
EMPIRE 7A	MB	0	0 0.0%	0	0	0	0	0	0	0	0							
EMPIRE 7B	MB	74	9 12.1%	6	3	4	3	0	3	2	4							
MODESTO 3	MB	34	9 26.4%	7	6	0	0	0	4	1	2							
MODESTO 5A	MB	47	4 8.5%	3	3	0	0	2	1	0	1							
MODESTO 25B	MB	63	10 15.8%	8	2	1	1	5	3	1	3							
MODESTO 26B	MB	65	13 20.0%	12	9	0	1	7	2	2	1							
MODESTO 62A	MB	0	0 0.0%	0	0	0	0	0	0	0	0							
MODESTO 63A	MB	0	0 0.0%	0	0	0	0	0	0	0	0							
MODESTO 87	MB	0	0 0.0%	0	0	0	0	0	0	0	0							
MODESTO 92	MB	18	3 16.6%	3	0	1	1	1	0	0	1							
PARADISE 1A	MB	4	1 25.0%	1	0	0	0	0	1	0	1							
PARADISE 2A	MB	11	6 54.5%	5	2	2	1	0	9	0	2							
PARADISE 4A	MB	146	18 12.3%	7	12	3	4	6	0	3	9							
PARADISE 5A	MB	80	9 11.2%	6	4	1	3	4	1	4	3							
PARADISE 9	MB	21	11 52.3%	7	2	2	3	1	3	1	5							
PARADISE 12	MB	9	2 22.2%	2	0	1	1	0	0	2	0							
**** T O T A L S ****	87997	25380	28.8%	15379	6157	6907	4263	3195	11877	6339	10663							
				23.7%	9.5%	10.6%	6.5%	7.1%	13.5%	9.7%	16.1%							

10-1-91

MODESTO CITY COUNCIL
RESOLUTION NO. 91-677

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 67-524 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-PD(32)" TO CONVERT OWNERSHIP STATUS FROM A GENERAL PARTNERSHIP TO INDIVIDUALLY OWNED OFFICE AIRSPACE CONDOMINIUMS. (DOWNEY PARK PROFESSIONAL CENTER)

WHEREAS, the City Council, by Ordinance No. 837-C.S., which was introduced on June 26, 1967, finally adopted on July 10, 1967, and which became effective on August 9, 1967, amended Section 21-3-9 of the Zoning Map to prezone to Planned Development Zone, P-PD(32), to allow a twenty-four (24) medical and dental and allied healing arts office facilities, a pharmacy, and approximately one hundred fifty-seven (157) parking spaces, property located on the west side of Coffee Road, south of Gloria Way, and

WHEREAS, City Council Resolution No. 67-524, which was adopted on June 26, 1967, approved a development plan for P-PD(32) to allow a twenty-four (24) medical and dental and allied healing arts office facilities, a pharmacy, and approximately one hundred fifty-seven (157) parking spaces, property located on the west side of Coffee Road, south of Gloria Way, and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(32) was filed by Downey Park Professional Center on July 22, 1991, to convert ownership status from a General Partnership to individually owned office airspace condominiums, property located on the west side of Coffee Road, west of Downey Park at 1213 Coffee Road, and

WHEREAS, after a public hearing held on September 23, 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. 91-55, that an amendment to P-D(32) to convert ownership status from a General Partnership to individually owned office airspace condominiums as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone amendment will allow a condominium type of ownership rather than a single ownership with or without rental tenancy.
2. The development plan is identical to that which has already been developed as P-D(32.)

and

WHEREAS, the requested amendment to P-D(32) to convert ownership status from a General Partnership to individually owned office airspace condominiums was set for a public hearing before the City Council at its regular meeting place on November 12, 1991, and

WHEREAS, after said public hearing held on November 12, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Downey Park Professional Center to amend P-D(32) to convert ownership status from a General Partnership to individually owned office airspace condominiums, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-55 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 67-524 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-PD(32)" is hereby amended to read as follows to convert ownership status from a General Partnership to individually owned office airspace condominiums:

"SECTION 1. DEVELOPMENT PLAN. The development plan for the air-space condominium units portion of P-D(32), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "P-D(32) Condominium Conversion - The Downey Park Professional Center" as amended in red, stamped approved by the Planning Commission on September 23, 1991.
2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
3. 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.
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. 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. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
9. 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.

10. All signs shall comply with the sign requirements of the P-O Zone.
11. Prior to sale of a condominium unit, a final parcel map shall be recorded.
12. Prior to recordation of a final parcel map, the developer shall obtain certification from the Chief Building Official that all construction conforms to all building and fire safety standards for condominiums established by the Chief Building Official.
13. Prior to recordation of a final parcel map, the developer shall obtain certification from the Parks and Recreation Director that the landscaping and irrigation system generally conform to City standards and/or any previously approved plans.
14. All conditions of Planning Commission Resolution No. 67-52 not in conflict with this action shall remain in full force and effect.
15. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.
16. 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 subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.
17. That prior to City Council approval of a final parcel map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Officeowners' Association which shall guarantee continued maintenance of common facilities in the development. Said documents shall be recorded concurrently with the final parcel map.
18. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through

office units to serve other office units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.

19. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final parcel map."


BE IT FURTHER RESOLVED that all of the other provisions of Council Resolution No. 67-524, 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 12th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-677a

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(32) PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD, WEST OF DOWNEY PARK AT 1213 COFFEE ROAD. (DOWNEY PARK PROFESSIONAL CENTER)

WHEREAS, on November 12, 1991, the City Council introduced Ordinance No. 2794 -C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(32), property located on the west side of Coffee Road, west of Downey Park at 1213 Coffee Road, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 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(32), property located on the west side of Coffee Road, west of Downey Park at 1213 Coffee Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

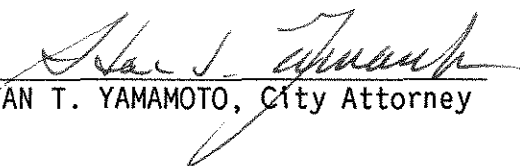
NOES: Councilmembers: None

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. 91-678

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Johansen High School pedestrian overcrossing

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 10, 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 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

2/24/92

MODESTO CITY COUNCIL
RESOLUTION NO. 91-679

A RESOLUTION AUTHORIZING CITY STAFF TO RESEARCH AND APPLY FOR HOUSING FUNDS UNDER THE NEW HOME/HOPE PROGRAMS OF THE 1990 AFFORDABLE HOUSING ACT.

WHEREAS, the 1990 Affordable Housing Act proposed two new programs called HOME and HOPE (Homeownership and Opportunity for People Everywhere), and

WHEREAS the HOME program is geared toward rehabilitation rather than new construction, although new construction is allowed in certain circumstances, and

WHEREAS, although HOME regulations have not yet been finalized, the City needs to make preparations now as certain statutory deadlines will have to be met by participating jurisdictions, and

WHEREAS, the program is a matching funding program, and

WHEREAS, the City of Modesto appears to be eligible for \$712,000 and will have to make arrangements to obtain an additional \$38,000 from the State's allotment or from local non-Federal funds to equal \$750,000 in order to qualify to participate in the program, and

WHEREAS, the HOPE program is geared mainly to increase low income homeownership, including encouraging Public Housing tenants to buy and manage their housing units, and

WHEREAS, the City has received information on HOPE III which authorizes grants to local governments, in conjunction with non-profit organizations, to help families become first time homebuyers, and

WHEREAS, HUD is planning training sessions on HOPE III now,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to research and make the necessary arrangements to participate in the HOME/HOPE programs, if the City is determined to be eligible for said programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-680

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICK AND JODY LARA FOR THE LEASE OF LAND ON THE MODESTO TRANSPORTATION CENTER SITE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Rick and Jody Lara for the lease of land on the Modesto 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 12th day of November , 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-681

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR A LIMOUSINE CONCESSION AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, as part of the terminal expansion at the Modesto City-County Airport, one counter area has been provided for a commercial limousine service, and

WHEREAS, while the Modesto City-County Airport can handle many limousine service vendors in terms of the total vehicle parking spaces at the airport, there is only room for one vendor counter, and

WHEREAS, since there have been several inquiries for the available counter space within the terminal, staff feels the best way to seek a commercial limousine vendor to utilize space available is with a Request for Proposals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for a limousine concession at the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-682

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR HANGAR NO. 4 AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, Hangar No. 4 at the Modesto City-County Airport was occupied by Donald La Tourette for many years and was used as a private storage hangar for most of that time, and

WHEREAS, Mr. La Tourette recently passed away and his heirs have not elected to continue to rent the hangar, and

WHEREAS, City staff feels Hangar No. 4 should be made available for a commercial operation, and

WHEREAS, since there have been several inquiries by existing operators at the Modesto City-County Airport to use this hangar and by outside parties interested in starting an operation at the airport, City staff feels the best way to lease Hangar No. 4 is with a Request for Proposals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for Hangar No. 4 at the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

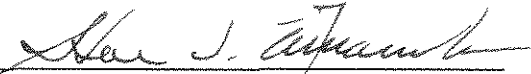
NOES: Councilmembers: None

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. 91-683

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM ALTA PACIFIC HOUSING PARTNERS II FOR A RIGHT OF ENTRY ONTO PROPERTY NEEDED FOR THE CLAUS ROAD OVERCROSSING

WHEREAS, as a result of the construction of Johansen High School and the conversion of Claus Road from a major street to an expressway, a decision has been made to construct a pedestrian overcrossing; and

WHEREAS, one of the properties needed for this project is a lot owned by Alta Pacific Housing Partners II located at the southwest corner of Creekside Drive and Claus Road.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of entry from Alta Pacific Housing Partners II for a right of entry onto property needed for the Claus Road overcrossing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said right 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 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 684

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. CARNABUCI AND SANTO A. CARNABUCI dba NIBBLES FOR THE LEASE OF THE SNACK BAR AREA AT THE NEW AIRPORT TERMINAL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Charles J. Carnabuci and Santo A. Carnabuci dba Nibbles, for the lease of the snack bar area at the new Airport 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 12th day of November , 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 685

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS, INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment

be, and it is hereby approved.

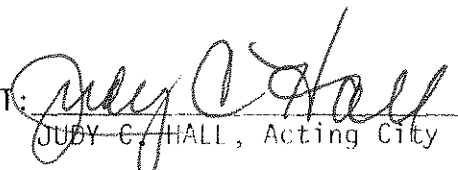
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November , 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-686

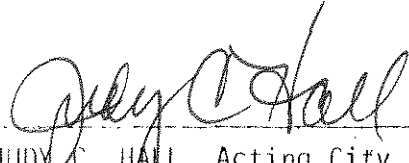
A RESOLUTION APPROVING AN EASEMENT DEED TO PACIFIC BELL OVER A 5-FOOT STRIP OF LAND LOCATED AT THE NORTH END OF FLOYD NO. 2 PARK SITE FOR AN EXISTING UNDERGROUND TELEPHONE CABLE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement deed to Pacific Bell, over a 5-foot strip of land located at the north end of Floyd No. 2 Park site for an existing underground telephone cable 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 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizary, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Charal

MODESTO CITY COUNCIL
RESOLUTION NO. 91-687

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
FORMALLY ADOPTING PROCEDURES FOR THE IMPLEMENTATION OF AN
EMERGENCY RESPONSE COST RECOVERY PROGRAM.

WHEREAS, it is the policy of the City of Modesto to discourage the
operation of motor vehicles while under the influence of alcohol and/or drugs,
and

WHEREAS, it is the policy of the City of Modesto to encourage
careful and responsible conduct by persons operating motor vehicles, and

WHEREAS, negligent driving under the influence of alcohol and/or
drugs is intentional wrongful conduct, and

WHEREAS, intentional wrongful conduct by persons who operate motor
vehicles imposes a burden upon City services above and beyond the regular
services normally required for traffic law enforcement, and

WHEREAS, persons who willfully conduct themselves in any manner
which imposes an extraordinary burden on the public treasury should bear a
share of that burden, and

WHEREAS, the City of Modesto wishes to implement a Negligent Driving
Under the Influence and Intentionally Wrongful Conduct Emergency Response Cost
Recovery Program (hereinafter "Program") pursuant to Section 200 of the
Modesto City Charter and/or in accordance with California Government Code
sections 53150-53158 which allows for the collection of emergency response
costs against:

1. Any person whose negligent operation of a motor vehicle, boat
or vessel or civil aircraft while under the influence of an alcoholic beverage
or drug proximately causes any incident resulting in an emergency response by
the City Police or Fire Department; and

2. Any person whose intentionally wrongful conduct while in the operation of a motor vehicle, boat or vessel or civil aircraft proximately causes any incident resulting in an emergency response by the City Police or Fire Department; and

WHEREAS, the Council finds that the Program is of the utmost importance to the promotion of the general welfare and safety of the people of Modesto because it is designed and intended to encourage safe driving by requiring such persons to pay part of the cost to the City of responding to incidents caused by their intentionally wrongful conduct.

NOW, THEREFORE, the City Council of the City of Modesto does hereby resolve as follows:

Section 1. The City Council hereby approves the Program in accordance with Section 200 of the Modesto City Charter and/or the provisions of California Government Code sections 53150-53158.

Section 2. The City Council further adopts the following procedures to implement the Program:

A. A motorist arrested for driving under the influence of alcohol and/or drugs (DUI) will be billed if any of the following criteria are met:

1. Driving under the influence of alcohol and/or drugs as evidenced by objective symptoms observed by the arresting officer and a complaint is filed through the appropriate District Attorney's Office charging the driver with an alcohol or drug related Vehicle Code violation; and

2. Negligent operation of a motor vehicle is evidenced by either an accident or the commission of a moving violation as defined under sections 21100 et seq.; and

3. The incident evidenced by an accident or a moving violation was proximately caused by driving under the influence of alcohol and/or drugs; and

4. The incident necessitated an emergency response, which entailed the use of emergency equipment by Police or Fire units responding to the incident.

B. A motorist arrested for other criminal acts resulting from intentionally wrongful conduct while operating a motor vehicle will be billed if one or more of the following criteria is met:

1. A motor vehicle was operated with the apparent intent to injure another person(s) or property, or

2. A motorist attempts to evade arrest for acts involving operation of a motor vehicle with conduct intended to injure another person or property, or

3. A motorist rammed or threatened to ram police vehicles or property in the course of attempting to evade arrest.

C. The City will bill motorists for costs to the City of the emergency response; including laboratory fees, costs of repairing or replacing City property damaged or destroyed due to the person's conduct; and the hourly salary and fringe benefit costs of emergency and support personnel prorated for the time it takes to complete the emergency response.

D. The City will treat the emergency response costs as a civil debt of that person which is collectible by the City in the same manner as a contract obligation. Therefore, the City need not wait until there is a conviction before billing the motorist.

E. If the emergency response cost bill is not paid within thirty (30) days after the initial bill is mailed by the City or no arrangements are made for partial payment during the thirty (30) day period, then the bill will be considered delinquent.

F. If a motorist refuses to pay the City, the City may pursue recovery in Small Claims Court. This action will not be initiated until after the criminal charges have been adjudicated.

G. As an alternative, in all appropriate cases, the City will seek to have payment of the bill imposed as a condition of probation.

H. If the motorist who has paid an emergency response cost recovery bill is acquitted of criminal charges after trial, the City will allow for reimbursement.

I. Any person receiving a bill has the right to appeal the bill to the Program Manager. The Program Manager shall be a police officer appointed by the Chief of Police to administer the Program. The Program Manager will review the bill for accuracy. If the bill is found to be in error, then the bill will be corrected, or, if appropriate, rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

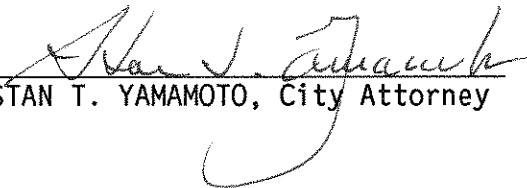
NOES: Councilmembers: None

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. 91- 688

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY
TEMPORARY SHELTER SERVICES TO PROVIDE HOMELESS TRANSITIONAL HOUSING COUNSELING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Community Temporary Shelter Services
to provide homeless transitional housing counseling
be, and it is hereby approved.


BE IT FURTHER RESOLVED that the execution of said agreement by the
designated 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 November , 1991, by
Councilmember Bird , who moved its adoption, which motion being duly
seconded by Councilmember Dobbs , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 689

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUD TO LEASE WITH OPTION TO PURCHASE, A SINGLE FAMILY HOME FOR HOMELESS TRANSITIONAL HOUSING

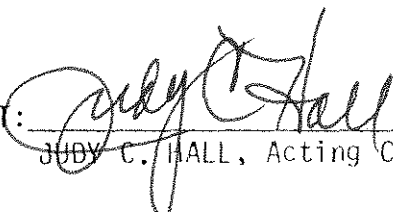
BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and HUD to lease with option to purchase, a single family home for homeless transitional housing

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November , 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

RESCINDED
SEP - 6 2011
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2011-368

MODESTO CITY COUNCIL
RESOLUTION NO. 91-690

A RESOLUTION RESTATING TERMS OF OFFICE AND PROCEDURES FOR THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE BY RENAMING THREE SPECIALIZED COMMITTEES, AND SUPERSEDING RESOLUTION NO. 89-874.

WHEREAS, the City Council has established citizens committees thereof to advise the Council on the City's Housing and Community Development Act (HCDA) Program, and

WHEREAS, terms of office and other procedures for said committees thereof are specified, and

WHEREAS, the Council desires to rename three specialized committees, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

A. Committee Titles and Roles.

The Committee titles and roles hereinafter stated are hereby established.

1. Title: Citizens Housing and Community Development Committee

Role: To provide overall review and make recommendations to the City Council regarding the city's HCDA program and its projects; to review the annual HCDA application, including the Housing Assistance Plan; to monitor and evaluate the entire program and committee effectiveness; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the City Council.

RESCINDED
1996-576
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 9163CA2

2. Title: Housing Maintenance and Counseling Committee

Role: To develop the Housing Maintenance Program, especially the procedural manual including administrative procedures and policies; to develop a relocation program including provisions for emergency housing; to develop a counseling program; to monitor and evaluate these housing maintenance and counseling efforts; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

3. Title: Housing Rehabilitation Loan Committee

Role: To develop a rehabilitation loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these rehabilitation loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Housing Rehabilitation programs; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

4. Title: Economic Development Loan Committee

Role: To develop an economic development loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these economic development loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Economic Development Revolving Loan Fund; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

B. Committee Membership Composition and Terms

Committee membership composition and terms of office shall be as follows:

1. Terms of Office

- a. There shall be a two term maximum for any person.
- b. Full terms shall be four years.
- c. A partial term of two or more years shall be considered a full term.

2. Membership Composition

All regular Committee members shall be appointed by the City Council. The two alternate members of the Housing Rehabilitation Loan Committee shall be appointed as follows:

Alternate Seat No. 8 - A member of the Citizens Housing and Community Development Committee who volunteers to be an Alternate delegate shall be approved by the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of Housing Rehabilitation Loan Committee.

Alternate Seat No. 9 - A member of the Housing Authority of Stanislaus County who volunteers to be an Alternate delegate shall be approved by the Executive Director of the Housing Authority of Stanislaus County and the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of Housing Rehabilitation Loan Committee.

- a. Citizens Housing and Community Development Committee
 - Seat No. 1 - City Council Member
 - Seat No. 2 - Citizen at Large
 - Seat No. 3 - Board of Supervisors Member
 - Seat No. 4 - Planning Commissioner
 - Seat No. 5 - Human Rights Commissioner or Citizen at Large
 - Seat No. 6 - Citizen at Large
 - Seat No. 7 - Citizen at Large
 - Seat No. 8 - Chairperson, Housing Maintenance and Counseling Committee
 - Seat No. 9 - Chairperson, Housing Rehabilitation Loan Committee
 - Seat No. 10- Chairperson, Neighborhood Advisory Committee #3
 - Seat No. 11- Chairperson, Economic Development Loan Committee

- b. Housing Maintenance and Counseling Committee
 - Seat No. 1 - City Council Member
 - Seat No. 2 - Planning Commissioner
 - Seat No. 3 - Human Rights Commissioner or Citizen at Large
 - Seat No. 4 - Provider of Shelter
 - Seat No. 5 - Provider of Services
 - Seat No. 6 - Provider of Services or Program User
 - Seat No. 7 - Provider of Services or Program User

- c. Housing Rehabilitation Loan Committee
 - Seat No. 1 - City Council Member
 - Seat No. 2 - Human Rights Commissioner or Citizen at Large
 - Seat No. 3 - Financial Institution or Provider of Services
 - Seat No. 4 - Citizen at Large
 - Seat No. 5 - Representative of Financial Institutions
 - Seat No. 6 - Provider of Shelter or Services
 - Seat No. 7 - Provider of Services or Program User
 - Seat No. 8 - Alternate, Citizens Housing and Community Development Committee
 - Seat No. 9 - Alternate, Housing Authority of Stanislaus County

- d. Economic Development Loan Committee
 - Seat No. 1 - Council Member
 - Seat No. 2 - Commercial Financial Institution

- a. Citizens Housing and Community Development Committee
- Seat No. 1 - City Council Member
 - Seat No. 2 - Citizen at Large
 - Seat No. 3 - Board of Supervisors Member
 - Seat No. 4 - Planning Commissioner
 - Seat No. 5 - Human Rights Commissioner or Citizen at Large
 - Seat No. 6 - Citizen at Large
 - Seat No. 7 - Citizen at Large
 - Seat No. 8 - Chairperson, Housing Maintenance and Counseling Committee
 - Seat No. 9 - Chairperson, Housing Rehabilitation Loan Committee
 - Seat No. 10- Chairperson, Neighborhood Advisory Committee #3
 - Seat No. 11- Chairperson, Economic Development Loan Committee
- b. Housing Maintenance and Counseling Committee
- Seat No. 1 - City Council Member
 - Seat No. 2 - Planning Commissioner
 - Seat No. 3 - Human Rights Commissioner or Citizen at Large
 - Seat No. 4 - Provider of Shelter
 - Seat No. 5 - Provider of Services
 - Seat No. 6 - Provider of Services or Program User
 - Seat No. 7 - Provider of Services or Program User
- c. Housing Rehabilitation Loan Committee
- Seat No. 1 - City Council Member
 - Seat No. 2 - Human Rights Commissioner or Citizen at Large
 - Seat No. 3 - Financial Institution or Provider of Services
 - Seat No. 4 - Provider of Shelter or Program User
 - Seat No. 5 - Representative of Financial Institutions
 - Seat No. 6 - Provider of Shelter or Services
 - Seat No. 7 - Provider of Services or Program User
 - Seat No. 8 - Alternate, Citizens Housing and Community Development Committee
 - Seat No. 9 - Alternate, Housing Authority of Stanislaus County
- d. Economic Development Loan Committee
- Seat No. 1 - Council Member
 - Seat No. 2 - Commercial Financial Institution

Seat No. 3 - Commercial Financial Institution
Seat No. 4 - Business Institution
Seat No. 5 - Business Institution
Seat No. 6 - Low Income/Minority Citizen
Seat No. 7 - Low Income/Minority Citizen

C. Chairperson and Vice Chairpersons

1. Chairpersons for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be appointed by the City Council.

2. Vice Chairperson for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be elected by the respective committees.

3. Full terms of office of Chairpersons and Vice Chairpersons of the committees shall be four years commencing on July 1 of a given year and ending on June 30 four years later. Incumbents may serve more than one term.

D. Quorum and Voting

1. A quorum shall be six persons for the Citizens Housing and Community Development Committee and four persons each for the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee and the Economic Development Loan Committee.

2. To take formal action, six affirmative votes shall be necessary for the Citizens Housing and Community Development Committee. To take formal action, a vote of a majority of those present, as long as at least a quorum is present, shall be necessary for the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee.

3. The Housing Rehabilitation Loan Committee, in order to guarantee a quorum necessary for each meeting, may have two Alternate members who shall be invited to each Committee meeting. These two Alternate delegates may participate in all discussions, but shall not vote on any action, unless their attendance is necessary to make a Committee quorum.

E. Staff

The Department of Planning and Community Development shall provide staff support for the Housing and Community Development Act Committees and coordinate assistance from other city departments.

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 89-874 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-691

A RESOLUTION APPROVING A NEW COMMUNITY DEVELOPMENT BLOCK
GRANT POLICY STATEMENT ON FUNDING PRIORITIES BY
SUPERSEDING POLICY NO. 4.025 ESTABLISHED BY RESOLUTION
NO. 87-83.

WHEREAS, the City Council requested staff to prepare a new policy
statement for Council action on funding priorities for the Community
Development Block Grant (CDBG) program, following the comments of some
nonprofit organizations on the 1991-92 CDBG application process, and

WHEREAS, some non-profit organizations have requested that the City
predetermine CDBG eligible activities prior to applications for funding being
submitted, and

WHEREAS, Housing and Urban Development (HUD) does not allow the City
of Modesto to predetermine CDBG ineligible activities, and

WHEREAS, HUD requires us to provide our citizens with information on
the amount of CDBG funds available, what activities are eligible, and the
process to apply for these funds, and

WHEREAS, the City must hear comments and views from our citizens on
the uses of CDBG funds and must allow requests for funding for any CDBG
eligible activity, and has the right to decide how CDBG funds are distributed,
and

WHEREAS, the Citizens Housing and Community Development Committee
discussed the funding policy at their meeting on November 1, 1991, and
determined to recommend the attached policy statement to the City Council for
their approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new Community Development Block Grant Policy Statement of Funding Priorities.

BE IT FURTHER RESOLVED that Policy No. 4.025 established by Resolution No. 87-83 is hereby superseded.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
POLICY STATEMENT ON FUNDING PRIORITIES

The City of Modesto intends to allocate the Community Development Block Grant (CDBG) and income generated by loan repayments to sustain activities that support the primary objective of Title I of the 1974 Housing and Community Development Act:

"the development of viable urban communities, including decent housing and a suitable living environment, and expanding economic opportunity, principally for persons of low and moderate income."

CDBG funds are used primarily for neighborhood revitalization and preserving the existing housing stock by rehabilitation of substandard houses in areas with a majority of low income residents. The Housing Maintenance Program has been underway in the Westside Target Area #3, with 1204 dwelling units in Census Tracts 17 and 22, since 1980. Completion of the remaining units in Target Area #3 is a long range objective of the City and the largest segment of CDBG funds will be allocated here.

The City of Modesto invests CDBG funds in rehabilitating houses owned and occupied by low and very low income persons on a citywide basis.

CDBG funds help to create jobs for low income Modesto residents through a small business Revolving Loan Fund.

The City of Modesto uses CDBG funds to make public facilities accessible to handicapped/disabled persons.

The City of Modesto regards CDBG funds as an opportunity to provide physical improvements to houses, structures and facilities, that will allow their continued and extended use by low income City residents, and will allocate CDBG funds to these City programs as the highest priority.

The City of Modesto has funded eligible public service activities of non-profit organizations that are within the community development objectives of the City, and, in accordance with Federal regulations, allows application for CDBG funds from all eligible organizations as a lower priority.

Requests for funding through the CDBG program shall be accepted and considered only through the Citizen Participation Plan during the CDBG application process each year.

July 20

MODESTO CITY COUNCIL
RESOLUTION NO. 91-692

A RESOLUTION WAIVING THE ROCKWELL MAINTENANCE FEES AND ENCROACHMENT PERMIT FEES FOR THE INSTALLATION OF FOUR (4) ROCKWELLS IN THE VAN GOGH DRIVE AREA BY ZAGARIS MANAGEMENT SERVICES.

WHEREAS, Zagaris Management Services has offered to construct four (4) new rockwells in the Van Gogh Drive area to reduce storm water ponding during more intense storm events, and

WHEREAS, while existing rockwells generally drain in a time considered acceptable for maintenance purposes (approximately 8 hours for a 1-inch storm), the grades of Van Gogh Drive are such that unacceptably deep ponding occurs in this area during more intense storm events, and

WHEREAS, Zagaris Management Services is willing to pay construction costs for these four (4) rockwells but has requested that the City waive rockwell maintenance fees and encroachment permit fees, and

WHEREAS, City staff estimates there is no net cost to the City for this action since the estimated construction cost of the rockwells to be accepted by the City exceed the value of the fees to be waived, and

WHEREAS, City staff anticipates that it will recommend the elimination of the rockwell maintenance fee for all new rockwells in January 1992 since this fee will be collected as a portion of the Storm Drain Surcharge,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with City staff to waive the rockwell maintenance fees and encroachment permit fees for installation of four (4) rockwells in the Van Gogh Drive area.


BE IT FURTHER RESOLVED that the Council hereby concurs with City staff recommendation to eliminate the rockwell maintenance fees for all new rockwells in January 1992 since this fee will be collected as a portion of the Storm Drain Surcharge.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-693

A RESOLUTION APPOINTING MEMBER OF THE MODESTO YOUTH COMMISSION (JENNIFER REED)
TERM TO EXPIRE JUNE 1992

BE IT RESOLVED by the Council of the City of Modesto as follows:

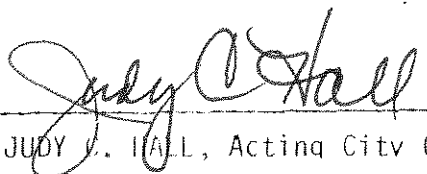
SECTION 1. The following person is hereby appointed to the
Modesto Youth Commission for the respective term as indicated:

Jennifer Reed - Modesto High School
Term to expire June of 1992

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Modesto
Youth 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 12th day of November, 1991,
by Councilmember Dobbs, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call carried and
the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
JUDY V. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-694

A RESOLUTION APPOINTING MEMBERS OF THE MODESTO YOUTH COMMISSION, TERMS TO EXPIRE
JUNE OF 1993

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons / hereby appointed to the Modesto
Youth Commission are
for the respective term as indicated:

Heather Ludlow - Beyer High School
Jane Presto - Central Catholic High School
Jenny Chang - Davis High School
Erin McDaniel - Downey High School
Becky Langum - Modesto Christian High School
Barbara Roll - Modesto High School


Terms to expire June of 1993

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members of the Modesto
Youth 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 12th day of November , 19 91 ,
by Councilmember Dobbs , who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-695

A RESOLUTION REAPPOINTING LEE HAMPSON AND LOWELL CLARK TO THE BOARD OF GOVERNORS OF THE GREATER MODESTO COMMUNITY FOUNDATION

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby reappointed to the Board of Governors of the Greater Modesto Community Foundation for the respective term as indicated:

Lee Hampson and Lowell Clark

Terms to expire December 31, 1996

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Board of Governors of the Greater Modesto Community Foundation and the Secretary thereof.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, 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, Dobbs, Friedman, Irizarry,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-696

A RESOLUTION REAPPOINTING MEMBERS OF THE PLANNING COMMISSION (JESSE ALEXANDER AND JEFF GROVER)

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 Planning Commission for the respective term as indicated:

Jesse Alexander and Jeff Grover

Terms to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Planning Commission and the Secretary thereof.

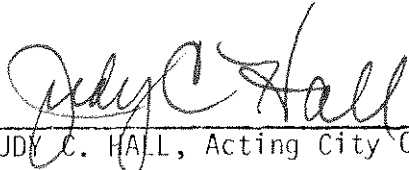
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-697

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT
(LEOPOLD PRESCOTT)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Board of Zoning Adjustment for the respective term as indicated:

Leopold Prescott

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 Zoning Adjustment and the Secretary thereof.

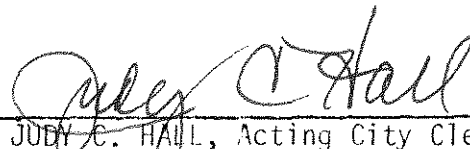
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-698

A RESOLUTION APPOINTING MEMBER OF THE THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD (DAVID BORING)

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
Downtown Improvement District Advisory Board for the respective
term as indicated:

David Boring

Term to expire 3/28/95

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 12th day of November
1991, by Councilmember Muratore, who moved its adoption,
which motion being duly seconded by Councilmember Irizarry, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-699

A RESOLUTION APPOINTING DON JORDAN AS CHAIRPERSON OF REHABILITATION LOAN POOL SUBCOMMITTEE AND AS RLPS CHAIR (SEAT #9) ON THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, TERM TO EXPIRE JUNE 30, 1995

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed as Chairperson of Rehabilitation Loan Pool Subcommittee and as RLPS Chair (Seat #9) on the Citizens Housing and Community Development Committee:

Don Jordan


Term to expire 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the new member on the Rehabilitation Loan Pool Subcommittee and Citizens Housing and Community Development/ and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-700

A RESOLUTION APPOINTING DUANE FAGER AS CHAIRPERSON OF ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE AND AS EDLPS CHAIR (SEAT #11) ON THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, TERM TO EXPIRE JUNE 30, 1995

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed as Chairperson of Economic Development Loan Pool Subcommittee and as EDLPS Chair on the Citizens Housing and Community Development Committee:

Duane Fager

Term to expire 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the new member on the Economic Development Loan Pool Subcommittee and 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 12th day of November , 19 91 , 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, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-701

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(487). (MATTHEWS/FABIAN)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Carolyn Matthews and Frederick Fabian on July 29, 1991, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a senior housing project, property located on the north side of Chicago Avenue between Frankette and Florette Avenues west of Paradise Road, described as follows:

R-1 to P-D(487)

All that certain real property situate in a portion of the southeast quarter of Section 31, 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 western 118.00 feet of Lot 17 and the eastern 122.00 feet of the southern 126.00 feet of Lot 20 of Brichman's addition to the City of Modesto, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on October 15, 1904, in Volume 2 of Maps, Page 1.

Including also all of 60.00 foot wide Chicago Avenue located immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on October 7, 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. 91-64, 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 conforms to a principal of the General Plan of providing for the diverse housing needs of the community by allowing a variety of housing types in all neighborhoods.

2. The revised plans for the elderly housing project assure that the dwelling structures will be compatible with the adjoining low-density residential areas.

and

WHEREAS, after a public hearing held on November 19, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Carolyn Matthews and 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. 91-64 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2795-C.S. on the 19th day of November, 1991, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(487).

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(487), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "49 units (two-story) Affordable Senior Housing" as amended in red, stamped approved by the Planning Commission on October 7, 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 east and west property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

- a. Six-foot-high (6') wood fence with decorative masonry pilasters at 16 foot on centers along the entire periphery except public street frontages. Solid alternating board construction shall be employed adjoining all parking areas.
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 for both Jeelu Way and Chicago Avenue, 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. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
10. All utilities shall be underground and cable television service shall be stubbed into all units.
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. All signs shall comply with the sign requirements of the R-3 Zone.
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, 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 for the elderly housing facilities, 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 household 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(487):

The entire construction program be accomplished in one phase, construction to begin on or before October 7, 1993, and completion to be not later than October 7, 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(487), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, 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, Dobbs, Friedman, Irizarry, 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 
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 91-702

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(487). (MATTHEWS/FABIAN)

WHEREAS, on November 19, 1991, the City Council introduced Ordinance No. 2795-C.S. giving approval to a project relating to an amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(487), property located on the north side of Chicago Avenue between Frankette and Florette Avenues west of Paradise 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,

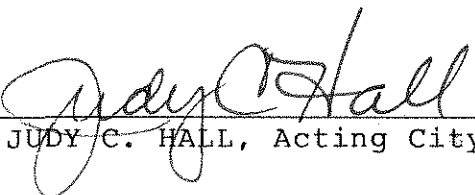
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(487), property located on the north side of Chicago Avenue between Frankette and Florette Avenues west of Paradise Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

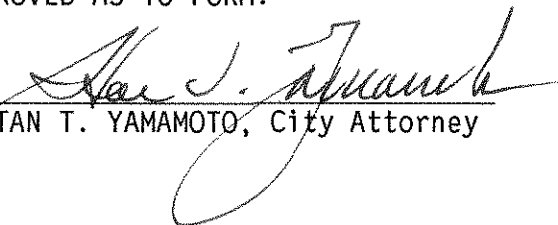
NOES: Councilmembers: None

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. 91-703

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED,
TO PROVIDE FOR THE DEFERRED PAYMENT OF 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, and Resolution No. 91-90, and

WHEREAS, on June 11, 1991, the Public Projects Committee of the City
Council recommended to the City Council that the City's Capital Facilities Fee
Program be amended to provide for the deferred payment of capital facilities
fees in certain cases.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that paragraph 3 of Resolution No. 91-90 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.
- (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 19th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

WJK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-704

A RESOLUTION GRANTING THE APPEAL OF AJMER GILL TO CITY STAFFS' DECISION CONCERNING CAPITAL FACILITIES FEES FOR A STOP AND SHOP FOOD AND BEER MINI MART IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 2419 COFFEE ROAD, AND UPHOLDING CITY STAFFS' RECOMMENDATION TO ADMINISTRATIVELY MODIFY THE STREETS FEE CATEGORY FOR CONVENIENCE MARTS.

WHEREAS, in or about 1970 the building located at 2419 Coffee Road was built for a Quick Stop Market and was used as such for a period of approximately ten years, and

WHEREAS, from approximately 1980 until June of 1991, the building at the above location was used as a paint store, and

WHEREAS, Ajmer Gill has made application to the City to convert the use of the building to that of a convenience mart, and

WHEREAS, City staff has determined that Capital Facilities Fees (CFF) for the proposed "Stop and Shop Food and Beer" Mini Mart are \$49,946.20, and

WHEREAS, said CFF fee allows a credit to the business of \$10,531.40 for the previous use of a paint store as opposed to the CFF of \$60,495.60 for a convenience mart thereby resulting in a CFF fee of \$49,946.20 for the proposed convenience mart, and

WHEREAS, by letter dated October 16, 1991, Ajmer Gill appealed the decision of City staff relating to the calculation of CFF fees for the proposed convenience mart and requested a reduction of said CFF fees, and

WHEREAS, said appeal was set for 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 7:30 p.m., and was

thereafter continued for hearing to November 12, 1991, at 4:00 p.m., and thereafter continued for hearing to November 19, 1991, at 7:30 p.m. in the Council Chambers in the City Hall, 801 11th Street, Modesto, and

WHEREAS, City staff had previously calculated the CFF fees for applicant's proposed convenience mart on the basis of the only existing convenience mart category, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that it would be appropriate to have two categories relating to convenience markets, one category for convenience markets with gas pumps and one category for convenience markets without gas pumps, and

WHEREAS, the Council of the City of Modesto determined that a new CFF rate for a convenience market without gas pumps should be administratively applied to this case, and

WHEREAS, City staff has recalculated applicant's CFF fees on the basis of the new category of convenience market without gas pumps thereby resulting in a modified CFF fee of \$33,945.60 for applicant's proposed convenience mart,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Ajmer Gill is hereby granted and applicant's CFF fees are hereby modified in the sum of \$33,945.60 based on the new category of CFF fees for a convenience market without gas pumps.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Patterson, Mayor Lang

NOES: Councilmembers: None

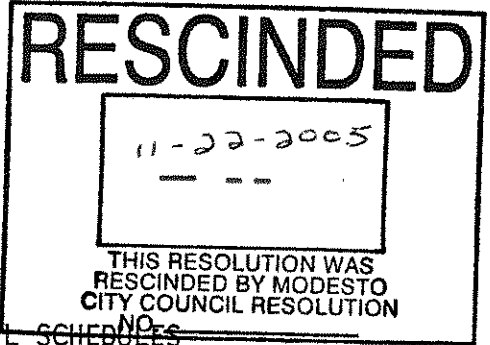
ABSENT: Councilmembers: Muratore

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. 91-705

A RESOLUTION INCREASING AND ESTABLISHING BAIL SCHEDULES
(FINES) FOR PARKING VIOLATIONS WITHIN THE CITY LIMITS OF THE
CITY OF MODESTO AND RESCINDING RESOLUTION NO. 85-700. 2005-583

WHEREAS, the Municipal Court of Stanislaus County has delegated to local jurisdictions within the County of Stanislaus the power to establish bail schedules for parking violations within said jurisdictions subject to Court approval, and

WHEREAS, the Council of the City of Modesto now desires to increase certain parking violation bails (commonly called fines) and to establish bails for those Municipal Code parking ordinances for which bails have not previously been established, and

WHEREAS, a study of parking violation bails has been conducted by the Modesto Police Department, which study reveals that fines currently imposed within the City of Modesto for numerous parking violations are significantly lower than those of other area cities, and

WHEREAS, the Modesto Chamber of Commerce and the Downtown Improvement District have reviewed and approved the bail changes proposed by City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Bail Schedule for Parking Violations within the City of Modesto, which schedule is attached hereto as Exhibit "A" and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Council hereby adopts said Bail Schedule with the knowledge of and intent that a surcharge upon each bail of Five Dollars (\$5.00) shall be collected by the County of Stanislaus for

distribution in accordance with current state and county law pertaining to a jail construction fund, a courthouse construction fund, and a trial courts fund, and that said surcharge shall be in addition to the sums set forth at Exhibit "A" as bails.

BE IT FURTHER RESOLVED that parking citations issued by the City of Modesto shall clearly distinguish for the recipient thereof those portions of the total due comprising the actual bails for violations from the surcharges thereon.

BE IT FURTHER RESOLVED that Resolution No. 85-700 adopted by the Council on August 27, 1985, is hereby rescinded effective upon the date of the adoption of this resolution.

BE IT FURTHER RESOLVED that this resolution is effective upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

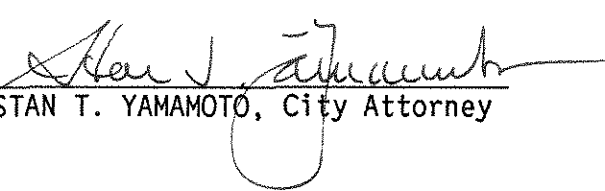
NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CITY OF MODESTO
PARKING VIOLATIONS BAIL SCHEDULE

<u>MMC Code Section</u>	<u>Violation</u>	<u>Bail</u>	<u>Surcharge</u>	<u>Total Fine</u>
3-2.303	Obedience to Traffic Control Devices	\$ 15.00	\$5.00	\$ 20.00
3-2.502	Traffic Control Through Certain Alleys	15.00	5.00	20.00
3-2.810	Removal of Chalk Marks	45.00	5.00	50.00
3-2.814(a)	Leaving Unattended Vehicle	15.00	5.00	30.00
3-2.1002(a)	Use of Streets for Storage of Vehicle Prohibited	20.00	5.00	25.00
3-2.1004	Standing for Loading Only in Alleys	15.00	5.00	20.00
3-2.1005(a)	Parallel and Angle Parking	30.00	5.00	35.00
3-2.1006	Parking of Commercial Vehicles and Buses Prohibited in Residential Districts	45.00	5.00	50.00
3-2.1007	Stopping or Parking Prohibited	15.00	5.00	20.00
3-2.1008(b)	Emergency Signs	15.00	5.00	20.00
3-2.1010(a)	Driving or Parking on Parks, Playgrounds, and City Property	20.00	5.00	25.00
3-2.1010(b)	Driving or Parking on Parks, Playgrounds, and City Property	20.00	5.00	25.00
3-2.1010(c)	Driving or Parking on Parks, Playgrounds, and City Property	20.00	5.00	25.00
3-2.1011	Parking on Private Property Without Consent Prohibited	15.00	5.00	20.00
3-2.1101	Curb Markings to Indicate No Stopping and Parking Regulations	25.00	5.00	30.00
3-2.1101	Curb Markings to Indicate No Stopping and Parking Regulations (blue curb markings)	100.00	N/A	100.00
3-2.1102	Unauthorized Painting of Curbs	45.00	5.00	50.00

Sharon

3-2.1104	Standing for Loading or Unloading Only	15.00	5.00	20.00
3-2.1105	Stopping, Standing or Parking of Vehicles in Roadway	45.00	5.00	50.00
3-2.1202	Parking Time Limited	10.00	5.00	15.00
3-2.1203	Parking Prohibited at Certain Times on Certain Streets	10.00	5.00	15.00
3-2.1204	Parking Space Markings	20.00	5.00	25.00
3-2.1205	Vision Obstruction - Parking Prohibited	45.00	5.00	50.00
3-2.1301	Truck Routes	45.00	5.00	50.00
3-2.1503	Method of Parking	15.00	5.00	20.00
3-2.1504(a)	Time Limits and Rates of Fees	10.00	5.00	15.00
3-2.1504(b)	Time Limits and Rates of Fees	10.00	5.00	15.00
3-2.1507	Use of Substitute Coins Unlawful	30.00	5.00	35.00
3-2.1511	Parking of Commercial Trucks in Metered Zones	20.00	5.00	25.00
3-2.1605	Obedience to Signs Posted	35.00	5.00	40.00
3-2.1608	Parking in Designated Spaces	20.00	5.00	25.00
4-6.804	Parking of Motor Vehicles Prohibited in Taxi Cab Stands	30.00	5.00	35.00

APPROVED *James Barakatt*
JAMES BARAKATT
Presiding Judge of the Municipal
Court of Stanislaus County

Dated: *12-4-91*

3-2.1104	Standing for Loading or Unloading Only	15.00	5.00	20.00
3-2.1105	Stopping, Standing or Parking of Vehicles in Roadway	45.00	5.00	50.00
3-2.1202	Parking Time Limited	10.00	5.00	15.00
3-2.1203	Parking Prohibited at Certain Times on Certain Streets	10.00	5.00	15.00
3-2.1204	Parking Space Markings	20.00	5.00	25.00
3-2.1205	Vision Obstruction - Parking Prohibited	45.00	5.00	50.00
3-2.1301	Truck Routes	45.00	5.00	50.00
3-2.1503	Method of Parking	15.00	5.00	20.00
3-2.1504(a)	Time Limits and Rates of Fees	10.00	5.00	15.00
3-2.1504(b)	Time Limits and Rates of Fees	10.00	5.00	15.00
3-2.1507	Use of Substitute Coins Unlawful	30.00	5.00	35.00
3-2.1511	Parking of Commercial Trucks in Metered Zones	20.00	5.00	25.00
3-2.1605	Obedience to Signs Posted	35.00	5.00	40.00
3-2.1608	Parking in Designated Spaces	20.00	5.00	25.00
4-6.804	Parking of Motor Vehicles Prohibited in Taxi Cab Stands	30.00	5.00	35.00

APPROVED _____

DAVID G. VANDERWALL
 Presiding Judge of the Municipal
 Court of Stanislaus County

Dated: _____

MODESTO CITY COUNCIL
RESOLUTION NO. 91-706

A RESOLUTION ACCEPTING THE BID OF CASE POWER EQUIPMENT COMPANY FOR FURNISHING ONE TRACTOR/LOADER

WHEREAS, Resolution No. 91-611 , adopted by the Council of the City of Modesto on September 24, 1991 , approved the plans and specifications for the purchase of one tractor/loader

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one tractor/loader were opened at 11:00 a.m. on October 14, 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 Case Power Equipment Company in the amount of \$15,843 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Case Power Equipment Company in the amount of \$15,843 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 19th day of November , 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

91-707

MODESTO CITY COUNCIL
RESOLUTION NO. 91-707

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT PUBLIC AUCTIONS TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON DECEMBER 7, 1991, LOCATED AT 824 KIERNAN AVENUE, AND DECEMBER 9, 1991, LOCATED 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 auctions to be held on December 7, 1991, and December 9, 1991, and

WHEREAS, a detailed list of the items to be sold at said auctions, 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 public auctions to be conducted by Roger Ernst and Associates on December 7, 1991, at a large facility located at 824 Kiernan Avenue, and on December 9, 1991, at 501 North Jefferson, City Corporation Yard, and at 601 11th Street, Police Department Vehicle Maintenance Shop, subject to the execution of an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 16th day

of May, 1989, and which agreement was approved by Council Resolution No. 89-575; 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.

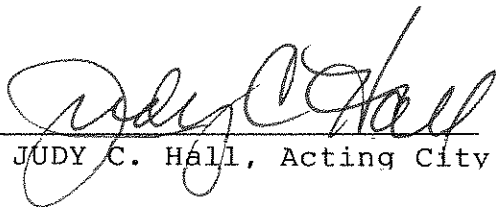
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

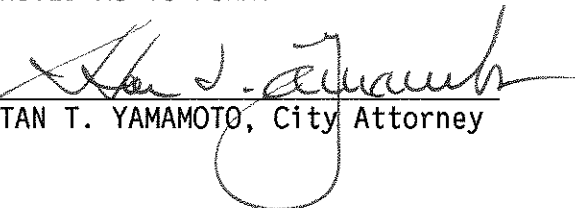
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

14

MODESTO CITY COUNCIL
RESOLUTION NO. 91-708

A RESOLUTION ACCEPTING THE 18" WATERLINE IN CROWS LANDING ROAD BETWEEN HATCH ROAD AND WHITMORE AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the 18" waterline in Crows Landing Road between Hatch Road and
Whitmore Avenue
has been completed by Gentz Construction Company
in accordance with the contract agreement dated December 26, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the 18" waterline in Crows Landing
Road between Hatch Road and Whitmore Avenue

be accepted from said contractor, Gentz Construction Company ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$360,573.92 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 19th day of November,
1991, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Irizarry, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-709

A RESOLUTION DESIGNATING COUNCILMEMBER KENNI FRIEDMAN TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

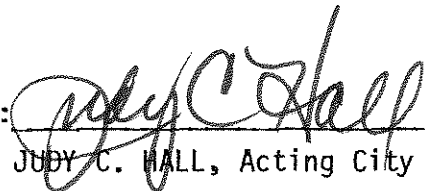
BE IT RESOLVED by the Council of the City of Modesto that Councilmember Kenni Friedman is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 710

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BARTLE-WELLS ASSOCIATES FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH NEGOTIATIONS FOR THE DEL ESTE WATER COMPANY ACQUISITION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Bartle-Wells Associates for professional services in conjunction with negotiations for the Del Este Water Company acquisition be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November , 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 711

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BOYLE ENGINEERING FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH NEGOTIATIONS FOR THE DEL ESTE WATER COMPANY ACQUISITION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Boyle Engineering for professional services in conjunction with negotiations for the Del Este Water Company acquisition be, and it is hereby approved.


BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November , 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HAUL, Acting City Clerk

Wick

MODESTO CITY COUNCIL
RESOLUTION NO. 91-712

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR THE DEL ESTE WATER FEASIBILITY STUDY.

WHEREAS, this project is currently being funded in a CIP account, 610-480-P840-6000, Del Este Feasibility Study, and

WHEREAS, the additional funds are required to retain professional services from Bartle-Wells Associates and Boyle Engineering,

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are necessary:

WATER FUND (610)

<u>Fund/Agy/Org</u>		<u>Increase (Decrease)</u>
610-480-P840-6000	Del Este Water Feasibility Study	\$ 50,000
610-800-8000-8003	Water Fund Contingency Reserve	(50,000)

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 19th day of November, 1991, 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, Irizarry, 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

RESCINDED

1996-90

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 91-713

A RESOLUTION ADOPTING GUIDELINES AND ESTABLISHING PROCEDURES TO IMPLEMENT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT WHERE THE CITY OF MODESTO IS THE LEAD AGENCY, CREATING THE ENVIRONMENTAL ASSESSMENT COMMITTEE, AND SUPERSEDING PRIOR CITY COUNCIL RESOLUTION NO. 87-48.

WHEREAS, Sections 21000 et seq. of the California Public Resources Code (PRC), as amended, are known as the California Environmental Quality Act (CEQA), and

WHEREAS, Section 21082 of the California Public Resources Code requires all public agencies to adopt procedures for evaluation of projects and the preparation of environmental impact reports and negative declarations, and

WHEREAS, Chapter 9 of Title IV of the Modesto Municipal Code (Sections 4-10.01 - 4-10.04) authorizes the adoption by resolution of guidelines for determining what projects may have a significant effect on the environment and for the preparation and approval of environmental impact reports, and

WHEREAS, the City Council by Resolution Nos. 72-1137, 73-276, 74-130, 75-437, 77-14, 77-80, 78-457, 80-111, 81-406, 84-989, and 87-48 have previously adopted Environmental Impact Report guidelines or amendments thereto, and

WHEREAS, the State CEQA Guidelines provide the statutory requirements for Environmental Impact Reports (EIRs) and Initial Studies, and

WHEREAS, hereinafter, all references to "Planning Commission" include the Board of Zoning Adjustment, Landmarks Preservation Commission, and the Board of Building Appeals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Guide to CEQA Procedures for City of Modesto. The procedures entitled "Guide to CEQA Procedures for City of Modesto" dated October 1991, attached hereto as Exhibit A are hereby adopted to provide procedures for the systematic review of projects subject to CEQA by the public, staff, advisory bodies, and final decision making bodies so as to afford the fullest protection of the environment within the scope of the law.

SECTION 2. California Environmental Quality Act and State California Environmental Quality Act Guidelines. All projects reviewed by the City shall be evaluated according to the criteria, procedures, law and regulations set forth in the Environmental Quality Act and the State CEQA Guidelines.

SECTION 3. Environmental Assessment Committee. An Environmental Assessment Committee (EAC) is hereby created to review projects that are not exempt from CEQA. The basic objectives of the EAC are:

- (a) to provide a public forum for the discussion of proposed projects,
- (b) to prepare the Initial Study to determine whether the project may have a significant environmental effect, and
- (c) to make recommendations to the "final decision making body" as to whether a Negative Declaration should be issued or whether an Environmental Impact Report (EIR) should be required.

SECTION 4. Appointment to Environmental Assessment Committee. The members of the EAC shall be appointed by the City Manager from local

government staff familiar with development issues. Alternates shall also be appointed. The meetings of the EAC are public meetings, subject to the provisions of the Brown Act.

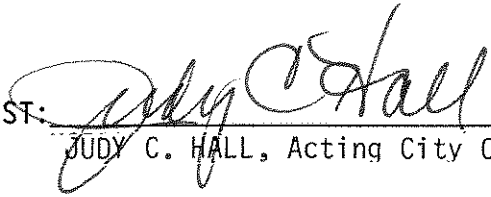
SECTION 5. Repeals. The provisions of this resolution shall supersede and replace the provisions of Council Resolution No. 87-47 provided, however, that the review of all public and private projects commenced under said previous City of Modesto Guidelines shall be coordinated with procedures outlined in this resolution in completing the review and approval of such project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

GUIDE TO CEQA PROCEDURES FOR CITY OF MODESTO

Department of Planning and Community Development
October 1991

EXHIBIT A

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EXHIBIT A

SECTION 1

**PROCEDURES WHEN A NEGATIVE DECLARATION
IS REQUIRED UNDER STATE CEQA GUIDELINES**

1. Preapplication meeting(s) between applicant and staff are encouraged but are optional unless otherwise required. Based on applicant input, the Project Planner determines whether the project is subject to CEQA or whether it is exempt. The Environmental Planner and/or City Attorney are available to advise the Project Planner.
2. Applicant files an Environmental Information Form with the Planning Department at the time of the project, and pays the appropriate fees. An application is not complete until all filing and Fish and Game fees are paid.
3. The application is reviewed by project planner to determine if it is complete. If not complete, a letter is sent to the applicant within 30 days, with a list of the required items. If the additional items are not provided within 30 days of date of the letter the application will be deemed withdrawn, and the fees will be returned.
4. Once complete, copies of the Information Form are circulated to Public Works and Transportation, Parking and Traffic, Police, Fire Marshal, Parks and Recreation, Air Pollution Control District and any other agency deemed appropriate. Responses should be returned to the Planning and Community Development Department within 3 weeks.

- If the project will generate more than 100 vehicle trips per peak hour the applicant must submit a Traffic Study with 25 copies. The study will be reviewed by the Parking and Traffic Division for adequacy. The Division will prepare an analysis of impacts and mitigation measures, based on the traffic study, for review by the Environmental Assessment Committee (EAC).

- Based on agency responses, the applicant may be required to submit a study analyzing the effects for other significant environmental impacts, such as Noise or Riparian Habitat

5. Based on the applications and comments received, the project planner then completes a draft Initial Study, and drafts potential mitigation measures (if applicable) to be incorporated into the project.
6. The draft Initial Study and proposed mitigation measures are then sent to the applicant and the members of the EAC, and

the item is scheduled for the next available Environmental Assessment Committee (EAC) meeting. The applicant will be notified of the EAC meeting. The EAC meetings are open to the public and the applicant.

7. The EAC will review the Environmental Information Form, environmental studies, the project map, the draft Initial Study, the draft mitigation measures, agency responses and any public input. The EAC will then determine:
 - (1) if the information or studies provided are adequate, and
 - (2) if further information or studies on the environmental effects are needed, and
 - (3) if the draft Initial Study should be revised, and
 - (4) if the draft mitigation measures are adequate, and
 - (5) If the EAC should recommend additional mitigation measures, and
 - (6) if the project may or may not have a significant effect on the environment and, if the project may have a significant impact, an EIR will be required. If not the EAC will recommend a Negative Declaration or a Mitigated Negative Declaration.

If a Negative Declaration is required, go to "8" below. If an EIR is required go to SECTION 2 on page 6

8. The applicant must orally agree to incorporate all mitigation measures in the project application prior to a final environmental determination by the EAC. The applicant will provide written assurance of agreement within 7 days of the EAC meeting or the application will be deemed incomplete and will not proceed further.
9. An applicant may appeal the decision of the EAC to the City Council by notifying the City Clerk in writing and paying the appeal fee within 15 days of the EAC meeting. When a proposed Negative Declaration is prepared, a Notice shall be placed in the Modesto Bee at least once. Notice is also posted at the County Clerk and Records Office not less than 30 days before a final decision-making body reviews the project.
10. The public review period for the proposed Negative Declaration shall begin when the draft Negative Declaration is posted and shall end at the conclusion of the hearing of the decision-making body.

11. A staff report shall be submitted to the Planning Commission and City Council. The report will include:
 - (a) a description of the project and a discussion of the concerns raised by the EAC, together with the EAC recommendation;
 - (b) Recommendations of draft findings, conditions, and mitigation measures. All CEQA mitigation measures shall be specifically labelled as such.
 - (c) A copy of the Initial Study and supplemental impact studies shall be attached to the report;
12. Notice of the hearing shall include a statement that a draft Negative Declaration has been prepared, and is available for review prior to the hearing on the Negative Declaration.
13. Legal Notice of the hearing on the project and the proposed Negative Declaration shall be published in a newspaper of general circulation at least 10 days prior to the date of the hearing. Negative Declarations are valid for two years following adoption by decision-making body. Negative Declarations parks can be valid longer than two years when projects fall within the defined scope of a previously reviewed "parks master plan".

PROJECTS WHERE THE FINAL DECISION-MAKING
BODY IS THE PLANNING COMMISSION

(If City Council is the final decision making body, see next section)

14. Prior to the hearing the Planning Commission shall be given copies of all initial studies, comments reports and other information used by the EAC in making recommendations and shall receive copies of the EAC's final recommendations. Agenda reports shall state the CEQA status of the proposed project.
15. After the hearing on the Negative Declaration and the project, the Planning Commission shall:
 - (1) adopt a Negative Declaration, either as proposed by the EAC or as modified, and
 - (a) adopt CEQA findings and,
 - (b) adopt mitigation measures, if applicable, and
 - (c) adopt any other findings or conditions, with motion to approve (or deny) the application, or

- (2) make the determination that the project will have a significant unmitigated impact on the environment and require preparation of an EIR.
16. Any interested person may appeal the decision to adopt the Negative Declaration or require an EIR. The appeal is to the City Council by filing a written appeal with the appeal fee with the City Clerk. The appeal period ends at the close of business hours on the 15th day following the Planning Commission action. If no appeal is filed, the decision of the Planning Commission is final.
17. If no appeal is filed with the City Clerk, and the Negative Declaration and project are approved, a Notice of Determination and a Certificate of Fee Exemption (if applicable) is filed with the County Clerk-Recorder and, if the project requires discretionary review from any state agency, a copy of the Notice is filed with the Office of Planning and Research. If any appeal is filed with the City Clerk as to either the CEQA or project determination, no action will be taken until a final decision is made by the City Council.

PROJECTS WHERE THE FINAL DECISION-
MAKING BODY IS THE CITY COUNCIL

14. Depending on the type of the project the Planning Commission holds a hearing (if required). Prior to the hearing the Planning Commission shall be given copies of all initial studies, comments reports and other information used by the EAC in making recommendations and shall receive copies of the EAC's final recommendations.
15. After the public hearing or consideration on the project, the Planning Commission shall recommend that the City Council:
 - (a) adopt CEQA findings, and
 - (b) adopt a Negative Declaration, either as proposed by the EAC or as modified, and
 - (c) adopt mitigation measures, if applicable, and
 - (d) adopt any other findings or conditions with a motion to approve (or deny) the permit(s) requested by the applicant, or
 - (e) decide that the project will have a significant unmitigated impact on the environment and require preparation of an EIR.

16. The Planning Commission recommendation to adopt a Negative Declaration shall be included in all notification to persons receiving statutory notice of the City Council public hearing.
17. Depending on the type of the project, the City Council may hold a public hearing. Prior to consideration of a project, the staff shall prepare a "blue sheet" and "agenda report".

Note the following:

- (a) The blue sheet should specify under "Council Action" that the resolution certifying the environmental action must be adopted, along with approval of the project
 - (b) The agenda report should specify the date the item was considered by the EAC, the recommendation of the EAC, and any recommended mitigation measures.
 - (c) The entire Negative Declaration must be attached to the agenda report.
18. After the public hearing on the Negative Declaration and the project, the City Council shall:
 - (a) adopt CEQA findings, and
 - (b) adopt a Negative Declaration, either as proposed by the EAC or as modified, and
 - (c) adopt mitigation measures, if applicable, and
 - (d) adopt any other findings or conditions, with motion to approve (or deny) the application or
 - (e) make the determination that the project will have a significant unmitigated impact on the environment and require preparation of an EIR.
 19. If a Negative Declaration is adopted and project approved, the Planning Department will file a Notice of Determination and Certificate of Fee Exemption (if applicable) with the County Clerk and, if the project requires discretionary approval from any state agency, a copy of the Notice is filed with the Office of Planning and Research.

SECTION 2

PROCEDURES WHEN AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED UNDER THE STATE CEQA GUIDELINES

8. The EAC, Planning Commission, or City Council may determine that a project may (or will) have a significant effect. If it may (or will) have a significant effect, an EIR is required. If there is a potential impact on wildlife or wildlife habitat, the City is required by the State Department of Fish and Game to collect a fee of \$850.
9. The decision of the EAC or the Planning Commission to require an EIR may be appealed, as described previously on page 3. The City Council has final decision-making authority on the requirement of an EIR.
10. At this time, a \$2,000 Consultant Selection fee plus (if applicable) the \$850 Department of Fish and Game Review fee is due. The \$2,000 Consultant Selection fee will be used by the City to initiate the EIR process and for selection of the EIR consultant. This money is non-refundable. The applicant shall have 1 year from the time of the EAC, Planning Commission, or City Council recommendation requiring an EIR, whichever is later to initiate the EIR process. If the appropriate amounts are not paid within that time, the project will be deemed withdrawn by the applicant.
11. When an EIR is required, a Notice of Preparation is sent to each responsible agency, adjacent jurisdiction, trustee agency, the County of Stanislaus and for a project of statewide, regional or areawide significance, to each transportation planning agency and federal agency involved in approving or funding the project.

PREPARATION OF DRAFT EIR

12. Staff reviews statements of qualifications for potential candidate consultants. If the project is exceptionally large or of a special nature the City may suggest that Request For Qualifications with description of similar projects be submitted. Based upon responses, staff narrows list to between 3 to 6 consultants.
13. Public scoping meeting with City, and interested individuals may be held to provide early input. Notice of any meeting is mailed to each property owner within 300 feet of the project area. Staff will note the salient issues brought out in the scoping meeting and forward these to the prospective consultants.

14. Staff mails Request for Proposals (RFPs) to between 3 and 6 consultants. Meetings are scheduled with interested consultants to review the project application, the proposed EIR content, and the work schedule of the EIR.
15. Proposals submitted. EAC makes recommendation to City Council, who then selects the consultant.
16. Applicant must pay an EIR fee in the amount equal to the estimated costs of a draft and final EIR plus a 10 percent administrative cost to the City. Once the fee is paid the City will enter into a contract with the consultant. If applicant fails to deposit the required monies within 30 days of written request, the application is deemed withdrawn. Once the fee is paid, it is non-refundable. Applicant shall have no greater role in the EIR process than any member of the public.
17. The City/Consultant contract is prepared, approved by City Council and signed by staff.
18. Consultant prepares a "time line" and then an administrative draft EIR (ADEIR) for City review; comments are returned for incorporation into the Draft EIR.
19. Consultant prepares Draft EIR and Draft Mitigation Monitoring Program. Notice of Completion is filed by the City with the State Office of Planning and Research. The City will notify the public that the Draft EIR is available for review pursuant to the provisions of Public Resource Code section 21092. A copy will also be made available at the main library.
20. The public shall have a 30 day period to review and comment on the Draft EIR. The review period shall be 45 days when a State agency is a responsible agency for the project.
21. A public hearing shall be held on the Draft EIR during the above public review period, by the final decision making body. Notice of hearing is mailed to each property owner within 300 feet of the project. The Notice says that a Draft EIR has been prepared and is available for review prior to the hearing on the DEIR.

PREPARATION OF FINAL EIR

22. Written responses collected by City staff and sent to consultant during the public review period.
23. The consultant completes the Final EIR and Final Mitigation Monitoring Program. Then they deliver copies to the City and all other interested agencies.

24. Staff prepares a draft resolution which includes the following findings to certify the Final EIR:
- (a) Find that the FEIR has been completed in compliance with CEQA, and
 - (b) Find that the Decision-Making body has reviewed and considered the FEIR, and
 - (c) Adopt a Statement of Overriding Considerations (if applicable), and
 - (d) Adopt Mitigation Monitoring Program (see Exhibit E-2)

PROJECTS WHERE THE FINAL DECISION MAKING
BODY IS THE PLANNING COMMISSION
SEE NUMBER 14 AND 15, PAGE 2

25. Planning Commission shall hold a public hearing, and
- (a) adopt or reject the above described CEQA findings and certification of the adequacy of the Final EIR, or
 - (b) if the CEQA findings are adopted the Planning Commission may approve the project with appropriate mitigation measures attached
26. Any interested person may appeal the Planning Commission decision to adopt the Negative Declaration or require an EIR to the City Council by filing a written appeal with appeal fees with the City Clerk. The appeal period ends at the close of business hours on the 15th day following the Commission action. If no appeal is filed, the decision of the Planning Commission is final.
27. If no appeal is filed with the City Clerk, and the EIR is certified and application(s) approved, a Notice of Determination is filed with the County Clerk. If the project requires discretionary approval from any state agency, a copy of the Notice is filed with the Office of Planning and Research. If any appeal is filed with the City Clerk, as to either the CEQA or project determination, steps 27 through 28 (under projects approved by the City Council) shall be followed.

PROJECTS WHERE THE FINAL DECISION MAKING
BODY IS THE CITY COUNCIL

25. Planning Commission shall hold a public hearing, and

- (a) adopt or reject the above described CEQA findings and certification of the adequacy of the Final EIR, or
 - (b) if the CEQA findings are adopted the Planning Commission may approve the project with appropriate mitigation measures attached
26. Notice of public hearing is published, and written notice is mailed to all property owners who live within 300 feet of the proposed project.
27. The agenda report and blue sheet to the City Council must specify that the resolution certify the EIR and adopt the Mitigation Monitoring Plan. A copy of the complete EIR (Draft EIR, Final EIR, Mitigation Monitoring Plan) must be made available to the City Council.
28. City Council public hearing, and
- (a) If the Planning Commission has recommended certification of the EIR the Council may (i) certify the EIR and adopt findings and conditions with a motion to approve (or deny) the permit(s) requested by the applicant, or (ii) may deny certification of the EIR and project or
 - (b) If the Planning Commission has denied or recommended denial of certification of the EIR, the Council may confirm that decision or reverse that decision. The project will not be approved unless the Council certifies the EIR.
29. If the EIR and project are approved, a Notice of Determination is filed with the County Clerk and, if the project requires discretionary approval from any state agency, a copy of the notice is filed with the Office of Planning and Research

SECTION 3

PROCEDURES WHEN A PREVIOUSLY PREPARED EIR IS USED

1. EAC should decide if a previously prepared EIR could apply to the project seeking approval. The EIR shall be reviewed to see which of the following three categories it falls under, as noted in 2, 3, and 4 below.
2. Program EIR - is an EIR prepared on a series of actions that can be characterized as one large related project. The Village One EIR is an example. The EAC shall review the proposed projects not sufficiently defined in the Program EIR and prepare draft findings to explain:
 - (a) If the project falls under a statutory or categorical exemption, staff shall file a notice of exemption. The project and prior EIR need no further review. Residential projects undertaken pursuant to and in conformity with a specific plan are exempt under Section 15182.
 - (b) The EAC will perform an initial review to determine that the proposed project is within the scope of the program. If the EAC decides this is so, a notice of exemption under Section 15168 will be filed and no further environmental documents will be required.
 - (c) If the precise impact of the project are not fully disclosed by the program EIR the EAC shall perform an initial study of the project. The EAC may recommend a negative declaration, may incorporate the prior EIR by reference, may require a focused EIR on the proposed project, or may take any other action which is necessary to comply with CEQA.
 - (d) If the project involves neighborhood commercial facilities in an urbanized area under a prior EIR, the EAC will perform an Initial Study and authorize the project to proceed under the previously prepared EIR, subject to findings required by Section 15181.
 - (e) Then the Planning Commission must adopt or recommend adoption of these findings prior to project approval. If the City Council has final decision-making authority on the project it shall adopt the findings prior to project approval. Copies of the EIR shall be made available to each member of the final decision-making body prior to project approval.

3. Redevelopment Plan EIR is prepared for review of a Redevelopment Plan. Users of the EIR shall follow the procedures set forth above for a Program EIR.
4. Project EIR - is an EIR which evaluates the environmental impact of a specific project. The EIR shall be valid for two (2) years from final printing. After two years from the date of final printing, staff shall send the project application and final EIR to the EAC.
 - (a) The EAC shall do an Initial Study to determine if EIR still adequately describes the project, environmental setting, significant impacts, alternatives and mitigation measures. If the EAC determines the EIR to be adequate, the Planning and Community Development Department will send out a Notice of Plan to Use Prior EIR to affected agencies. If the EAC, Planning Commission, or City Council decides that due to time, project changes, or any other reason, the EIR is no longer adequate, the EAC will require a Supplement to the EIR, a Subsequent EIR, or an Addendum to an EIR.
 - (b) The Planning Commission and/or City Council will evaluate the Initial Study, prior EIR, public comments and decide whether the EIR is adequate for the project at hand. If it deems the EIR adequate, it will certify the EIR and make findings as per sections 15091 and 15093 of CEQA Guidelines.
 - (c) A Notice of Determination (NOD) will be filed by the City with the County Clerk-Recorder.
5. All EIRs are subject to review by the EAC under standards of Section 15162 which states that a new EIR may be required if:
 - (a) subsequent changes in the proposed project require revisions in the prior EIR due to environmental impacts not considered; or
 - (b) substantial changes occur with respect to the circumstances under which the project is undertaken which require important revisions to the prior EIR; or
 - (c) new information becomes available showing significant new effects not previously considered or requiring altered mitigation measures.

SECTION 4

PROCEDURES WHEN PROJECTS ARE EXEMPT UNDER THE STATE CEQA GUIDELINES

1. A preapplication meeting may be held. Appendices A, B, and C serve as further reference in determining whether an application is a nonproject, statutorily/categorically exempt, or a certified regulatory program.
2. A complete application shall be filed with the Planning Department.
3. Staff makes determination that the project is exempt from CEQA. The following are defined as exempt projects:
 - (a) Activities included in Section 15061 (b) (3) of CEQA Guidelines. This section describes the "general rule" that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."
 - (b) Article 18, Statutory Exemptions, Section 15260 et. seq. (See Appendix A)
 - (c) Article 19, Categorical Exemptions, Section 15300 et. seq. (See Appendix B)
 - (d) Issuance of nondiscretionary building, electrical, plumbing or gas permits;
 - (e) Issuance of business licenses and other nondiscretionary City permits.
 - (f) Approval of final maps
 - (g) Approval of individual utility service connections and disconnections.
 - (h) Execution of project improvement agreements;
 - (i) Acceptance of offers of dedication;
 - (j) Acceptance of deeds;
 - (k) Encroachment permits

4. Notice of Exemption is prepared by the Environmental Review Coordinator, and is signed by the Department Head overseeing the project.
5. The project will then receive review and approval according to the usual procedure without further environmental review, unless the exemption has been appealed.

PROJECTS WHERE THE FINAL DECISION-MAKING BODY IS
THE PLANNING COMMISSION

6. The Planning Commission holds a public hearing, and
 - (a) confirms the exempt status of the projects and adopts of findings and conditions together with a motion to approve (or deny) the application, or
 - (b) directs preparation of an Initial Study.
7. Any interested person may appeal the Planning Commission decision as to the exempt status of the project to the City Council by filing a written appeal with the City Clerk within fifteen days of the Planning Commission action. The appeal period expires at the close of business on the fifteenth day after the Commission action. If no appeal is filed, the decision of the Planning Commission is final.
8. If an appeal is filed with the City Clerk, of either the CEQA or project determination, steps 7 through 10 (under Projects Where The Final Decision Making Body Is The City Council) shall be followed.

PROJECTS WHERE THE FINAL DECISION-
MAKING BODY IS THE CITY COUNCIL

6. The Planning Commission holds a public hearing and
 - (a) recommends confirmation of the exempt status and adopts findings and conditions with a motion to approve (or deny) the application, or
 - (b) adopts a recommendation to prepare an Initial study
7. A public hearing on the exempt status and the project is scheduled by Council.
8. The agenda report to the City Council must specify that the project was "exempt" from CEQA and state the reason.
9. Notice of public hearing is published. If required, written notice is mailed to all property owners who live within 300 feet of the proposed project.

10. The City Council holds a public hearing, and
 - (a) if the Planning Commission has confirmed or recommended confirmation of the exempt status the Council may (i) confirm the exempt status and adopt findings conditions, together with a motion to approve (or deny) the project requested by the applicant, or (ii) direct the preparation of an initial study together with such actions as to project which may be advisable, or
 - (b) if the Planning Commission has recommended preparation of an Initial Study, the Council may confirm that decision and take such actions as to the project which may be advisable or may confirm the exempt status of the project.
11. If the exempt status is confirmed and project approved, a Notice of Exemption may be filed with the County Clerk-Recorder

CEQA STATUTORY EXEMPTIONS

NOTE: This listing is a summary intended for guideline purposes only. The specific language of CEQA, the CEQA Guidelines, and relevant cases should be consulted to determine the definition and applicability of each exemption.

"Nonprojects"

1. Activities for which "it can be seen with certainty" that there will not be an environmental effect. Guidelines Sec. 15061(b) (3).
2. Anything specifically exempted by state law. Guidelines Sec. 15378(b) (1).
3. Proposals for legislation to be enacted by the state Legislature. Guidelines Sec. 15378(b) (2).
4. Certain continuing administrative or maintenance activities. Guidelines Sec. 15378(b) (3).
5. Submissions of proposals to a statewide or local vote, except for CEQA projects requiring later voter ratification. Guidelines Sec. 15378(b) (4).
6. School closing and student transfer when the only physical changes involved are categorically exempt. Guidelines Sec. 15378(b) (5).

Selected Statutory Exemptions

1. Ministerial projects. Guidelines Sec. 15268.
2. Emergency situations, including emergency repairs to public services facilities necessary to maintain service, projects affecting disaster areas where the governor has proclaimed a state of emergency, and specific actions necessary to prevent or mitigate an emergency. Guidelines Sec. 15269. An "emergency" is a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. PRC Sec. 21060.3.
3. Projects that a public agency rejects or disapproves. Guidelines Sec. 15270(a).
4. Certain early actions related to a thermal power plant site or facility. Guidelines Sec. 21080(b) (6).
5. The setting of certain rates, tolls, fares, or charges other than rate increases to fund system expansions. Guidelines Sec. 15273(a).

6. Certain transit projects. Guidelines Sec. 15275.
7. Development or adoption of regional or state transportation improvement programs. Guidelines Sec. 15276.
8. Projects outside California subject to NEPA or state "mini-NEPA" review. Guidelines Sec. 15277.
9. Local agency projects implementing a state rule or regulation imposed pursuant to a state certified regulatory program, except site-specific effects of a project not analyzed as significant impacts in a substitute document. PRC Sec. 21080(b)(16).
10. Feasibility or planning studies for possible future actions that the agency has not approved, adopted, or funded. Guidelines Sec. 15262.
11. Certain local government activities related to local coastal programs, and activities by state universities or colleges necessary for a long-range land use development plan. Guidelines Sec. 15265(a).
12. OPR time extensions for general plan elements. Guidelines Sec. 15266.
13. Department of Housing and Community Development financial assistance for low- or moderate-income housing. Guidelines Sec. 15267.
14. State Lands Commission settlements of title and boundary problems and related exchanges or leases. PRC Sec. 21080.11.
15. Railroad grade separation projects eliminating an existing grade crossing or reconstructing an existing grade separation. PRC Sec. 21080.13.
16. Adoption of an ordinance related to construction of certain senior citizen units or second units. PRC Sec. 21080.17.
17. The closing of any public K-12 school, or the transfer of students from such a school if the associated physical changes are categorically exempt. PRC Sec. 21080.18.
18. Restriping of streets or highways to reduce traffic congestion. PRC Sec. 21080.19.
19. Projects less than 1 mile long related to subsurface pipelines within public rights-of-way. PRC Sec. 21080.19.
20. State Water Resources Control Board and Regional Water Quality Control Board adoption of waste discharge requirements required by the Federal Clean Water Act, except for new sources. Water Code Secs. 13372, 13389.

21. Local adoption of timberland preserve zones. Guidelines Sec. 15264.
22. Local ordinances exempting a jurisdiction from solar shade control requirements. PRC Sec. 25985.
23. Local approval of a large day-care home providing family day-care for 7-12 children. Health & Safety Code Sec. 1597.46.

APPENDIX B

CATEGORICAL EXEMPTIONS (GUIDELINES SECS. 15301 ET SEQ.)

NOTE: This listing is a summary intended for guideline purposes only. The specific language of CEQA, the CEQA Guidelines, and relevant cases should be consulted to determine the definition and applicability of each exemption.

1. Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses.
2. Replacement or reconstruction of existing structures or facilities on the same site.
3. Construction of limited small new facilities, installation of small new equipment and facilities in small structures, and conversion of the use of small existing structures.
4. Certain minor alterations of land, water, or vegetation.
5. Certain minor alterations in land use limitations.
6. Basic data collection, research, experimental management, and resource evaluation activities.
7. Certain actions taken by regulatory agencies to maintain, restore, or enhance a natural resource.
8. Certain actions taken by regulatory agencies to maintain, restore, or enhance the environment.
9. Inspections of operations or projects.
10. Certain Department of Veterans Affairs loans, and mortgages and mortgage purchases for existing structures.
11. Construction or placement of minor structures next to certain existing facilities.
12. Sales of surplus government property, except in environmentally sensitive areas.
13. Acquisition of land for fish and wildlife conservation.
14. Minor additions to existing schools.
15. Subdivisions of certain properties in urban area into four or fewer parcels.
16. Certain acquisitions or sales of land in a natural condition or containing cultural resources sites, to establish a park.

17. Establishment of agricultural preserves, making and renewal of Williamson Act contracts, and acceptance of open space property.
18. Designation of wilderness areas under the California Wilderness System.
19. Annexations of certain areas containing existing structures, and certain small parcels.
20. Local government reorganizations requiring no change in the areas where previous powers were exercised.
21. Enforcement actions by regulatory agencies.
22. Actions related to educational or training programs not involving outdoor physical changes.
23. Normal operations of existing facilities for public gatherings for which the facilities were designed.
24. Actions taken by regulatory agencies related to wages, hours, and working conditions.
25. Transfers of interests in land to preserve open space.
26. Actions needed to implement a housing assistance plan by acquiring an interest in housing units.
27. Leasing of new or unoccupied private facilities in a building exempt from CEQA.
28. Installation of certain hydroelectric facilities less than five megawatts capacity at existing facilities.
29. Installation of certain cogeneration equipment less than 50 megawatts capacity at existing facilities.

APPENDIX C

LIST OF CERTIFIED REGULATORY PROGRAMS (GUIDELINES SEC. 15251)

1. Regulation of timber harvesting operations by the California Department of Forestry and the State Board of Forestry.
2. The regulatory program of the Fish and Game Commission.
3. The regulatory program of the California Coastal Commission involving issuance of coastal development permits.
4. The regulatory program of the Air Resources Board involving protection and enhancement of ambient air quality.
5. The regulatory program of the State Board of Forestry under the Forest Practices Act.
6. Coastal Commission preparation, approval, and certification of local coastal programs.
7. The water quality control and "208" planning programs of the State Water Resources Control Board and Regional Water Quality Control Board.
8. The permit and planning programs of the San Francisco Bay Conservation and Development Commission.
9. The pesticide regulatory program administered by the Department of Food and Agriculture and the county agricultural commissioners.
10. Department of Water Resources regulation of water resources management projects.
11. The Energy Resources Conservation and Development Commission power plant site certification program.
12. The regulatory program of the State Water Resources Control Board to establish instream beneficial use protection programs.

ITEM C Public Hearing - Recommendation of Adoption of the Updated Guide to CEQA Procedures For City of Modesto

Project Description

The purpose of this document is to "de-mystify" to some degree the CEQA process and provide for public as well as private individuals a concise reference source in seeing a project through to adoption. This item is a "guide" that formalizes the CEQA process for "projects" that are to occur within the City of Modesto. The "Guide" has four sections:

1. Procedures when a Negative Declaration is required under State CEQA Guidelines.
2. Procedures when an Environmental Impact Report (EIR) is required under the State CEQA Guidelines.
3. Procedures when a previously prepared EIR is used.
4. Procedures when a project is exempt

These sections describe in a step-by-step manner the procedures that are required by CEQA to bring a project from initial application all the way through the process to Notice of Determination. Fees, review periods, public notification, appeals and final CEQA adoption or certification are presented in an easy to read procedural format. There are only a few minor procedural changes from how the CEQA process is currently handled. These changes involve the slightly expanded role of the City staff, the incorporation of a consultant selection fee, the review of previously used EIRs, a lengthening of the appeal period, and incorporation of State Department of Fish and Game fees, when applicable.

Issues and Background

CEQA is California's broadest environmental law. Its four basic objectives are:

1. To inform decision makers and the public about the significant environmental effects of proposed activities;
2. to identify ways to avoid or reduce damage;
3. to prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures; and
4. to disclose to the public reasons for agency approvals of projects with significant environmental effects. (State CEQA Guidelines Section 15002)

To adhere to these objectives, requires a sometimes extended process of analysis, review, mitigation and notification. To this end staff has worked on these procedures in an attempt to facilitate a smoother internal function of the processing of projects. In virtually all as the application of City development standards comes into play. Recent legislation at the state level

frequently complicates the development process. It was deemed that a "guide" would assist all persons who engaged in development within the City proceed with this process.

Environmental Assessment

This is not a project. It constitutes a continuing administrative or maintenance activity. State CEQA Guidelines Section 15378 (b) (3).

This is a procedural activity and does not apply.

Recommended Action

Staff recommends that the Planning Commission recommend approval by the City Council.

PLANNING COMMISSION
RESOLUTION NO. 91-70

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL A REVISION OF THE PROCEDURES FOR IMPLEMENTING THE ENVIRONMENTAL QUALITY ACT WHERE THE CITY OF MODESTO IS THE LEAD AGENCY AND SUPERSEDING PRIOR CITY COUNCIL RESOLUTIONS 87-48 AND 89-90

WHEREAS, Sections 21000 et seq. of the California Public Resources Code (PRC), as amended, are known as the California Environmental Quality Act (CEQA), and

WHEREAS, Section 15022 of the State CEQA Guidelines requires each public agency to adopt objectives, criteria, and guidelines for administering its responsibilities under CEQA, and

WHEREAS, Section 21082 of the California Public Resources Code requires all public agencies to adopt procedures for evaluation of projects and the preparation of Environmental Impact Reports and Negative Declarations, and

WHEREAS, Chapter 9 of Title IV of Modesto Municipal Code (Sections 4-10.01 - 4-10.04) authorizes the adoption by resolution of guidelines for determining what projects may have a significant effect on the environment and for the preparation and approval of environmental impact reports, and

WHEREAS, the City Council by Resolution Nos. 72-1137, 73-276, 74-130, 75-437, 77-14, 77-80, 78-457, 80-111, 81-406, 84-989, 87-48 has previously adopted Environmental Impact Report guidelines or amendments thereto, and

WHEREAS, staff has proposed a revision to these previously adopted guidelines to provide staff and the public with an easy reference to the proper procedures, and

WHEREAS, the proposed CEQA Guidelines have been determined not to be a project, and

WHEREAS, the Planning Commission reviewed and discussed the attached proposed CEQA Guidelines at a public meeting on November 4, 1991, and

WHEREAS, all references to "Planning Commission" include the Board of Zoning Adjustment, Landmark Preservation Commission, and the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends adoption of the "Guide to CEQA Procedures For City of Modesto" as the revised procedures for implementing the California Environmental Quality Act, where the City of Modesto is the lead agency.

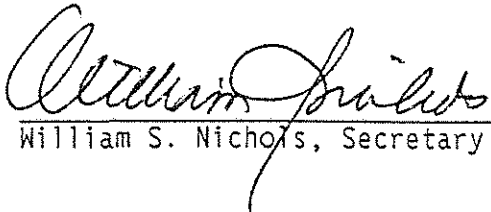
The foregoing resolution was introduced at a regular meeting of the Planning Commission held on November 4, 1991, by Lynne Gonzales-Collins, who

Atty.
Planning
P/W
P/R

moved its adoption, which motion was seconded by Jeff Grover, and carried by the following vote:

AYES: Alexander, Cruz, Gonzales-Collins, Grover, Smith, and Dunbar
NOES: None
ABSENT: Fisher

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO



William S. Nichols, Secretary

Attachment (Exhibit A)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-714

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 HETCH HETCHY BIKE PLAN, AND ADOPTING SAID HETCH HETCHY BIKE PLAN.

WHEREAS, the City Council certifies that at its Council meeting of November 19, 1991, 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 Hetch Hetchy Bike Plan, and

WHEREAS, the mitigation measures have been incorporated into the approved project, and

WHEREAS, the Council has also reviewed and considered the adoption of the Hetch Hetchy Bike Plan to provide for further implementation of the "Modesto Bike Plan",

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 Hetch Hetchy Bike Plan.

BE IT FURTHER RESOLVED that the Hetch Hetchy Bike Plan to provide for further implementation of the "Modesto Bike Plan" is hereby adopted, a copy of said Plan 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 19th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY G. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-715

A RESOLUTION UPHOLDING CONDITION NO. 2 OF COUNCIL RESOLUTION NO. 91-235 RELATING TO THE RELOCATION OF MODESTO IRRIGATION DISTRICT POWER POLES ON OAKDALE ROAD, AND WAIVING CONDITION NO. 6 OF SAID COUNCIL RESOLUTION NO. 91-235 RELATING TO STREET IMPROVEMENTS ON ST. PAUL'S WAY (ST. PAUL'S CHURCH - P-D(147)).

WHEREAS, Resolution No. 91-235, adopted on April 23, 1991, approved a development plan for Planned Development Zone, P-D(147), to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), as an addition to P-D(147), to allow a Wells Fargo Bank and an elderly housing project, property located on the Southeast corner of Briggsmore Avenue and Oakdale Road, subject to certain conditions, and

WHEREAS, Ordinance No. 2761-C.S., which became effective on June 6, 1991, amended Sections 14-3-9 and 23-3-9 of the Zoning Map to reclassify property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), and amended Section 2 of Ordinance No. 1566-C.S., as previously amended by Ordinance Nos. 1839-C.S. and 2350-C.S., to add a Wells Fargo Bank and an elderly housing project on the Southeast corner of Briggsmore Avenue and Oakdale Road, and

WHEREAS, Modesto City Council Resolution No. 91-236, adopted on April 23, 1991, certified review of the findings of the Environmental Assessment Committee which resulted in a mitigated negative declaration in regard to the traffic impacts of the subject project, and

WHEREAS, by letter dated November 13, 1991, Mid-Valley Engineering, on behalf of St. Paul's Church, appealed the interpretation of the Public Works Department as to Condition No. 2, specifically 2(d), of Modesto City Council Resolution No. 91-235, and alternatively requested the City to bear

the financial burden of \$20,000 to relocate the existing Modesto Irrigation power poles on Oakdale Road, as St. Paul's Church will incur additional costs in excess of \$100,000 to accomplish the remainder of the project, and as to Condition No. 6 of Council Resolution No. 91-235, further requested relief from street improvements requirements consistent with Standard Specifications, specifically relating to street reconstruction or overlays, and

WHEREAS, said matter was considered by 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 November 19, 1991, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the interpretation of the Public Works Department as to Condition No. 2, specifically No. 2(d), in said Council Resolution No. 91-235 relating to relocation of power poles on Oakdale Road, should be upheld for the following reasons:

1. City staff can find no legal argument or extenuating circumstance which would serve as a basis for the City to bear any or all of the cost to relocate the existing Modesto Irrigation power poles on Oakdale Road, as such action would be a gift of public funds.
2. Further, the condition that the utilities be relocated is a mitigation measure of the environmental (traffic) impacts of the project.
3. As a condition of approval of the parcel map, the applicant is required to widen Oakdale Road south of Briggsmore. The need for this widening was identified as a traffic mitigation measure in the applicant's traffic study. This is a necessary and legitimate cost of the Oakdale Road improvements and has been included in the applicant's project estimates since at least June 1991.

and

WHEREAS, the Council found and determined that special circumstances exist for granting the request as to the interpretation by the Public Works Department of Condition No. 6 in City Council Resolution No. 91-235 relating to street improvements on St. Paul's Way for the following reasons:

1. The development plan for P-D(147) provides for an ingress and egress facility directly from Briggsmore Avenue and when installed, will actually help the traffic situation on St. Paul's Way.
2. St. Paul's Way is unique in that the majority of traffic impacting the life of the street structural sections comes from the neighboring shopping center, and not from P-D(147).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, for the reasons set forth above, the interpretation of the Public Works Department as to Condition No. 2 of Council Resolution No. 92-235 relating to the requirement for relocation of the Modesto Irrigation power poles on Oakdale Road to provide right-of-way dedication requirements for a right turn lane is hereby upheld and the request of Mid-Valley Engineering, on behalf of St. Paul's Church, that the city bear the financial burden of \$20,000 to relocate the existing Modesto Irrigation power poles on Oakdale Road, is hereby denied.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that special circumstances exist for granting the request as to the interpretation of Condition No. 6, and for the reasons set forth above, the Council hereby waives the requirement of street reconstruction or overlay paving of St. Paul's Way.


BE IT FURTHER RESOLVED that all other provisions of Council Resolution No. 91-235 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 19th day of November, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-715A

A RESOLUTION DESIGNATING THE McCLURE COUNTRY PLACE LOCATED AT 800 McCLURE ROAD AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 21, 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. 16, that the McClure Country Place 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 November 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the McClure Country Place 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 McClure Country Place is located on property at 800 McClure Road, and more particularly described as follows:

All that portion of the Northwest quarter of the Northeast quarter of Section 25, Township 3 South, Range 9 East, M. D. B. & M., lying North of the centerline of Lateral No. 2 of the Modesto Irrigation District.

EXCEPTING THEREFROM all that portion situated Northerly of the centerline of Dry Creek, which portion is more particularly described as:

Beginning at the two inch pipe marking the North quarter corner of said Section 25; thence North 89° 21' East 199.20 feet, more or less, along the North line of said Section 25 and the South line of Wycliffe as per Map filed in Vol. 19 of Maps, page 31, Stanislaus County Records, to the centerline of Dry Creek; thence southwesterly along the centerline of Dry Creek to the North-South quarter line of said Section 25; thence North 150 feet, more or less, along quarter section line to point of beginning.

ALSO EXCEPTING therefrom the Southerly 37½ feet by the interest conveyed to the Modesto Irrigation District from B. P. Hogin by Deed recorded June 29, 1903 in Vol. 87 of Deeds, page 55, Stanislaus County Records.

All that portion of the Northeast quarter of the Northeast quarter of Section 25, Township 3 South, Range 9 East, M. D. B. & M., lying North of the South line of a 75 foot wide strip of land conveyed to The Modesto Irrigation District for Lateral No. 2.

EXCEPTING THEREFROM the Southerly 75 feet by the interest conveyed to the Modesto Irrigation District from B. P. Hogin by Deed recorded June 29, 1903 in Vol. 87 of Deeds, page 55, Stanislaus County Records.

BE IT FURTHER RESOLVED that the McClure Country Place has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architecturally, it is significant as a typical farmstead in the Central Valley.
2. Historically, it was the homestead of the Hogin and McClure families.
3. It is economically feasible since it is owned by the City of Modesto.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(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 26th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

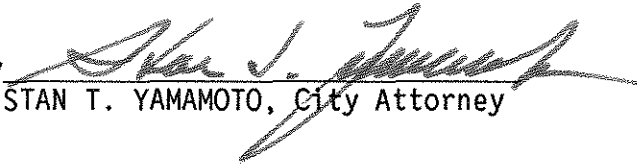
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Public Works & Transportation
Engineering

MODESTO CITY COUNCIL
RESOLUTION NO. 91-716

A RESOLUTION DESIGNATING THE UNITED STATES POST OFFICE AND FEDERAL BUILDING LOCATED AT 1125 "I" 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 August 19, 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. 17, that the United States Post Office and Federal Building 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 November 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the United States Post Office and Federal Building 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 United States Post Office and Federal Building is located on property at 1125 "I" Street, and more particularly described as follows:

Lots 9-16, Block 84, original City of Modesto, property is located on west corner of Twelfth and I Streets, with 200' frontage on Twelfth Street and 140' frontage on I Street.

BE IT FURTHER RESOLVED that the United States Post Office and Federal Building has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architecturally, it is a fine example of a Mediterranean classic-style building.
2. Historically, it was the main Post Office Building built in 1932-33.
3. It is economically viable in that it is used as a Post Office Branch and Federal Building.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(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 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

APPROVED AS TO DESCRIPTION:

By 
Public Works & Transportation
Engineering

MODESTO CITY COUNCIL
RESOLUTION NO. 91-717

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE KANSAS AVENUE SEWER CONSTRUCTION FROM 8TH
TO 99 FREEWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Kansas Avenue sewer
construction from 8th to 99 Freeway
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 19, 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 26th day of November, 1991,
by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-718

A RESOLUTION ACCEPTING THE BID OF RANCHWOOD CONTRACTORS FOR THE CONSTRUCTION OF RIVERSIDE PARK AND RIVERSIDE DRIVE

WHEREAS, Resolution No.91-633 , adopted by the Council of the City of Modesto on October 8 , 1991 , approved the plans and specifications for the construction of Riverside Park and Riverside Drive

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Riverside Park and Riverside Drive

were opened at 11:00 a.m. on October 31, 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 Ranchwood Contractors in the amount of \$508,159.47

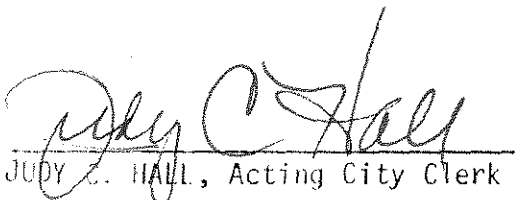
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ranchwood Contractors in the amount of \$508,159.47 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 November , 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-719

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. AND SANTO A. CARNABUCI dba NIBBLES FOR THE ADVERTISING CONCESSION AT THE AIRPORT

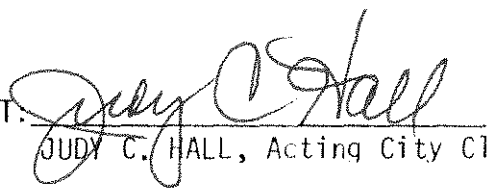
BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Charles J. and Santo A. Carnabuci dba Nibbles for the advertising concession at the Airport

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 26th day of November , 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 91-720

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR A SECURITY ENTRY DOOR AND ESTIMATE REVENUE TO BE RECEIVED FOR PROJECT.

WHEREAS, changes in the FAA regulations deem it no longer necessary for category IV airports, like the Modesto Airport, to have a law enforcement officer assigned where passengers are processed, and

WHEREAS, the airlines now only monitor the passenger departure area during the time just prior to and during aircraft boardings, and

WHEREAS, this new procedure now necessitates that for security reasons, the airlines be able to close and lock the sterile area entrance between flights, and

WHEREAS, the City of Modesto Airport and the two airlines have agreed to share the cost of the installation of a glass storefront which will provide the required security,

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are necessary:

AIRPORT FUND (631)

<u>Fund/Agy/Org/Rev</u>		<u>Increase (Decrease)</u>
<u>Revenue</u>		
631-510-9510-8146	Airport Security Revenue	\$ 4,400
<u>Expenditures</u>		
631-480-5412-5032	Horton Door System	6,500
631-800-8000-8003	Airport Contingency Reserve	(2,100)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 91-721

A RESOLUTION MEETING U.S. ENVIRONMENTAL PROTECTION AGENCY
(EPA) REQUIREMENTS BY ADOPTING AN ENFORCEMENT RESPONSE
PLAN (ERP) FOR INDUSTRIAL USER NONCOMPLIANCE.

WHEREAS, the Enforcement Response Plan (ERP) is a plan explaining
what actions can be taken against an industry for violating its permit, the
City's Municipal Code, and/or Federal and State regulations, and

WHEREAS, enforcement will be handled by Public Works staff through
notices of violation, fines assessed, and Administrative Orders, and

WHEREAS, Environmental Protection Agency's 40 CFR 403.8(F)(5),
adopted July 1990, requires every city to have an ERP by January 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby adopts an Enforcement Response Plan for industrial user
noncompliance.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 26th day of November, 1991, by
Councilmember Muratore, who moved its adoption, which motion being duly
seconded by Councilmember Friedman, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-722

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL CONSULTANTS TO PROVIDE DESIGN SERVICES FOR IMPROVEMENTS TO THE DISSOLVED AIR FLOTATION THICKENERS 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 Consultants to provide design services for improvements to the Dissolved Air Flotation Thickeners at the Wastewater Treatment Plant be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended agreement by the designated city officials be authorized.

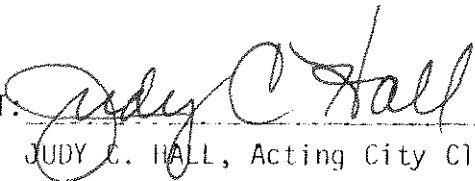
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-723

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was
adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of
the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments
to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides
that revisions to the Classification Plan shall be effective upon adoption of
resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification
Plan of the City of Modesto is hereby amended to create the following
classifications:

Affirmative Action Officer

Senior Crime Analyst/Crime Analyst

Public Improvement Specialist

The specifications for the classification of Affirmative Action
Officer (Range 431), as shown on the attached Exhibit "A", Senior Crime
Analyst/Crime Analyst (Range 130), as shown on the attached Exhibit "B", and
Public Improvement Specialist (Range 128), 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:

Social Services Coordinator

Fire Battalion Chief

Fire Division Chief

The revised specifications for the classification of Social Services Coordinator (Range 428), as shown on the attached Exhibit "D", and Fire Battalion Chief (Range 512), as shown on the attached Exhibit "E", and Fire Division Chief (Range 517), as shown on the attached Exhibit "F", 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. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Data Processing Technician

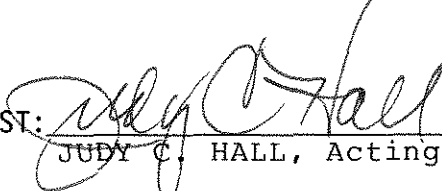
SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after November 26, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

AFFIRMATIVE ACTION OFFICER

DEFINITION

To develop, implement, and coordinate the City's Affirmative Action Program; ensure City compliance with all relevant laws and policies; and perform other related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from department head.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Administer the City's Affirmative Action Programs, which include EEO (Equal Employment Opportunity) compliance, contractor compliance and related programs and systems; monitor program compliance and produce required reports; manage the automation of program data; develop and recommend City rules and regulations relating to affirmative action; provide consultation, education, and training programs on affirmative action issues and policies to City staff.

Investigate and facilitate the resolution of discrimination and harassment complaints and develop procedures which create a non-discriminatory work environment.

Provide staff support to the Affirmative Action Commission.

Plan and participate in recruitment outreach, particularly when underutilization is a concern; coordinate with departments on affirmative action issues; monitor affirmative action progress.

Monitor personnel actions and activities (e.g. recruitments, appointments, promotions, retentions, and terminations) for affirmative action purposes; oversee the development of special employment programs.

Monitor legislation and litigation.

Serve as the City's representative to Stanislaus County Mayor's Committee for the Employment of Persons with Disabilities.

Make oral presentations before community groups and City officials.

Serve as the City's advocate in equal employment matters.

Interact closely with City officials, staff, citizens, and community organizations.

Apply specialized knowledge and judgment in recommending actions to be taken on complex, technical, and sensitive issues.

Conduct audits or classification studies for purposes of validating job standards, removal of artificial barriers or the development of specialized classifications.

Participate in recruitments in furtherance of affirmative action goals; perform test development activities and adverse impact analyses; coordinate and administer examinations; respond to recruitment or examination complaints.

Act as liaison to the community, professional organizations, and educational institutions, and respond to requests for information on job opportunities, professional development, and work-study programs.

QUALIFICATIONS

Knowledge of:

Pertinent Federal, State and local laws, court decisions, and administrative guidelines relating to affirmative action and equal employment opportunity.

Principles and practices of analysis and statistical methodology.

Principles and practices of organization, administration and personnel management.

Technical writing styles and English composition fundamentals.

Ability to:

Provide effective program development and implementation in the area of affirmative action.

Maintain the City's compliance with all reporting and other requirements.

Develop and maintain harmonious working relationships with contractors, enforcement agencies, and community organizations; interact effectively with personnel at all levels.

Analyze problems and identify alternative solutions; project consequences of proposed actions and implement recommendations in support of goals.

Work with and control sensitive and confidential information; provide appropriate sensitivity to multi-cultural issues.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Experience:

Two years of increasingly responsible experience in affirmative action, personnel, public administration, or human resources programs.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in social science, public administration, business administration, industrial relations, human resources management, or a related field.

CRIME ANALYST
SENIOR CRIME ANALYST

DEFINITION

To analyze crime reports, collect data, conduct planning and make recommendations for manpower deployment; and to perform research, statistical, and other analytical work.

DISTINGUISHING CHARACTERISTICS

Crime Analyst - This is the entry level class in the Crime Analyst series. This class is distinguished from the Senior Crime Analyst by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Senior Crime Analyst - This is the full journey level class within the Crime Analyst series. Employees within this class are distinguished from the Crime Analyst by the performance of the full range of duties as assigned, as well as performance of the more complex analytical assignments. Positions in this class are normally filled by advancement from the entry level, or, when filled from the outside, prior work experience directly related to the area of assignment is highly desirable.

SUPERVISION RECEIVED AND EXERCISED

Crime Analyst - Receives direction from a Police Captain. May exercise functional and technical supervision over lower level clerical staff.

Senior Crime Analyst - Receives direction from a Police Captain and the Drug Enforcement Agency (DEA). Exercises functional and technical supervision over crime analysts.

Crime Analyst

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, recommend, and evaluate crime report forms; analyze and review crime reports.

Make recommendations concerning the allocation of employees to combat criminal activity including the discovery of investigative leads.

Review and respond to police requests for services; provide input to and coordination with City data processing unit.

Respond to citizen requests in person and on the phone; maintain public contacts to gather information and promote goodwill.

EXAMPLES OF DUTIES (Crime Analyst - continued)

Assist in Department training programs.

Organize and display data and information in the form of diagrams, graphs and charts; respond to public and press requests and inquires.

Enter and manipulate data using a computer.

Coordinate activities with members of outside law enforcement agencies.

Testify in court as required.

Provide statistical analysis of productivity and other related subjects.

Make oral and written reports as required.

Perform related duties as assigned.

Senior Crime Analyst

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following (in addition to the duties of Crime Analyst):

Perform high level association analyses involving interstate and international organizations.

Work with federal organized crime task forces.

Identify crime patterns from analysis of data, including Visual Investigation Analysis (VIA) and Program Evaluation and Review Techniques (PERT charting).

Crime AnalystQUALIFICATIONSKnowledge of:

Principles and practices of organization, administration, and management.

English composition, spelling, grammar, and punctuation at college-level usage.

Technical report writing styles.

Effective research methods and practices.

Basic statistics and methods of graphic presentation.

Modern office procedures, methods, and computer equipment.

QUALIFICATIONS (Crime Analyst - continued)

Ability to:

Understand and follow oral and written instructions.

Gather data, separate facts and assumptions, and prepare recommendations.

Prepare statistical charts, graphs, and exhibits.

Speak and write effectively.

Perform technical report writing with a high degree of skill and clarity.

Learn to prepare completed staff work for oral and written presentations.

Work in harmony with other members of City staff.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of increasingly responsible analytical staff work.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in administration of justice, criminology, or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Senior Crime Analyst

QUALIFICATIONS - (In addition to the qualifications for Crime Analyst)

Knowledge of:

Automated data systems, at the journey level.

Effective research methods and skills in performing analysis.

Basic principles of investigative techniques.

The criminal justice process.

Public and private sources of information for the purposes of investigation.

Ability to:

Testify in court as an expert in crime analysis.

Make formal presentations using data, charts, and graphs.

Perform analysis of white collar crime.

Work closely with assigned investigator.

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 analytical and research staff work, preferably with a law enforcement agency.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in administration of justice, criminology, or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate and valid California driver's license.

PUBLIC IMPROVEMENT SPECIALIST

DEFINITION

To perform advanced technical engineering work including office engineering and related duties; to perform paraprofessional engineering work in connection with engineering design and development review of projects; to administer and perform a variety of special projects requiring analysis and interpretation.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering and administrative staff. May exercise technical supervision over lower-level public works staff.

DISTINGUISHING CHARACTERISTICS

This is a specialized class in the permits section of the Public Works Department. Incumbents are typically assigned to water, sewer and utilities; curb, gutter, sidewalk and alley programs; or subdivision review, but are expected to be proficient in all areas. Incumbents perform a wide variety of duties requiring the use of independent judgment and discretion. Performance of duties requires familiarity with engineering principles, methods, and terminology and may include design work. Incumbents work extensively with the public and other agencies.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Receive requests for permits from other City departments and divisions, developers, public agencies and individuals; review permit requests and determine requirements; research City records to determine fees due; identify existing and needed utilities and connections; review plans and note discrepancies between plans, City records, and code requirements.

Apply fee structure to determine appropriate fees. Calculate fees and notify applicant.

Provide information about permit requirements, fees, Code provisions and related information. Answer questions regarding denial of permits and other issues.

Interpret and explain requirements for the installation of public improvements; collect data and prepare and present oral and written correspondence as related to encroachment and other public improvements within the public right of way.

Gather, analyze and compile data and prepare a variety of technical, statistical and administrative reports and studies for Council regarding special projects, problems and requests; prepare Council agenda items.

Administer mandatory sidewalk and alley programs; identify improvements. Design sidewalk and alley improvements; prepare specifications and formal and informal requests for bids.

Issue purchase orders for curb, sidewalk and alley improvements; recommend payments for contracts.

EXAMPLES OF DUTIES (continued):

Meet with citizens regarding mandatory sidewalk program, mandatory sewer program, drainage problems, sidewalk and curb repair. Investigate complaints regarding fees and improvements; recommend resolution of complaints.

Determine material and labor costs for Public Works and Transportation service fees; recommend fees increases.

Provide information to the public regarding parcel and subdivision fees letters, subdivision agreements, improvement bond estimates, easements, property and rights of way acquisition documents.

Assist in developing, disseminating and applying division policies and procedures.

Collect data, coordinate and administer updates to the Public Works Standard Specifications.

May design and prepare plans, specifications and cost estimates for curb, gutter, sidewalk and other segments of public works projects.

May prepare quantity estimates and horizontal and vertical alignment computations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws, codes, regulations and specifications.

Principles and practices of administrative, statistical and financial recordkeeping.

Principles and techniques of public relations and oral and written communication.

Civil engineering design, mapping and drafting procedures. Standard engineering and construction principles and terminology.

Construction materials, practices, and cost estimating procedures.

Methods and techniques for preparation of plans, specifications and bid documents.

Principles of algebra, plane geometry and trigonometry.

Standard methods and techniques for gathering and analyzing data and preparing reports. Computer applications.

QUALIFICATIONS (continued)

Ability to:

Establish and maintain effective working relationships with managers, co-workers and members of the public.

Prepare and present reports effectively, both orally and in writing; prepare documents, including agreements, and legal descriptions of property.

Identify and work effectively with sensitive, confidential information.

Interpret and apply Federal, State and local standards, specifications ordinances, and regulations.

Calculate and administer fees and permits accurately.

Analyze problems and assignments, gather and analyze data, identify solutions, recommendations and consequences; implement recommendations and prepare and present reports.

Perform standard engineering 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:

Three years of increasingly responsible office engineering experience. Prior administrative and analytical experience is highly desirable.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering or a related field. Additional course work in business or public administration is highly desirable.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

SOCIAL SERVICES COORDINATOR

DEFINITION

To provide a broad variety of social services to the public, including referral services, family, drug abuse, marital, equal and employment counseling; and to provide responsible and complex administrative support to the Recreation Supervisor.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Recreation Supervisor II.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Meet with the public and respond to a variety of questions regarding educational or employment opportunities, legal and housing requirements and regulations; refer to appropriate agencies as necessary.

Provide services to the public including family, drug and alcohol abuse and marital counseling.

Coordinate with other community agencies to assist in providing services.

Assist in the evaluation of social service programs in the community.

Contact local organizations and private businesses to promote job development opportunities.

Attend a variety of community meetings to ensure programs reflect the needs of the community.

Prepare and maintain a variety of records, files and statistics.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Laws, rules and regulations relating to social welfare, criminal justice, local, State and Federal programs, policies and funding practices.

Evaluation and modification of social service programs to meet the needs of the community.

Methods of communication and interpersonal relations.

English usage, grammar, punctuation and spelling.

Procedures and techniques for dealing with the public in a tactful but firm manner.

Principles and procedures of recordkeeping.

Ability to:

Identify community and individual concerns and respond with recommendations on course of action.

Refer individuals as appropriate to proper agency.

Maintain a variety of reports and statistical data.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in community service activities, preferably including counseling or related experience.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in education, counseling, sociology or a related field.

FIRE BATTALION CHIEF

DEFINITION

To command a City Fire Suppression Platoon during an assigned shift; to supervise and serve as chief field officer in directing the response, readiness and activities of multiple fire companies; and to provide administrative support to the Fire Chief.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over assigned sworn and non-sworn personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of and implementation of policies and procedures.

Manage, supervise and coordinate Operations activities including fire suppression, communications and training.

Supervise and coordinate fire suppression companies on an assigned shift; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Manage, supervise and instruct department training programs.

Interpret and apply departmental policies and procedures; enforce staff compliance.

Prepare and review forms, reports, schedules, recommendations and other administrative records related to fire suppression, training or other special programs as assigned.

Prepare special research reports and develop programs as assigned, including public education.

Command fire fighting activities in response to fire alarms; determine route to be taken; decide on the methods of combating fires; direct fire fighting until relieved by the Fire Chief.

Supervise the laying and connection of hose, direction of water streams, placement of ladders, ventilation of buildings, rescue of persons, and first aid salvage operations.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern fire suppression, training and administrative principles, methods, practices and techniques.

Rules, regulations and operational procedures of the Fire Department related to modern firefighting activities.

Proper utilization and maintenance requirements of fire apparatus, equipment, tools, devices and facilities.

Principles and practices of supervision, training and personnel management.

Department policies, rules and regulations.

Local geography including the location of water mains and hydrants and the major fire hazards of the City.

Ability to:

Conduct training and demonstrate effective use of equipment and apparatus.

Prepare operational work records and reports.

Properly interpret and make decisions in accordance with laws, regulations and policies.

Make technical and emergency decisions quickly and calmly under emergency conditions.

Plan, assign, supervise and evaluate work of subordinates.

Communicate effectively, both orally and in writing.

Supervise, train and evaluate assigned staff.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of increasingly responsible experience comparable to that of a Fire Captain.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in fire science, fire administration, public administration, business administration or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

FIRE DIVISION CHIEF

DEFINITION

To manage, direct and coordinate the activities of a major division including Support Services, Fire Prevention, and Operations; to coordinate division activities with other divisions and departments; and to provide highly complex staff assistance to the Fire Chief.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Fire Chief.

Exercises direct supervision over lower level division staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of policies and procedures.

Direct, oversee and participate in the development of the Division work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Division 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.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Respond to emergencies as required.

Perform related duties as assigned.

When assigned to Support Services:

Manage, direct and organize Support Services Division activities including community emergency preparedness, equipment repair, supply and maintenance, purchasing and budget control, fire station maintenance, mapping and run cards, affirmative action, public information, and other programs as assigned.

When assigned to Fire Prevention:

Manage, direct and organize fire prevention activities, including: inspection of residential, commercial, industrial, institutional, public assembly, and public lodging facilities to obtain compliance with all applicable Federal, State and local laws and ordinances; investigation on all fires to determine cause, origin, and damages; investigation of all suspected arson fires and pursue to conclusion; maintenance of records of fire losses, inspections, investigations, fire deaths, and injuries; plan check of building fire suppression and detection systems; inspection and control of hazardous materials; review of annexations and subdivisions; and other programs as assigned.

When assigned to Fire Suppression:

Manage, direct and organize Fire Suppression Division activities including: suppression of all fires; abatement of hazardous material incidents; delivery of first responder emergency medical services; department training programs; company fire prevention programs; communications; personnel coordination; fire hydrant maintenance; and other programs as assigned.

QUALIFICATIONS

Knowledge of:

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

Modern principles of Fire Department administration.

Modern principles and practices of fire prevention and suppression.

Use and maintenance of fire fighting equipment and apparatus.

Safe work practices.

Ability to:

Organize, direct and implement a variety of division programs.

Handle delicate and confidential information and matters.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of increasingly responsible experience comparable to that of a Fire Battalion Chief.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in fire science, public administration, business administration or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

File

RESCINDED
1995-26
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 94-129

MODESTO CITY COUNCIL
RESOLUTION NO. 91-724

A RESOLUTION APPROVING A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES, RESCINDING RESOLUTION NOS. 90-607, 90-688, 90-790, 90-928, 90-955, 91-206, AND AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-461; AND AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 ENTITLED, IN PART, "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES", AND RESCINDING RESOLUTION NO. 91-498.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. REVISED CITY OF MODESTO CLASS RANGE TABLE GENERAL NON-SWORN CLASSES. Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes, Effective November 26, 1991," which is attached hereto and made a part hereof as though set forth in full herein, adds two newly created positions to the Class Range Table: Public Improvement Specialist at Salary Range 128, and Senior Crime Analyst at Salary Range 130. Said Exhibit "A" is hereby approved.

SECTION 2. REPEALS. Resolution Nos. 90-607, 90-688, 90-790, 90-928, 90-955, 91-206, and 91-461 are hereby rescinded.

SECTION 3. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 3, 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 26, 1991," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds the Affirmative Action Officer to the Class Range Table at Salary Range 431.

SECTION 4. REPEALS. Resolution No. 91-498 is hereby rescinded.

SECTION 5. EFFECTIVE DATE. This resolution shall become effective on and after November 26, 1991.

AMENDED

on _____
By Resolution 92-18
94-129

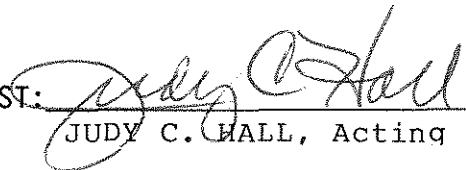
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective November 26, 1991

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 Data Processing Technician
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Sr. Printing Service Operator Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Fire Supply Specialist Equipment Service Worker II

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective November 26, 1991

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
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 November 26, 1991

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 November 26, 1991

RANGE	TITLE
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

EXHIBIT "G"
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 26, 1991

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

072391

1359/WPPER

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 26, 1991

RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing Systems Supervisor
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 November 26, 1991

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 November 26, 1991

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	
452	Assistant City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-725

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 89-43 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(460). (MARK POWELL)" FOR A TWO-STORY MEDICAL/PROFESSIONAL OFFICE BUILDING AT THE SOUTHWEST CORNER OF JUDITH LANE AND TIMOTHY AVENUE. (ROGER RULE)

WHEREAS, the City Council, by Ordinance No. 2632-C.S., which was introduced on January 17, 1989, finally adopted on January 24, 1989, and which became effective on February 23, 1989, amended Section 17-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(460), to allow a 9,000 square feet medical office building, property located on the southwest corner of Judith Lane and Timothy Avenue, and

WHEREAS, City Council Resolution No. 89-43, which was adopted on January 17, 1989, approved a development plan for P-D(460) to allow a 9,000 square feet medical office building, property located on the southwest corner of Judith Lane and Timothy Avenue, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(460) was filed by Roger Rule on September 6, 1991, to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below, property located on the southwest corner of Judith Lane and Timothy Avenue, and

WHEREAS, after a public hearing held on November 4, 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. 91-68, that an amendment to P-D(460) to allow a two-story building to contain offices

on the second floor and off-street parking on ground-level below as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed office development conforms to the General Plan in that it adds to medical office concentrations near the Doctors Medical Center and its location as a transition between the McHenry strip and the residential area to the west conforms to the implementation strategy for offices as outlined in the General Plan.
2. The revised plan properly addresses the need for privacy to the adjoining residential properties by view-obscuring louvered panels and screen walls as and also mitigates the visual impact of the building mass by virtue of city street trees and additional screen landscaping along the west property line adjoining an alley.

and

WHEREAS, the requested amendment to P-D(460) to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below was set for a public hearing before the City Council at its regular meeting place on December 3, 1991, and

WHEREAS, after said public hearing held on December 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Roger Rule to amend P-D(460) to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-68 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 89-43 entitled "A Resolution Approving a Development Plan for Planned Development Zone,

P-D(460)" are hereby amended to read as follows to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(460), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan - Timothy and Judith" as amended in red, stamped approved by the Planning Commission on November 4, 1991.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan including a plan to assure maintenance of existing street trees shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along 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. Eight-foot-high solid decorative masonry wall along the west property line.
 - b. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters 16 foot on centers, or stucco wall with masonry pilasters 16 foot on centers, or masonry wall along the south property line.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. 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. Prior to issuance of a building permit the developer shall dedicate public utility easements and planting easements as required by the utility companies and the Public Works and Transportation Director.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
12. All signs shall comply with the sign requirements of the P-0 Zone.
13. All conditions of City Council Resolution No. 89-43 not in conflict with this action shall remain in full force and effect.
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 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(460):

The entire construction program be accomplished in one phase, construction to begin on or before November 4, 1993, and completion to be not later than November 4, 1994."

BE IT FURTHER RESOLVED that all of the other provisions of Council Resolution No. 89-43, 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 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Irizarry, 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. 91-726

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(460) PROPERTY LOCATED ON THE SOUTHWEST CORNER OF JUDITH LANE AND TIMOTHY AVENUE. (ROGER RULE)

WHEREAS, on December 3, 1991, the City Council introduced Ordinance No. 2797 -C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(460), property located on the southwest corner of Judith Lane and Timothy 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 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(460), property located on the southwest corner of Judith Lane and Timothy Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Irizarry, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 91-727

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (612 CALIFORNIA AVE.- JAMES A. STRUTZ & LINDA RAE SIMS)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

waived by property owners

WHEREAS, the Council did, on _____, 19____, adopt its Resolution No. _____, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of _____ curb and _____ sidewalk _____ on property abutting the property hereafter described; and

WHEREAS, _____ December 3 _____, 19 91 _____, at 7:30 _____ o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,400.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,400, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 190 feet of the West 95 feet of the East 115 ft. of Lot 13 of Brichmans Addition as per map filed Oct. 9, 1889, in Vol. 1 of Maps, Pg. 32, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-168-030-1243-121)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-728

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (537 COFFEE ROAD - KENNETH E. HENDERSON)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

waived by property owner
WHEREAS, the Council did, on -----, 19----, adopt its Resolution No. -----, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk ----- on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$939.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$939.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 137.0 feet of the East 182.0 feet of the North 92.0 feet of the South 485.2 feet of Lot 43 of Broughton Colony as per map filed 3/17/04 in Vol. 1 of Maps, Pg. 78, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 034-0202-121)

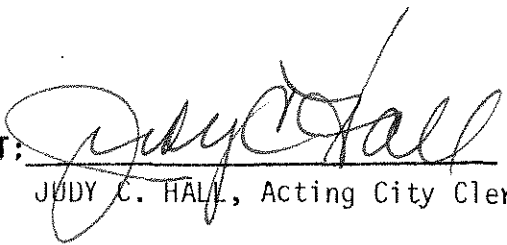
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 19 91, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Installation)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-729

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (209 COLFAX AVENUE - KENNETH MEYER)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

waived by property owner
WHEREAS, the Council did, on _____, 19____, adopt its Resolution No. _____, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk _____ on property abutting the property hereafter described; and

WHEREAS, _____ December 3 _____, 19 91 _____, at 7:30 _____ o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$433.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$433.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 in Block 2325 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033-3302-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

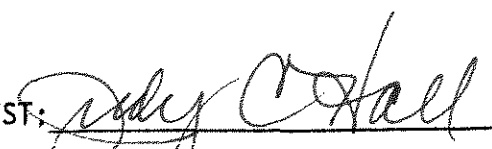
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-730

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (213 COLFAX AVENUE - IRMA D. TETANS)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on waived by property owner, 19---, adopt its Resolution No. -----, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$489.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$489.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Bl. 2325 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033-3303-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-731

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (229 COLFAX AVENUE - GERALD G. YOUNG)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on waived by property owner, 19-----, adopt its Resolution No. -----, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk ----- on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$489.

SECTION 2. That the cost of the aforesaid work, being the amount of \$489.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 in Bl. 2325 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033-3307-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 19 91, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-732

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK AND CURB ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (324 S. EMERALD AVENUE - ADELE BROWN)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No, 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk and curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,679.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,679.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


Beginning at a point 242.31' North and 20' East of the SW corner of Lot 5 of Spencer Colony as per map filed Dec. 16, 1904 in Vol. 2 of Maps, Pg. 3, Stan. Cty. Records; thence North 65'; thence East 139.98'; thence South 65'; thence West 140.00' to the point of beginning.
Stan. Cty. Assessor's Parcel No. 002-107-030-0305-001

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Regular)

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,329.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at a point 121.155' North and 20' East of the SW corner of Lot 5 of Spencer Colony as per map filed Dec. 16, 1904 in Vol. 2 of Maps, Pg. 3, Stan. Cty. Records; thence North 121.55'; thence East 371.575'; thence South 121.55'; thence West 377.15' to the point of beginning.
Stan. Cty. Assessor's Parcel No. 002-158-030-0306-271

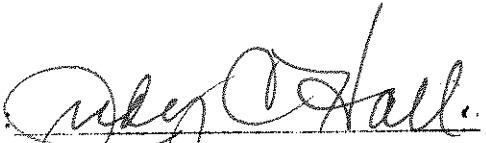
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-734

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK AND CURB ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (412 S. EMERALD AVENUE - RODNEY J.R. SHIRLEY)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk and curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$2,429.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,429.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' East of the SW corner of Lot 5 of Spencer Colony as per map filed Dec. 16, 1904 in Vol. 2 of Maps, Pg. 3, Stan. Cty. Records; thence North 121.155'; thence West 377.15' to the point of beginning.
Stan. Cty. Assessor's Parcel No.: 002-158-030-0307-271

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-735

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (2104 ENCINA AVENUE - FLORENCE F. CORREA)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on waived by property owner, 19---, adopt its Resolution No. -----, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk ----- on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$2,025.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,025.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 in Block 2257 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.

Stan. Cty. Assessor's Parcel No. 002-001-116-1046-101

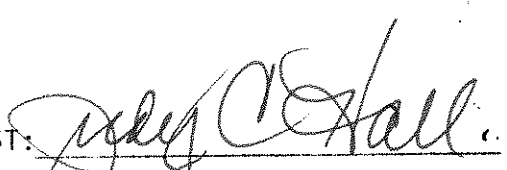
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-736

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (436 OAKSHIRE AVENUE - DOUGLAS R. NELSON)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on waived by property owner, 19, adopt its Resolution No. -----, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk ----- on property abutting the property hereafter described; and

WHEREAS, December 3, 19 91, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1, The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,349.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,349.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 in Bl. 2258 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 116-8918-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property, The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-737

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (935 PATRICIA LANE- BARBARA WATSON)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$2,453.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,453.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

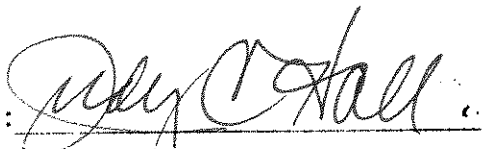
The North 68 feet of the West 100 feet of Lot 15 of Block 645 of Bussinger Tract as per map filed Dec. 13, 1920 in Vol. 9 of Maps, Page 48, Stan. Cty. Records.
Stan. Cty. Assessor's Parcel No. 002-001 112-0723-101

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 738

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (226 E. FAIRMONT AVENUE - ARLENE DONALDSON)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No, 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,162.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,162.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 50 feet of Lot 11 of Block 645 of Bussinger Tract as per map filed Dec. 13, 1920 in Vol. 9 of Maps, Pg. 48, Stan. Cty. Records.
Stan. Cty. Assessor's Parcel No. 002-001 112-4537-261

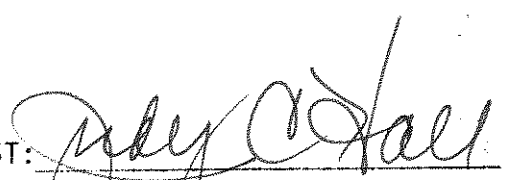
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-739

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (230 E. FAIRMONT AVENUE - MARYJANE RIVERS)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

waived by property owner
WHEREAS, the Council did, on -----, 19-----, adopt its Resolution No. -----, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb ----- on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,131.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,131.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The East 50 feet of the North 130 feet of Lot 11 and the West 2 feet of the North 130 feet of Lot 12 of Bl. 645 of Bussinger Tract as per map filed Dec. 13, 1920, in Vol. 9 of Maps, Pg. 48, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 112-4538-101

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-740

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (232 E. FAIRMONT AVENUE - LEE J. QUINTON)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,405.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,405.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

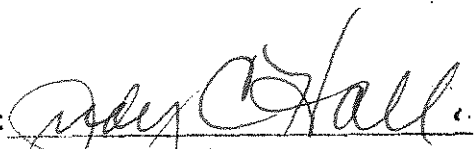
The East 48 feet of the West 50 feet and the West 2 feet of the South 137.98 feet of Lot 12 and the South 137.98 feet of the East 50 feet of Lot 11 of Block 645 of Bussinger Tract as per map filed Dec. 13, 1920 in Vol. 9 of Maps, Pg. 48, Stan. Cty. Records.
Stan. Cty. Assessor's Parcel No. 002-001 112-4548-261

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-741

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (234 E. FAIRMONT AVENUE - JEAN M. TARABEK)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,162.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,162.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The East 50 feet of Lot 12 of Block 645 of Bussinger Tract as per map filed Dec. 13, 1920 in Vol. 9 of Maps, Pg. 48, Stan. Cty. Records. Stan. Cty. Assessor's Parcel No. 002-001 112-4539-121

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Regular)

SECTION 2. That the cost of the aforesaid work, being the amount of \$489.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 in Bl. 2269 of Yosemite Villa Subdivision as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-106 033-3675-101)

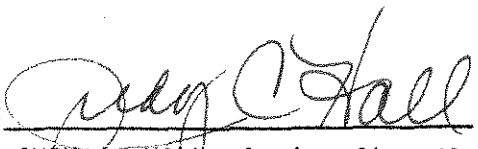
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-743

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (2424 HADDON AVENUE - BEVERLY LATIMER)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

waived by property owner

WHEREAS, the Council did, on _____, 19____, adopt its Resolution No. _____, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk _____ on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,185.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,185.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 in Bl. 2416 of Los Altos Tract as per map filed 11/24/52 in Vol. 17 of Maps, Pg. 45, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 002-001 033-3125-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

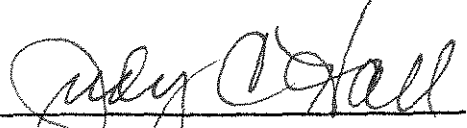
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-744

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (601 MAMILANE - WILLIAM F. COBURN)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on waived by property owner, 1991, adopt its Resolution No, 91-744, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M, in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$674.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$674.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 64.72 feet of Lot 10 in Bl. 3079 of Uccello Manor Subdivision as per map filed 4/14/53 in Vol. 17 of Maps, Pg. 56, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 002-001 037-4815-101)


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-745

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (1221 MILLS AVENUE - BILL S. BARR)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk _____ on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,012.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,012.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 and the North 10 feet of Lot 8 of Bl. 6010 of Chapin Tract No. 1 as per map filed Aug. 31, 1946 in Vol. 14 of Maps, Pg. 73, Stan. Cty. Records.
Stan. Cty. Assessor's Parcel No. 002-003-118-1332-101

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

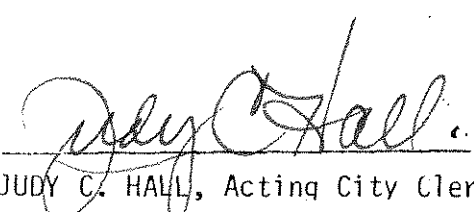
SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-746

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (1231 MILLS AVENUE - NORMA J. JUSSELL)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

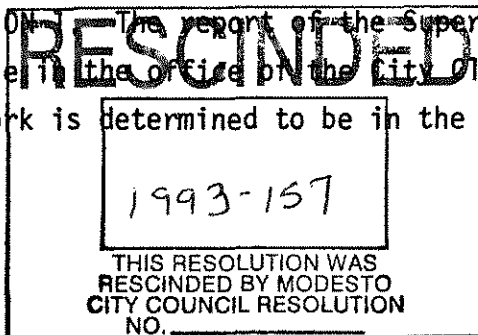
WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$780.00.



SECTION 2. That the cost of the aforesaid work, being the amount of \$780.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Bl. 6010 of Chapin Tract No. 1 as per map filed Aug. 31, 1946 in Vol. 14 of Maps, Pg. 73, Stan. Cty. Records.

Stan. Cty. Assessor's Parcel No. 002-003-118-1333-101

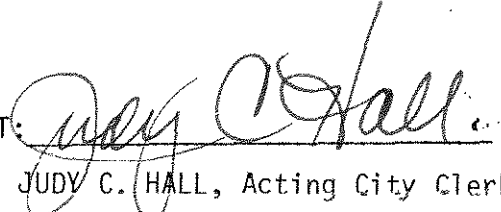
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-747

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (1305 NELSON AVENUE - SANDRA C. SAMPLE)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No, 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$2,418.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,418.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 110.51 feet of the East 130.51 feet of the North 109.70 feet of Lot 5 of Resubdivision of Lots 21 and 22 of Mensinger Colony as per map filed April 15, 1927 in Vol. 11 of Maps, Pg. 2, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 002-001 031-1322-121)

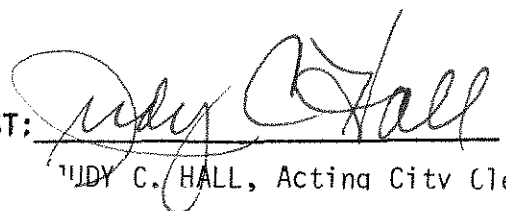
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-748

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (1313 NELSON AVENUE - EDGAR L. COCHREN)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No, 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,537.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,537.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 110.00 feet of the East 130.00 feet of the South 55.00 feet of Lot 4 of Resubdivision of Lots 21 and 22 of Mensinger Colony as per map filed April 15, 1927 in Vol. 11 of Maps, Pg. 2, Stan. Cty. Records.

Stan. Cty. Assessor's Parcel No. 002-001 031-1371-101

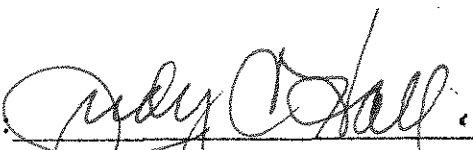
SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST.


JUDY C. HALL, Acting City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 91-749

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (1335 NELSON AVENUE - TERRY CARSON)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$2,195.00.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-750

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (1701 ROUSE AVENUE - JOE A. AND BEATRICE F. VELO)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on waived by property owner, 1991, adopt its Resolution No. -----, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk ----- on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,589.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,589.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The south 63 feet of Lot 22 of Bl. 3084 of Uccello Manor as per map filed 4/14/53 in Vol. 17 of maps, Pg. 56, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 002-001 037-4826-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, 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, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

(Installment)

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 91-751

A RESOLUTION GRANTING AN EXEMPTION TO THE MODESTO UNION
GOSPEL MISSION FROM PAYMENT OF CAPITAL FACILITIES FEES FOR
EXPANSION OF THE MODESTO UNION GOSPEL MISSION.

WHEREAS, the Modesto Union Gospel Mission made an application for an
exemption from CFF fees on October 31, 1991, and

WHEREAS, paragraph 3 of Resolution No. 91-90 provides for an
exemption from CFF for any low income housing units constructed or expanded on
a not for profit basis, and

WHEREAS, said paragraph 3 requires that such exemptions be granted
by the City Council on a case by case basis after a public hearing, and

WHEREAS, on December 3, 1991, the City Council held a public hearing
on the application of the Modesto Union Gospel Mission for such an exemption,
and

WHEREAS, at the close of the public hearing, the City Council found
and determined that:

1. The units to be constructed by the applicant were designated
for use by the homeless and are, therefore, low income, and
2. That the development will be on a not for profit basis in that
no rent will be charged.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby grants Modesto Union Gospel Mission's application for an
exemption from Capital Facilities Fees for expansion of the Modesto Union
Gospel Mission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

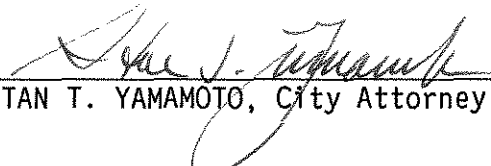
NOES: Councilmembers: None

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. 91-752

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS, FOR TRAFFIC SIGNAL MODIFICATION AT COFFEE ROAD AND ORANGEBURG AVENUE

WHEREAS, Resolution No. 91-595 , adopted by the Council of the City of Modesto on September 17, 1991 , approved the plans and specifications for traffic signal modification at Coffee Road and Orangeburg Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for traffic signal modification at Coffee Road and Orangeburg Avenue were opened at 11:00 a.m. on October 15, 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 Richard A. Heaps in the amount of \$90,334 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 \$90,334 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-753

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE NEW FEDERAL REVENUE FOR A TRAFFIC SIGNAL PROJECT.

WHEREAS, the City is eligible to receive FAU funds for the Coffee/Orangeburg Signal Modification, and

WHEREAS, this project is currently fully funded with CFF-streets money in Fund 141, and

WHEREAS, the project is eligible to receive 85.14% of the cost of construction and any engineering performed after the bid is awarded, and

WHEREAS, there has already been \$6,184 spent on engineering that is not eligible for FAU funding, and

WHEREAS, the original budget amount of \$132,000, of this amount a total of \$20,950 is still needed to provide the required match, and

WHEREAS, this amount is arrived at as follows: the project bid amount is \$99,367.40 (contract \$90,334 plus 10% engineering and contingency \$9,033.40), the required 14.86% of this is \$14,766 plus the amount already spent \$6,184 provides a total of \$20,950 to provided by CFF-streets money. The FAU portion is estimated at \$84,601, and

WHEREAS, this additional revenue will allow the CFF-streets portion to be returned to the Contingency Reserve, and

WHEREAS, since this project now has FAU funding, the organization number will be changed from P959 to G959,

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are necessary:

CFF STREETS FUND (141)

<u>Fund/Agy/Org-Rev</u>		<u>Increase (Decrease)</u>
<u>Revenue</u>		
141-510-9510-3504	Federal Share of Street Projects (FAU)	\$ 84,601
<u>Expenditures</u>		
141-160-G959-6000	Coffee & Orangeburg T/S Modification	\$(26,449)
141-800-8000-8003	Contingency Reserve	\$111,050

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 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

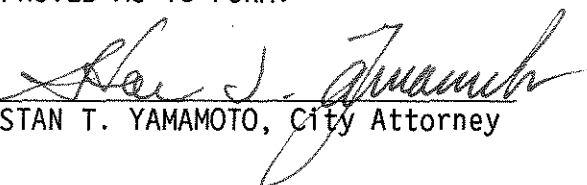
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-754

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR INSPECTION DATA OF CITY STREETS.

WHEREAS, the City of Modesto has a Computerized Pavement Management System, and

WHEREAS, said system depends on inspection data to project the future maintenance needs of the City, and

WHEREAS, said inspection data will give the City up-to-date information to project maintenance needs and costs and will maintain the City's eligibility for the various types of State transportation funding, and

WHEREAS, the California State Department of Transportation (Caltrans) has made a biennial inspection of Collector and Major streets a prerequisite to receive certain types of transportation funding, and

WHEREAS, Administrative Directive No. 3.1 sets forth the procedures to be followed for selecting professional consultants,

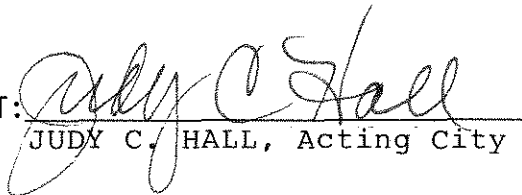
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for qualifications and proposals for professional services to collect inspection data of city streets to provide the City with up-to-date information to project maintenance needs and costs, and to maintain the City's eligibility for various types of State transportation funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

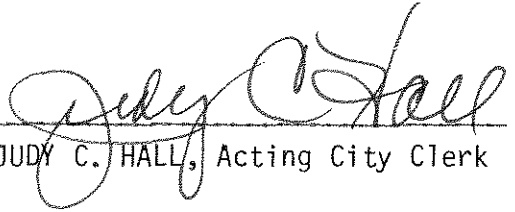
MODESTO CITY COUNCIL
RESOLUTION NO. 91-755

A RESOLUTION APPROVING THE REQUEST OF ACME CONSTRUCTION COMPANY FOR REFUND OF \$12,981.82 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Acme Construction Company for refund of \$12,981.82 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 3rd day of December, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-756

A RESOLUTION APPROVING THE REQUEST OF AMERICAN LUMBER COMPANY FOR REFUND OF \$520.12 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of American Lumber Company for refund of \$520.12 for overpayment of Business License Tax is hereby approved.

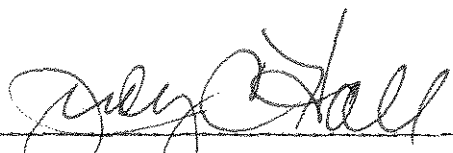
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-757

A RESOLUTION APPROVING THE REQUEST OF THE WARDEN'S OFFICE FOR REFUND OF \$568.90 FOR OVERPAYMENT OF BUSINESS LICENSE TAX


BE IT RESOLVED by the Council of the City of Modesto that the request of The Warden's Office for refund of \$568.90 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 3rd day of December, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird , Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-758

A RESOLUTION APPROVING THE REQUEST OF PRN TRANSCRIPTIONS FOR REFUND OF \$1,242.32 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

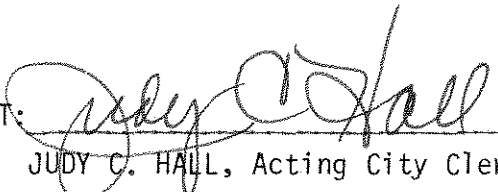
BE IT RESOLVED by the Council of the City of Modesto that the request of PRN Transcriptions for refund of \$1,242.32 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-759

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND INSIGHT AVIATION, INC. FOR THE LEASE OF HANGAR NO. 2 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Insight Aviation, Inc. for the lease of Hangar No. 2 at the Modesto City/County Airport

be, and it is hereby approved.

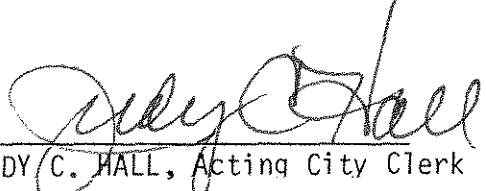
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December , 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-760

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE
FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION NO. 5 FOR A GARDEN

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and George Frederickson for the lease
of a portion of Fire Station No. 5 for a garden

be, and it is hereby approved.

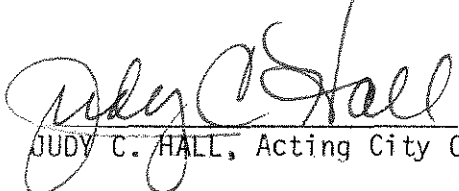
BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 3rd day of December , 1991, by
Councilmember Dobbs , who moved its adoption, which motion being duly
seconded by Councilmember Muratore , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Curt

MODESTO CITY COUNCIL
RESOLUTION NO. 91-761

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO STUDY ALTERNATIVES FOR REPLACEMENT OF THE GRIT SYSTEM AT THE WATER QUALITY CONTROL PLANT.

WHEREAS, the Water Quality Control Plant (WQCP) does not have an efficient grit removal system, and

WHEREAS, a study is needed to evaluate physical properties of grit entering the WQCP and grit accumulating in the digesters, and

WHEREAS, the study will also evaluate different types of grit systems and their costs, disposal options of accumulated grit, and a hydraulic analysis for site selection, and

WHEREAS, Brown and Caldwell has completed an odor control study which recommended odor elimination equipment to be included in the new grit system,

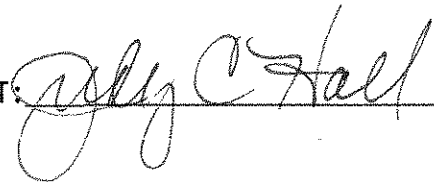
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to study alternatives for replacement of the grit system at the Water Quality Control Plant, which type of grit removal system is best suited in our Water Quality Control Plant, and to determine the location and alternative costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  _____

(SEAL)

APPROVED AS TO FORM:

By  _____
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-762

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR INSTALLATION OF WATERLINES ON DALE ROAD; FRANZIA
COURT/RENO AVENUE; AND EMERALD AVENUE/KANSAS 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 water-
lines on Dale Road; Franzia Court/Reno Avenue; and Emerald Avenue/Kansas 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 January 7, 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 10th day of December, 1991,
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, Irizarry, Muratore,
Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

JFK

MODESTO CITY COUNCIL
RESOLUTION NO. 91-763

A RESOLUTION APPROVING THE FINAL MAP OF THE HILLVIEW
ESTATES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, JFK Construction, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.349 acres, known as the Hillview Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th day of January, 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 Hillview Estates Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1991, 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, Irizarry, Muratoc, 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. 91-764

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1991-92 TO TRANSFER NINE THOUSAND DOLLARS (\$9,000) FROM THE SEWER FUND (FUND NO. 621) TO THE SERVICE DIVISION FUND (FUND NO. 720) TO UPSIZE A 3/4-TON PICKUP TRUCK TO A 1-TON MINI DUMP TRUCK.

WHEREAS, the City Council has authorized purchase of a 3/4-ton pickup for the Sewer Operations Fund, and

WHEREAS, it has been determined that an additional \$9,000 will upgrade this 1/2-ton pickup to a 1-ton dump truck and increase efficiency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget is hereby amended to transfer Nine Thousand Dollars (\$9,000) as follows:

Sewer Fund (Fund 621)

621-480-5212-0223 Maintenance & Repair (\$9,000)

Service Division Fund (Fund 720)

720-480-5812-5350 1-ton dump truck \$9,000

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 10th day of December, 1991, 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. 91- 765


AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND ERNEST P. GRAHAM DEVELOPMENT COMPANY FOR TRAFFIC MITIGATION IMPROVEMENTS AT THE CORNER OF STANDIFORD AVENUE AND CARVER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Ernest P. Graham Development Company for traffic mitigation improvements at the corner of Standiford Avenue and Carver 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 10th day of December , 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-766

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE SECOND REGULAR MUNICIPAL ELECTION, A RUN OFF ELECTION BY MAIL BALLOT, HELD IN THE CITY OF MODESTO ON DECEMBER 10, 1991, AND DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 5, 1991, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect one Mayor for the City of Modesto for a term of four years; one Councilmember (Chair No. 1) for a term of four years; one Councilmember (Chair No. 3) for a term of four years; one Councilmember (Chair 5) to complete a four year term expiring in 1993; and one Councilmember (Chair No. 6) for a term of four years; and to elect three members to the Modesto Board of Education of said District for a term of four years, and

WHEREAS, said election was held on Tuesday, November 5, 1991, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 5, 1991, a copy of which is attached to Modesto City Council Resolution No. 91-676, marked Exhibit "A" and on file in the office of the City Clerk, and

WHEREAS, at said Regular Municipal Election a majority vote was not cast for Councilmember for Chair No. 6, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, a Second Regular Municipal Election, a run off election by mail ballot, was called to be held on Tuesday, December 10, 1991, and

WHEREAS, the two candidates receiving the highest number of votes at the November 5, 1991, Regular Municipal Election for Councilmember, Chair No. 6, Balvino Irizarry and Dave Cogdill, had their names placed on the ballot for election to the office of Councilmember, Chair No. 6, and

WHEREAS, said Second Regular Municipal Election was held in the City of Modesto on Tuesday, December 10, 1991, in accordance with law and the proceedings of this Council, to elect one Councilmember for a term of four years, Chair No. 6, and the votes thereafter received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk has canvassed the returns of said December 10, 1991, election in accordance with law and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated December 12, 1991,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

2. That in accordance with Section 22933 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

- (a) The whole number of votes cast in the city.
- (b) The names of the persons voted for.
- (c) For what office each person was voted for.
- (e) The number of votes given in the city to each person.

3. That the following named person having received a majority of the votes cast for the elective office of Councilmember for a term of four years Chair No. 6 as designated on Exhibit "A", is hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to said person, certifying his election to the office appearing after his name, and to administer to said person the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of said City, to wit:

Dave Cogdill

Councilmember for a term of four
years Chair No. 6.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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

AGENDA DECEMBER 17, 1991

CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

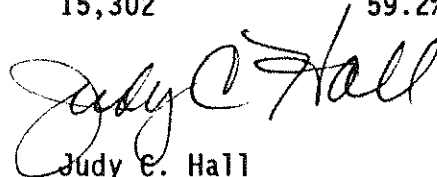
CITY OF MODESTO
SECOND REGULAR MUNICIPAL ELECTION

December 12, 1991

I, Judy C. Hall, Acting City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 12, 1991, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 10, 1991, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Chair 6, Modesto City Council

Balvino Irizarry	10,538	40.7%
Dave Cogdill	15,302	59.2%



Judy C. Hall
Acting City Clerk & Auditor
City of Modesto

December 12, 1991

Exhibit "A"

CITY OF HOUSTON SPECIAL RUN-OFF ELECTION
HELD TUESDAY DECEMBER 10, 1991 BY H
FOR DEMONSTRATION USE ONLY **
SUMMARY REPORT

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*****
* CITY COUNCIL CHAIR 6 E1 (#/PCT 1)*
* CITY OF HOUSTON (#/RPT 1)*
* (No. to vote for 1) (%/RP 100.0)*
*
* DAVE COBDELL 15302 59.2*
* BALVINO IRIZARRY 10538 40.7*
*
* Blank voted (ballots) 108 0.4*
* Over voted (ballots) 14 0.0*
*****
* TOTAL VOTER STATISTICS (#/PCT 1)*
* (#/RPT 1)*
* (%/RP 100.0)*
*
* VOTER REGISTRATION 71679 *
* TURNOUT 25962 36.2*
*****
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MODESTO CITY COUNCIL
RESOLUTION NO. 91-767

A RESOLUTION ORDERING THE FLEUR de VILLE REORGANIZATION TO
THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 91-31 dated October 23, 1991, approved the proposed Fleur de Ville 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 Fleur de Ville Reorganization, and

WHEREAS, said LAFCO Resolution No. 91-31 also modified the Modesto Sphere of Influence to include the subject territory within the Modesto Primary Area of Influence, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Fleur de Ville Reorganization is uninhabited territory, comprising an area of 76.47 acres, located on the northwest corner of Pelandale Avenue and Dale Road, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Salida Fire Protection District; and (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is as follows:

1. To minimize the number of governmental agencies providing services to the territory.
2. To comply with a sewer service agreement with the City of Modesto and Rule Development whereby the territory is serviced with City sewer service providing that the property owner proceed with annexing the territory to the City.

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 17th day of December, 1991, 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

WHEREAS, said public hearing was held on December 17, 1991, 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 did hear and pass the proposed reorganization, and

WHEREAS, no written protests were filed by any owners of land or registered voters within the affected territory at the conclusion of said hearing,

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 have been complied with.

2. That the area or territory designated as the Fleur de Ville Reorganization is more particularly described on Exhibit A attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto.

4. Said territory is hereby detached from the Salida Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

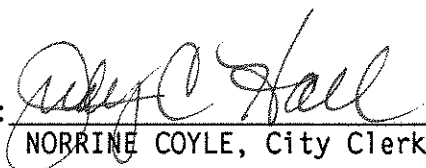
BE IT FURTHER RESOLVED that the mitigated negative declaration as to the environmental impact of this Reorganization has been previously reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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

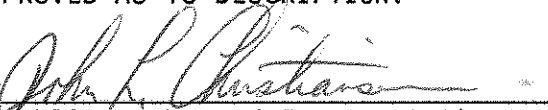
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Public Works and Transportation
Department - Engineering Services



DELAMARE-FULTZ

ENGINEERING AND SURVEYING

3421 TULLY ROAD • SUITE J • MODESTO, CA. 95350
TELEPHONE (209) 529-7450 • FAX (209) 529-0457

- THOMAS H. DELAMARE
R.C.E. NO. 36341, L.S. 3407
- RICHARD L. FULTZ
R.C.E. NO. 27868, L.S. 3870
- J. STEVEN REICHMUTH
L.S. NO. 4895
- RICHARD C. TATOYAN

FLEUR DE VILLE REORGANIZATION TO THE CITY OF MODESTO

D E S C R I P T I O N

All that certain real property situate in portions of the Southwest Quarter of Section 1, the Southeast Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

BEGINNING at the southeast corner of the Northeast Quarter of said Southeast Quarter of Section 2, being also the Northeast corner of the Pelandale No. 1 Addition to the City of Modesto; thence South 89°57'00" West along the South line of the North Half of said Southeast Quarter of Section 2, being also the centerline of Pelandale Avenue and the North line of said Pelandale No. 1 Addition a distance of 2,642.02 feet to the West line of said Southeast quarter of Section 2; thence North 0°16'16" East along said West line of the Southeast Quarter of Section 2, a distance of 1,240.60 feet to the South line of 100 foot wide Modesto Irrigation District (MID) Lateral No. 6; thence South 89°54'19" East along said South line of MID Lateral No. 6 a distance of 2,642.93 feet to the West line of said Southwest Quarter of Section 1; thence North 89°45'30" East along said South line of MID Lateral No. 6, a distance of 50.00 feet to the East line of Dale Road; thence South 0°18'54" West along said East line of Dale Road a distance of 1,233.94 feet to the South line of the North Half of said Southwest Quarter of Section 1; thence South 89°45'30" West along said South line of the North Half of Southwest Quarter of Section 1 a distance of 50.00 feet to the point of beginning.

Containing: 76.47 Acres

Approved as to description

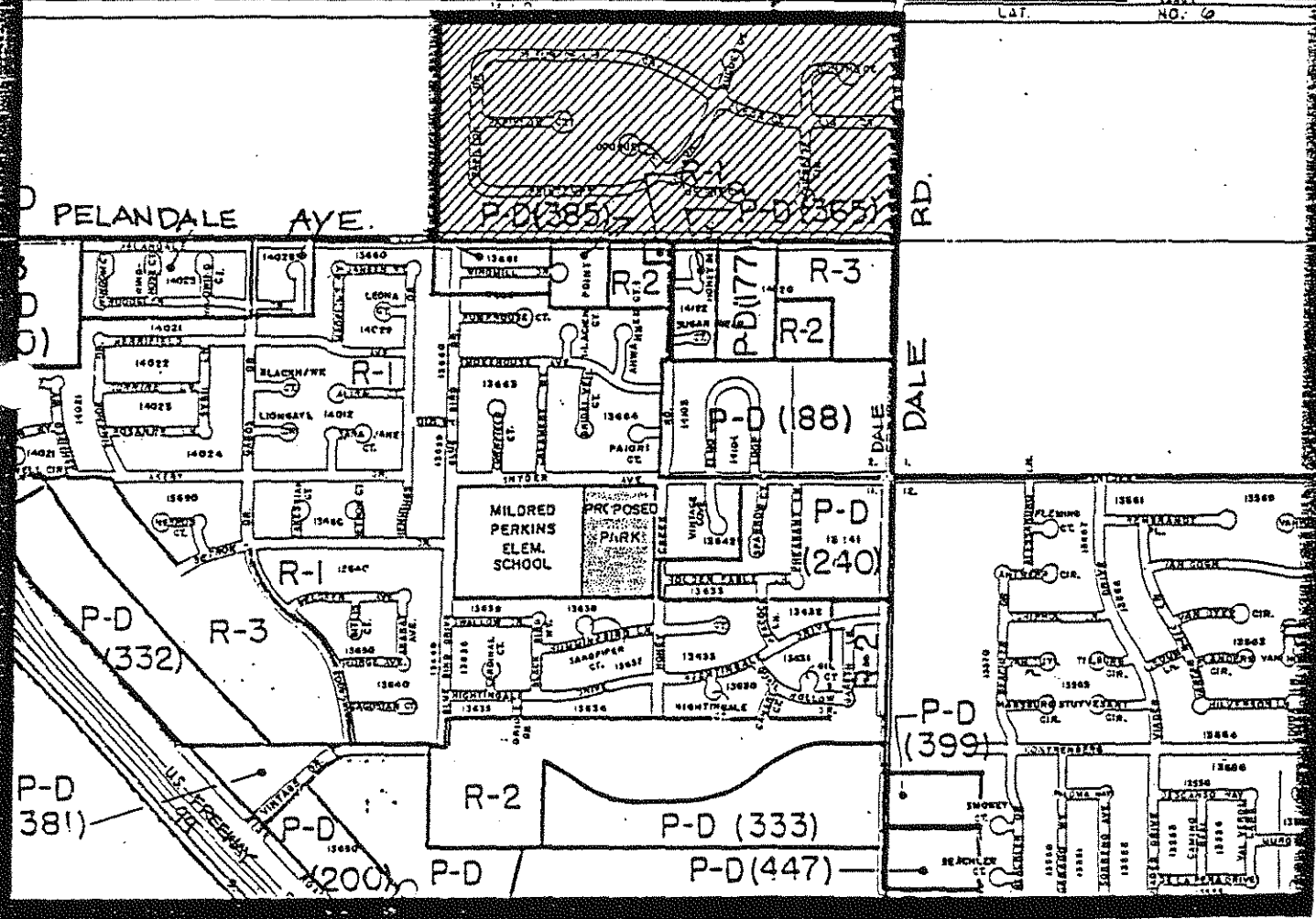
ON 10-31-91

BY [Signature]

Exhibit "A"

MAP A

PROPOSED FLEUR DE VILLE REORGANIZATION



The bearing N 89°57'00" E for the center line of Pelandale Avenue as shown on map filed in Volume 14 of Surveys at Page 25, Stanislaus County Records.

FLEUR DE VILLE REORGANIZATION TO THE CITY OF MODESTO 76.47 ACRES

SECTION 2
SECTION LINE

- 1 S 89°57'00" W 2,642.02'
- 2 N 0°16'16" E 1,240.60'
- 3 S 89°54'19" E 2,642.93'
- 4 N 89°45'30" E 50.00'
- 5 S 0°18'54" W 1,233.94'
- 6 S 89°45'30" W 50.00'

100' M.I.D. LATERAL NO. 6

FLEUR DE VILLE SUBDIVISION
BOOK 33, MAPS, PAGE 62
STANISLAUS COUNTY RECORDS

BANGS AVE.

DALE ROAD

PELANDALE AVENUE

BLUE BIRD DR.

HONEY CREEK ROAD

(363) Approved as to description
ON 10-31-91
BY H. J. Miller (363)

POINT OF BEGINNING

PREVIOUS ANNEXATION BOUNDARY

PELANDALE NO. 1 ADDITION INST. 61430 FILED 3/29/78

MODESTO CITY COUNCIL
RESOLUTION NO. 91-768

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO AND SUPERSEDING RESOLUTION NO. 90-921.

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. 90-921, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Solid Waste Committee by memorandum dated December 9, 1991, has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing January 1, 1992, and

WHEREAS, December 17, 1991, 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, that an increase of \$0.63 per container would be justified, that additional containers should be increased from \$6.00 to \$7.00 per month, that no increase in commercial rates is needed, and the subsidy to each residential household on the initial garbage container should be reduced by \$0.67,

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, 1992, until revised by the City Council.

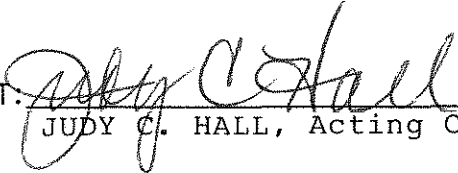
BE IT FURTHER RESOLVED that the City of Modesto shall subsidize each residential household \$0.68 on the initial garbage container until revised from time to time after holding a public hearing.

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. 90-921 is hereby superseded, effective December 31, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: Cogdill
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Monthly Rates
(Once a Week Pickup Service)

<u>Residential Garbage Collection Rates</u>		<u>Residential Rates Charged to Customers After City Subsidy</u>	
One 60 gallon container	\$ 9.98	One 60 gallon container	\$ 9.30
One 90 gallon container	11.98	One 90 gallon container	11.30
Each additional container	7.00	Each additional container	7.00

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	26.30	42.60	58.90	75.20	91.50	107.80
1 1/2 CY	34.45	58.90	83.35	107.80	132.25	156.70
2 CY	42.60	75.20	107.80	140.40	173.00	205.60
3 CY	58.90	107.80	156.70	205.60	254.50	303.40
4 CY	75.20	140.40	205.60	270.80	336.00	401.20
5 CY	91.50	173.00	254.50	336.00	417.50	499.00
6 CY	107.80	205.60	303.40	401.20	499.00	596.60

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 Size	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

1 CY	1 1/2 CY	2 CY	3 CY	4 CY
9.20	10.00	11.00	14.00	18.40

NOTATIONS

1. The above residential rates include the 10 cent per month per household recycling surcharge.
2. The above residential rates include the \$0.68 per month subsidized rate paid by the City of Modesto.

MODESTO CITY COUNCIL
RESOLUTION NO. 91-769

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$24,000 FROM THE CLARIFIER NO. 2 SAND BLAST AND RECOAT CIP ACCOUNT TO COMPLETE THE JEFFERSON LIST STATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Clarifier #2 - Sandblast & Recoat \$24,000
(621 480 P368 6000)

TO: Jefferson Street Lift Station Proj.
(621 480 P866 6000)

The project costs have increased due to unanticipated work related to deteriorated manholes and conflicts with existing waterlines. The conflicts associated with boring under the Southern Pacific Railroad also increased inspection and engineering costs for the project.

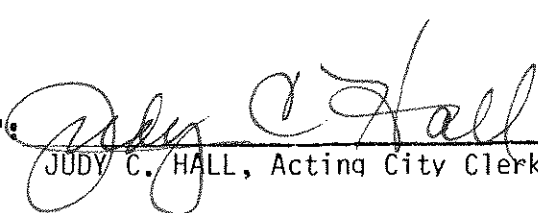
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 19 91, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-770

A RESOLUTION ACCEPTING THE BID OF CENTRAL PUMP COMPANY FOR FURNISHING TWO CATWALKS AT THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 91-659 , adopted by the Council of the City of Modesto on November 5 , 19 91, approved the plans and specifications for furnishing two catwalks at the Water Quality Control Plant

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two catwalks at the Water Quality Control Plant

were opened at 10:00 a.m. on November 25, 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 Central Pump Company in the amount of \$45,231.57

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 Company in the amount of \$45,231.57 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 December , 1991, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-771

A RESOLUTION ACCEPTING THE BIDS OF H.V. CARTER COMPANY AND RAMACHER MANUFACTURING FOR FURNISHING THREE DIESEL MOWERS

WHEREAS, Resolution No.91-642 , adopted by the Council of the City of Modesto on October 22 , 1991 , approved the plans and specifications for the purchase of three diesel mowers

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing three diesel mowers

were opened at 11:05 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 bidsof H.V. Carter Co. and Ramacher Manufacturing for an estimated cost of \$76,491

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bidsof H.V. Carter Co. and Ramacher Manufacturing 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 December , 1991, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-772

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO RETAIN A CONSULTANT TO SELECT, DESIGN, AND IMPLEMENT THE CENTRALIZED TRAFFIC CONTROL SYSTEM IN THE CITY OF MODESTO.

WHEREAS, communications and computer traffic signal control systems technology has improved significantly in recent years, and the number of system configurations that are available have increased considerably, and

WHEREAS, in light of recent innovations and availability of various new communication mediums, staff feels that, prior to committing to any one centralized traffic control system, the available options should be carefully judged and weighed for the highest benefit to the City, and

WHEREAS, due to the complexity involved in providing cost effective state-of-the-art communication between the traffic signals and the central computer, City staff has recommended that an experienced expert in the field should be retained to lead the City through the design and implementation process, and

WHEREAS, City staff has further recommended that consultant should provide the following services:

1. Take an inventory of existing traffic signal network.
2. Develop a conceptual design of the communication hardware for the centralized traffic signal control system.
3. Evaluate available software for system control.
4. Develop cost estimates.
5. Recommend preferred alternative and software.
6. Develop detailed design plans and specifications for a partial system to include up to three arterial street (limited by funds in the current budget).

7. Help City in retaining a contractor to install the communication hardware.
8. Provide construction inspection, energize the system to full operation and troubleshoot.
9. Train City staff on both operation and maintenance.

and

WHEREAS, the cost for consultant to provide the above services is estimated to be \$75,000,

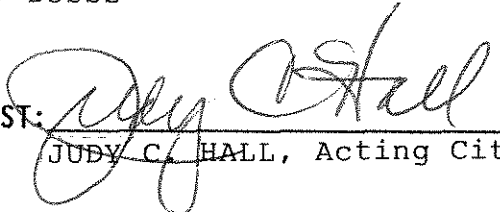
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to retain a consultant to select, design, and implement the centralized traffic control system in the City of Modesto not to exceed \$75,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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: Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Cogdill, Dobbs

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. 91-772

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO RETAIN A CONSULTANT TO SELECT, DESIGN, AND IMPLEMENT THE CENTRALIZED TRAFFIC CONTROL SYSTEM IN THE CITY OF MODESTO.

WHEREAS, communications and computer traffic signal control systems technology has improved significantly in recent years, and the number of system configurations that are available have increased considerably, and

WHEREAS, in light of recent innovations and availability of various new communication mediums, staff feels that, prior to committing to any one centralized traffic control system, the available options should be carefully judged and weighed for the highest benefit to the City, and

WHEREAS, due to the complexity involved in providing cost effective state-of-the-art communication between the traffic signals and the central computer, City staff has recommended that an experienced expert in the field should be retained to lead the City through the design and implementation process, and

WHEREAS, City staff has further recommended that consultant should provide the following services:

1. Take an inventory of existing traffic signal network.
2. Develop a conceptual design of the communication hardware for the centralized traffic signal control system.
3. Evaluate available software for system control.
4. Develop cost estimates.
5. Recommend preferred alternative and software.
6. Develop detailed design plans and specifications for a partial system to include up to three arterial street (limited by funds in the current budget).

7. Help City in retaining a contractor to install the communication hardware.
8. Provide construction inspection, energize the system to full operation and troubleshoot.
9. Train City staff on both operation and maintenance.

and

WHEREAS, the cost for consultant to provide the above services is estimated to be \$75,000,

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 retain a consultant to select, design, and implement the centralized traffic control system in the City of Modesto not to exceed \$75,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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: Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs, Cogdill

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. 91-773

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE TERM OF AN AGREEMENT WITH TUOLUMNE RIVER INTERCITY PASSENGER SERVICE, INC.

WHEREAS, the City of Modesto and Tuolumne River Intercity Passenger Service, Inc., (hereinafter referred to as TRIPS) have entered into an agreement dated October 14, 1986, pursuant to which TRIPS provides bus drivers and other personnel and operates a bus service for the City of Modesto, and

WHEREAS, on September 24, 1991, an Amendment to Agreement was entered into by City and Trips, and

WHEREAS, said Amendment to Agreement extended the term of said Agreement to May 2, 1992, and

WHEREAS, pursuant to the provisions of Section 1 of said Amendment to Agreement, the City of Modesto may require TRIPS to continue to provide bus drivers and other personnel and operate a bus service for the City of Modesto after the end of the term of said Agreement, on the terms set forth therein, on a month-to-month basis not to exceed three additional months, and

WHEREAS, the City of Modesto desires to require TRIPS to continue to provide bus drivers and other personnel and operate a bus service for the City of Modesto up to and including May 31, 1992.

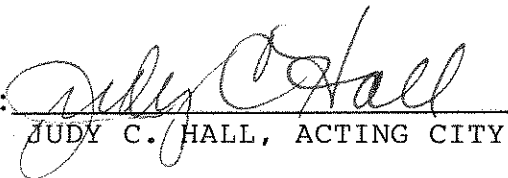
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the City Manager to extend the term of the above referred to Amendment to Agreement to May 31, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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, Dobbs, Cogdill, 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. 91-774

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR A FIVE-YEAR CONTRACT TO PROVIDE DRIVERS AND OTHER PERSONNEL TO OPERATE THE MODESTO AREA EXPRESS BUS SYSTEM.

WHEREAS, on September 24, 1991, the Council authorized City staff to work with the City-County Joint Transportation Committee to develop a Request for Proposals for the Modesto Area Express (MAX) operations contract, and

WHEREAS, the City-County Joint Transportation Committee has recommended that City staff be authorized to solicit proposals from firms interested in a contract to operate the MAX fixed-route bus system,

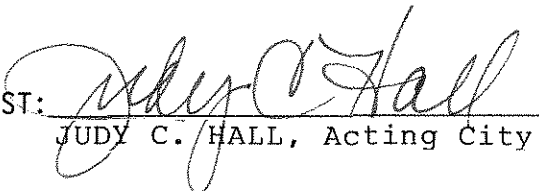
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has considered the recommendations of the City-County Joint Transportation Committee and it hereby authorizes City staff to issue a request for proposals for the Modesto Area Express (MAX) operations contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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, Dobbs, Cogdill, 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
18

MODESTO CITY COUNCIL
RESOLUTION NO. 91-775

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 the following source(s) 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

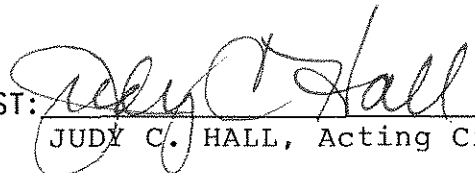
4. Appoints the City Manager as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

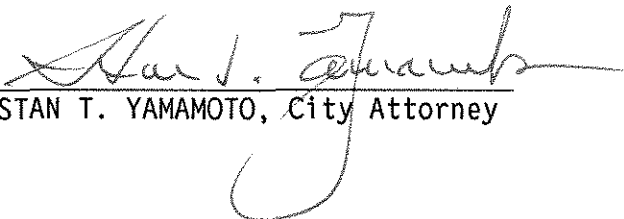
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

12/1

MODESTO CITY COUNCIL
RESOLUTION NO. 91-776

A RESOLUTION ACCEPTING \$52,614 IN FUNDING UNDER THE CALIFORNIA COASTAL, WILDLIFE, AND PARK LAND CONSERVATION BOND ACT OF 1988, ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM, FOR CONSTRUCTION OF A UTILITY/REST ROOM BUILDING AT WESSON RANCH NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE PROJECT AGREEMENT.

WHEREAS, the City of Modesto has submitted a grant application to the State of California Department of Parks and Recreation under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program of the State 1988 Bond Act for consideration for funding during Fiscal Year 1990-91, and

WHEREAS, the City of Modesto has received notification that its grant application for construction of a utility/rest room building at Wesson Ranch Neighborhood Park has been approved,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby accept the California Coastal, Wildlife, and Park Land Conservation Bond Act of 1988 grant funds in the amount of \$52,614 for the construction of a utility/rest room building at Wesson Ranch Neighborhood Park.

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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

(SEAL)

APPROVED AS TO FORM:

By 

STAN T. YAMAMOTO, City Attorney

14

MODESTO CITY COUNCIL
RESOLUTION NO. 91-777

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY
TEMPORARY SHELTER SERVICES TO PROVIDE HOMELESS TRANSITIONAL HOUSING COUNSELING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Community Temporary Shelter Services
to provide homeless transitional housing counseling

be, and it is hereby approved.

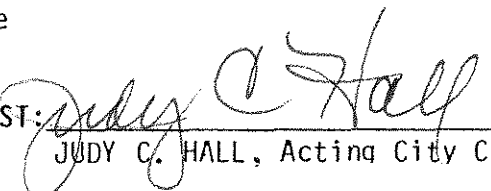
BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 17th day of December , 1991, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-778

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUD TO LEASE WITH OPTION TO PURCHASE, A SINGLE-FAMILY HOME FOR HOMELESS TRANSITIONAL HOUSING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and HUD, to lease, with option to purchase, a single-family home for homeless transitional housing

be, and it is hereby approved.


BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 December , 1991, 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: 
JUDY C. HALL, Acting City Clerk

Clrk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-779

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER SIX THOUSAND FOUR HUNDRED FIFTEEN (\$6,415) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Six Thousand Four Hundred Fifteen (\$6,415) 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 Video Printer and a Fume Hood,

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 \$6,415

Expenditures

010-190-1901-5038 Video Printer \$ 912
010-190-1901-5038 Fume Hood \$5,503

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, 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. 91-780

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED,
AND TRANSFERRING THE TRAFFIC SIGNAL SYNCHRONIZATION
PROJECT FROM THE AIR QUALITY FACILITIES COMPONENT OF THE
CAPITAL FACILITIES FEE TO THE STREETS FACILITIES COMPONENT
OF THE CAPITAL FACILITIES FEE.

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, and Resolution No. 91-90, and

WHEREAS, the current Air Quality Facilities component of the Capital
Facilities Fee is collected in part to fund a \$3.2 million Traffic Signal
Synchronization Project, and

WHEREAS, fees are not accumulating in the Air Quality Facilities
Fund at a rate that will allow completion of the Traffic Signal
Synchronization Project in the near future, and

WHEREAS, it is in the best interests of the City to complete the
Traffic Signal Synchronization Project as soon as possible, and

WHEREAS, the Traffic Signal Synchronization Project can be completed
sooner if the project is taken off of the list of projects to be funded by the
Air Quality Facilities Component of the Capital Facilities Fee and transferred
to the list of projects to be funded by the Streets Facilities Component of
the Capital Facilities Fee, and

WHEREAS, such a transfer will result in the Air Quality Facilities
Component of the Capital Facilities Fee being decreased by \$30 per trip end
and a corresponding increase in the same amount of the Streets Facilities
Component of the Capital Facilities Fee, and

WHEREAS, the total Capital Facilities Fee will be the same before and after such a transfer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Subparagraphs 2(f), 2(h), and 2(i) of Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, and Resolution No. 91-90 are hereby amended to read as follows:

(f) Air Quality Facilities Fee \$70 per trip end

The total trip ends and the total fee for Air Quality Facilities is to be determined as set forth in paragraph 2(i).

(h) Streets Facilities Fee \$2,405 per trip end

Total trip ends and the total fee for Streets Facilities is to be determined as set forth in paragraph 2(i).

(i) For purposes of determining trip ends and the total resulting fee for the Streets, Air Quality, and 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 @ \$2,405 /TripEnd	Transit Fees @ \$44 /TripEnd	Air Qual Fees @ \$70 /TripEnd	Total
Residential	Senior Housing	DU	0.40	1.00	0.40	962	18	28	1,008
	Single Family	DU	1.00	1.00	1.00	2,405	44	70	2,519
	Multiple	DU/Room	0.67	1.00	0.67	1,611	29	47	1,688
Industrial	Manuf/LtInd/IndPk	1000 sf	0.75	0.75	0.56	1,353	25	39	1,417
	WH/Distr/HvyInd	1000 sf	0.20	0.75	0.15	361	7	11	378
Office	Medical Office	1000 sf	3.60	0.75	2.70	6,494	119	189	6,801
	General Office	1000 sf	2.00	0.75	1.50	3,608	66	105	3,779
Commercial	Conv Market	1000 sf	71.00	0.15	10.65	25,613	469	746	26,827
	Restaurants:								
	Fast Food	1000 sf	43.00	0.15	6.45	15,512	284	452	16,248
	High Turnover	1000 sf	19.93	0.20	3.99	9,586	175	279	10,041
	Low Turnover	1000 sf	7.25	0.30	2.18	5,231	96	152	5,479
	Retail:								
	< 50,000 sf	1000 sf	12.36	0.15	1.85	4,459	82	130	4,670
50- 99,999 sf	1000 sf	7.51	0.20	1.50	3,612	66	105	3,784	
100-300,000 sf	1000 sf	4.17	0.30	1.25	3,009	55	88	3,151	
>300,000 sf	1000 sf	3.44	0.35	1.20	2,896	53	84	3,033	
Financial	Bank	1000 sf	24.00	0.15	3.60	8,658	158	252	9,068
	Savings & Loan	1000 sf	6.10	0.30	1.83	4,401	81	128	4,610
Misc.	Car Wash-manual	Stall	4.80	0.30	1.44	3,463	63	101	3,627
	Church	1000 sf	0.64	0.15	0.10	231	4	7	242
	Day Care Center	1000 sf	12.30	0.05	0.62	1,479	27	43	1,549
	Hospital	1000 sf	1.58	0.75	1.19	2,850	52	83	2,985
	Mini-Warehouse	1000 sf	0.26	0.30	0.08	188	3	5	196
	Nursing Home	1000 sf	0.27	0.15	0.04	97	2	3	102
	Service Station	Pump	3.63	0.30	1.09	2,619	48	76	2,743
Recreational	Golf Course	Acre	0.39	0.30	0.12	281	5	8	295
	Movie Theater	1000 sf	6.14	0.30	1.84	4,430	81	129	4,640
	Racquet Club	Court	3.94	0.30	1.18	2,843	52	83	2,977
	Tennis Courts	Court	3.43	0.30	1.03	2,475	45	72	2,592

Notes:

1. Uses included in each land use type are specified in the LAND USE TYPE DEFINITIONS LIST.
2. Uses not specified in the DEFINITIONS LIST shall be charged at rates 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 \$2,401 is calculated from the adjusted trip generation data of the Dowling Citywide Traffic Impact Analysis and the total CFF Improvement Projects Cost.
7. For restaurants of 2,500 sf or less apply the appropriate Retail category rate based on the size of restaurant or the size of the retail center within which it is located.

2. The Traffic Signal Synchronization Project with a cost estimate of \$3.2 million is hereby deleted from the list of projects to be funded by the Air Quality Facilities Component of the Capital Facilities Fee and transferred to the list of projects to be funded by the Streets Facilities Component of the Capital Facilities Fee.


3. The City Council finds that the adoption of this resolution is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it does not result in a net increase in total Capital Facilities Fees. No new projects will be funded. Therefore, it is reasonably certain that this resolution which merely transfers the funding source for one previously approved project from the Air Quality Component of the Capital Facilities Fee to the Streets Facilities Component of the Capital Facilities Fee will not have any possibility of causing a significant effect on the environment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, 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

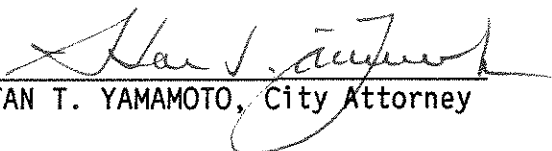
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 91-781

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE PUBLIC UTILITY EASEMENT IN BLOCK 9051 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 portion of the 10-foot wide public utility easement straddling the lot line between Lots 17 and 18 in Block 9051 of the River Terrace Subdivision in the City of Modesto, as the roofs of the houses designed for said subdivision encroach into said easement and said easement is no longer needed, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess easements, and

WHEREAS, said easement referred to above on the real property located in the River Terrace Subdivision in Block 9051 in the City of Modesto is more particularly described in Exhibit "A", attached hereto, and

WHEREAS, letters have been received from Pacific Bell, Pacific Gas and Electric, 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 of the City of Modesto 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 River Terrace Subdivision in Block 9051 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 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 the River Terrace Subdivision in Block 9051 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 December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, 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:

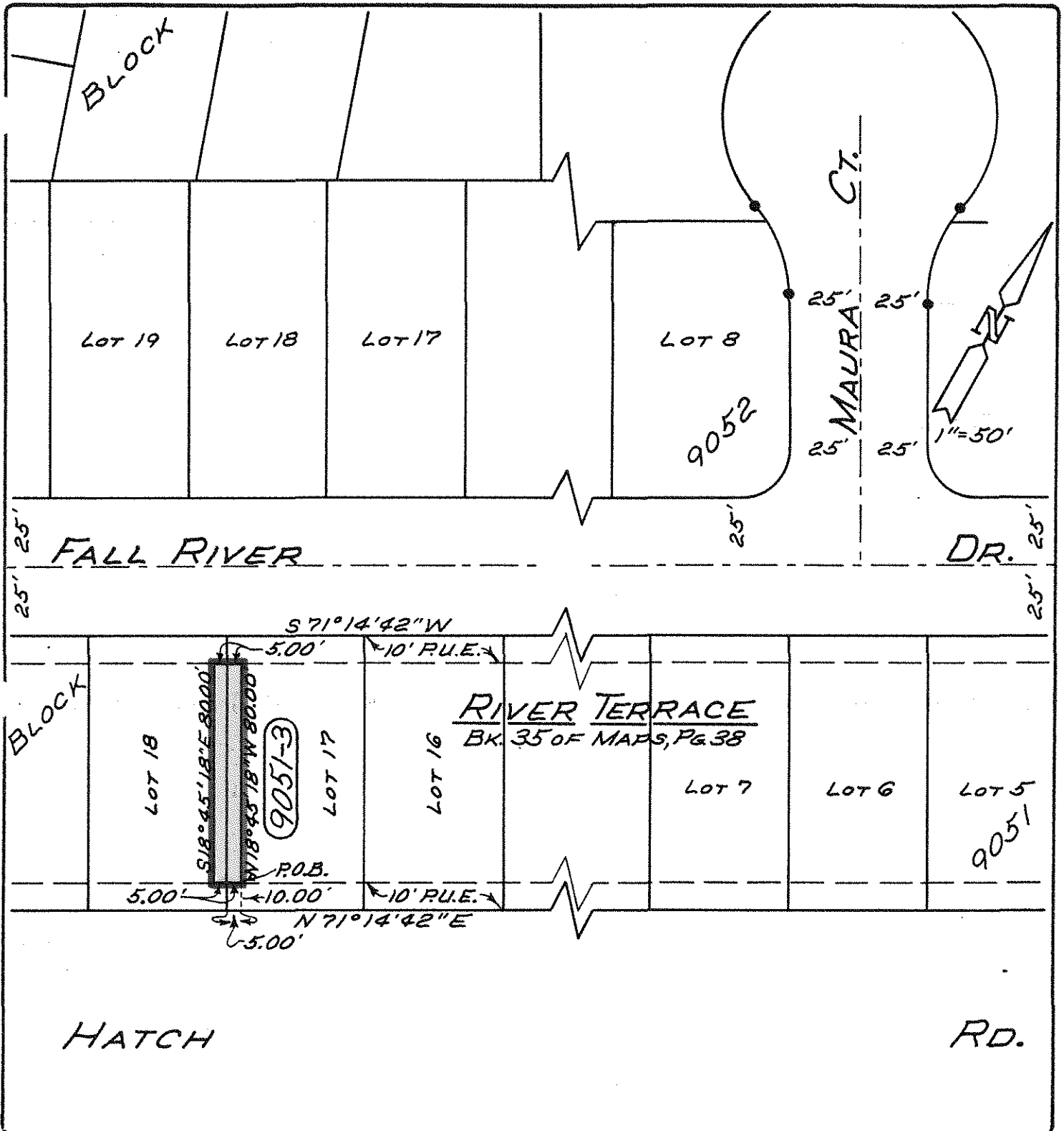
By John L. Christian
PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT, Engineering

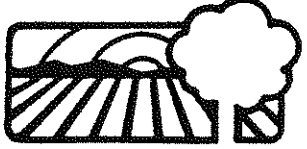
LD 91-G
Parcel 9051-3

VACATE AND ABANDON A PORTION OF THE
PUBLIC UTILITY EASEMENT IN BLOCK 9051

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, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 17 and 18 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:

Commencing at the Southwestern corner of said Lot 17; thence along the Southeastern line of Lot 17, said line being the Northwestern line of Hatch Road, North $71^{\circ} 14' 42''$ East, 5.00 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 Lot 17; thence along said parallel line, North $18^{\circ} 45' 18''$ West, 10.00 feet, to a point on a Northwestern line of a 10.00 foot public utility easement in said Block 9051 and the true point of beginning of this description; thence continuing along said parallel line, North $18^{\circ} 45' 18''$ West, 80.00 feet, to a point on the Southeasterly line of a 10.00 foot public utility easement in Block 9051; thence along said Southeasterly line of the public utility easement, said line being parallel with and 10.00 feet, measured at right angles, Southeasterly from the Southeastern line of Fall River Drive, 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, South $18^{\circ} 45' 18''$ East, 80.00 feet, to a point on said Northwestern line of the 10.00 foot public utility easement in Block 9051; thence along said Northwestern line of the public utility easement, said line being parallel with and 10.00 feet, measured at right angles, Northwesterly of said Northwestern line of Hatch Road, North $71^{\circ} 14' 42''$ East, 10.00 feet, to the point of beginning.



APPROVED BY: <i>Jerry H. Butler</i>		FOR: DIRECTOR		VACATE AND ABANDON A PORTION OF THE PUBLIC UTILITY EASEMENT IN BLOCK 9051 LD 91-G		 CITY of MODESTO ENGINEERING DEPARTMENT			
DATE: 12/9/91		R.E. 24156						ACTIVITY NO.	
ASBUILT BY:		DATE:						FILE NO. 4-A-751	
ASBUILT PLOTTED:		DATE:							
REVISED:		DATE:							
DATE: Nov, 1991	DRAWN: John Christiansen	CHECKED:	FLD. BK.	PG.					

MODESTO CITY COUNCIL
RESOLUTION NO. 91-782

A RESOLUTION ACCEPTING THE BID OF POLLOCK AND DENICO INC. FOR CONSTRUCTION OF THE JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING

WHEREAS, Resolution No. 91-678 , adopted by the Council of the City of Modesto on November 12, 1991 , approved the plans and specifications for the Johansen High School pedestrian overcrossing

and authorized the calling for bids; and

WHEREAS, the bids received for the Johansen High School pedestrian overcrossing were opened at 11:00 a.m. on December 10, 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 Pollock and Denico Inc. in the amount of \$1,103,734

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pollock and Denico Inc. in the amount of \$1,103,734 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 December , 1991, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-783

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ADJUST ESTIMATED REVENUE AND APPROPRIATIONS FOR THE JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING AND THE CREEKWOOD TRAFFIC SIGNAL, AND TO APPROPRIATE FUNDING FOR THE CLAUS ROAD IMPROVEMENTS PROJECT.

WHEREAS, the overcrossing project was originally budgeted in the 1990-91 and 1991-92 CIP with a total cost of \$1,405,000; funded as follows: Gas Tax Fund (070) - \$558,000, City Schools \$847,000. The project came in low, it is necessary to reduce the project by \$77,700, reduce estimated School revenue by \$95,459 and increase funding from Fund 070 by \$17,759, and

WHEREAS, the total budget for the Pedestrian Overcrossing is \$1,327,300, funded as follows: Gas Tax Fund (070) \$575,759, Modesto City Schools \$751,541. The final amount paid by the Modesto City Schools will be 60% of the actual cost of the project, and

WHEREAS, the Creekwood Traffic Signal was originally budgeted in the 1991-92 CIP for an amount of \$150,000 funded as follows: Gas Tax Fund (070) \$103,000, Modesto City Schools \$47,000. The developer has contributed \$57,000 in Fund 130 for this signal; therefore a transfer from Fund 130 is required. The estimates for this project came in low. The budget needs to be reduced \$55,000 and funding adjusted as follows: Modesto City Schools reduce \$29,234; Fund 070 reduce \$82,766, transfer in from Fund 130 increase \$57,000, and

WHEREAS, the total project is budgeted at \$95,000 funded as follows: Gas Tax Fund (070) \$20,234; Modesto City Schools \$17,766 and Special Fund for Capital Outlays (130) \$57,000. The final amount paid by the Modesto City Schools will be 50% of the actual cost above the developer contribution of \$57,000, and

WHEREAS, it is necessary to fund a new CIP project in conjunction with the overcrossing project. The new project is Claus Road Expressway Improvements. These improvements are fully funded by Capital Facility Fees. The total estimated cost of this project is \$57,820,

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are necessary:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Revenue</u>		<u>Increase (Decrease)</u>
<u>Expenditures</u>		
070-430-P931-6000	Johansen H. S. Overcrossing	\$(77,700)
070-430-B900-6000	Claus Creekwood T/S	(55,000)
070-800-8000-8003	Gas Tax Contingency Reserve	65,007
130-700-7000-7070	Transfer Out to Fund 070	57,000
130-800-8000-8003	Fund 130 Contingency Reserve	(57,000)
141-430-B511-6000	Claus Road Improvements-Expressway	57,820
141-800-8000-8003	CFF-Streets Fund Contingency Reserve	(57,820)
<u>Revenues</u>		
070-510-9510-4057	Developer Share of Project	(\$124,693)
070-700-7000-9130	Transfer In from Fund 130	57,000

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 December, 1991, 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. 91-784

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR UPDATING SUBMERSIBLE SEWAGE STATIONS - COLDWELL
AVENUE, FAIRMONT AVENUE AND ATHENS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for updating submersible sewage stations - Coldwell Avenue, Fairmont Avenue and Athens 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 January 23, 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.

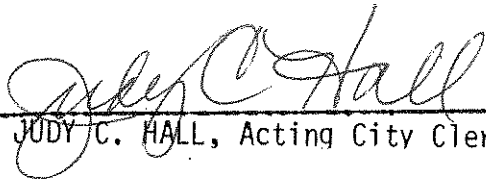
SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-785

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR TRAFFIC SIGNAL CONSTRUCTION AT CLAUS ROAD AND
ORANGEBURG AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for traffic signal construction
at Claus Road and Orangeburg 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 January 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.

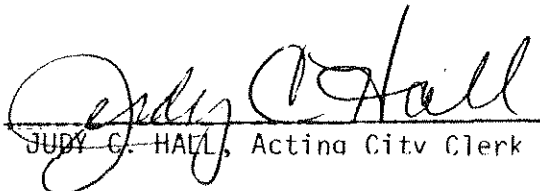
SECTION 3. After the bids are opened, they shall be tabulated and analyzed
and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 24th day of December, 1991,
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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-786

A RESOLUTION REPEALING A FEE IN CONNECTION WITH
MAINTENANCE OF ROCKWELLS AND RESCINDING RESOLUTION NO.
90-846.

WHEREAS, City Council Ordinance No. 2776-C.S. which became effective on August 1, 1991, amended the Modesto Municipal Code to provide for Storm Drainage and Surface Water Runoff Management, and Resolution No. 91-425 adopted on June 25, 1991, established a Storm Drain Surcharge, which said Storm Drain Surcharge is collected for the purpose of maintaining the storm drain system within the City, including rockwell areas, therefore, Resolution No. 90-846 is no longer needed,

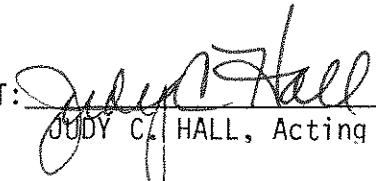
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 90-846 adopted on October 16, 1990 relating to the Rockwell Maintenance Fee is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, 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, Dohbs, Friedman, Muratore,
Mayor Lang

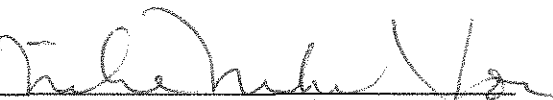
NOES: Councilmembers: None

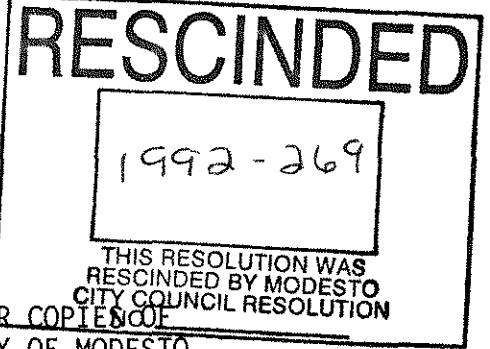
ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 91-787

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF
VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 90-837.

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 determined that pursuant to the State
Attorney General's review dated April 11, 1991, the City's Document Retrieval
Fee is no longer a permissible fee, as the Attorney General concluded that an
agency in fulfilling public records requests may not charge a fee to defray
the public entity's cost in having staff search through records and retrieve
those records requested,

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. 90-837 adopted by the Council
on October 16, 1990 is hereby rescinded effective December 23, 1991.

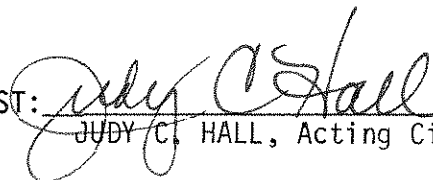
SECTION 4. EFFECTIVE DATE. This resolution shall become effective
on and after December 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, 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

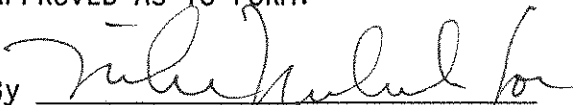
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
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	\$ 7.50
B. Sepia	\$ 1.35
C. Blue-line	\$.28

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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SEPIA REPRODUCTION

The cost of reproduction on sepia of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee	\$.26/s.f.
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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	\$3.50/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	\$3.00/image
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MODESTO CITY COUNCIL
RESOLUTION NO. 91- 788

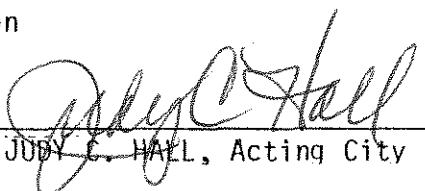
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JHK & ASSOCIATES TO CONDUCT A FEASIBILITY STUDY OF THE CARPENTER/BRIGGSMORE OVERPASS SOUTHBOUND ON-RAMP

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and JHK & Associates to conduct a feasibility study of the Carpenter/Briggsmore overpass southbound on-ramp be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 December , 1991, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-789

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 TO FUND THE CARPENTER/BRIGGSMORE OVERPASS SOUTHBOUND ON-RAMP FEASIBILITY STUDY

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

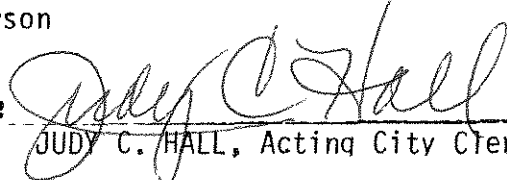
FROM:	Gas Tax Contingency Reserve (070 800 8000 8003)	\$3,000
TO:	Briggsmore Overpass On-Ramp Preliminary Design (070 430 P581 6000)	\$3,000

The original budget for this project is not sufficient to cover both the cost of the consultant's services and City staff administrative expenses. An additional \$3,000 is needed from reserves to fund this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 19 91, 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:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91-790

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER AND COMPANY EXTENDING CONTRACT REGARDING 9TH STREET TRAIN REMOVAL PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and DeLeuw, Cather and Company extending the contract regarding the 9th Street train removal project

be, and it is hereby approved.

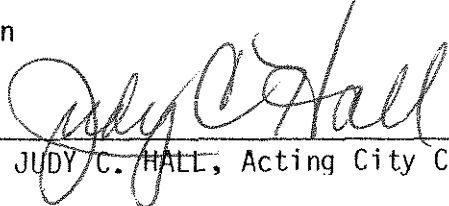
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December , 1991, 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: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 91- 791

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) FOR THE PROVISION OF ABANDONED VEHICLE ABATEMENT SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Area Association of Governments (SAAG) for the provision of abandoned vehicle abatement services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December , 1991, 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: 
JUDY C. HALL, Acting City Clerk